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AGENDA

Committee	STANDARDS & ETHICS COMMITTEE
Date and Time of Meeting	WEDNESDAY, 11 DECEMBER 2019, 5.00 PM
Venue	COMMITTEE ROOM 2 - COUNTY HALL
Membership	Independent Members: James Downe (Chair), Jason Bartlett, Hollie Edwards Davies, Arthur Hallett and Chrissie Nicholls Councillors Cunnah, Sandrey and Williams 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 - 4*)

To approve as a correct record the minutes of the meeting held on 30 July 2019.

4 **Welcome to the new Chairperson and Vice Chairperson**

5 **Welcome to the new Independent Members**

6 **Observation of Meeting** (*Pages 5 - 18*)

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

7 **Members' Gifts and Hospitality Register** (*Pages 19 - 24*)

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

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- 8 Code of Conduct Complaints Quarter 2018/19, Quarter 1 & Quarter 2 2019/20** *(Pages 25 - 28)*
Report of the Director of Governance and Legal Services and Monitoring Officer.
- 9 Standards and Ethics Committee Annual Report 2018/19** *(Pages 29 - 32)*
Report of the Director of Governance and Legal Services and Monitoring Officer.
- 10 Forward Work Plan 2019/20** *(Pages 33 - 36)*
Report of the Director of Governance and Legal Services and Monitoring Officer.
- 11 Senior Officers' Personal Interests** *(Pages 37 - 60)*
Report of the Deputy Monitoring Officer
- 12 Urgent Items (if any)**
- 13 Date of next meeting - 18 March 2020**

Davina Fiore
Director Governance & Legal Services
Date: Thursday, 5 December 2019
Contact: Kate Rees,
02920 872427, KRees@cardiff.gov.uk

STANDARDS & ETHICS COMMITTEE

30 JULY 2019

Present: Independent Members: Richard Tebboth (Chair),
James Downe, & Hollie Edwards-Davies

Councillors James Downe, Sandrey, Williams, Hollie Edwards-Davies

Community Councillor Stuart Thomas

41 : APOLOGIES FOR ABSENCE

Hugh Thomas

42 : DECLARATIONS OF INTEREST

None

43 : NOTES

The Committee Agreed to note the minutes of the 6 March 2019 and ratified the decisions in relation to the Member Conduct – Hearing Panel and Procedures taken on 1 July 2019.

44 : INDEPENDENT MEMBERS AND CHAIR OF THE COMMITTEE - UPDATE

The Committee noted that the term of office of the remaining independent members on the Committee had been reviewed and an administrative error was discovered which mistakenly recorded the end of James Downe's first term of office as November 2019 instead of November 2017 (when it in fact expired). James Downe confirmed he was willing to stand for re-appointment and Council on the 18 July 2019 approved his reappointment for a second consecutive term.

The Committee was advised of the amendments made to the person specification of the advert for Independent Member and it was noted that after September 2019 there would be three vacancies.

The Committee discussed the criteria and the term of office for the Independent Member.

The Committee was informed that the Appointment's Panel comprised of one lay member and one Cardiff community councillor; and may appoint up to 3 additional Panel members. The suggestion was one lay member, an independent member, community councillor and county councillor.

The Committee was advised that it needed to elect a new Chair to take up the position after the expiry of the current Chair's term of office on 22/9/19. Nominations were invited for the position of Chair.

RESOLVED: The Committee AGREED:

- To note the information set out in the report.

- The establishment of an Appointment's Panel comprised of up to 5 members as set out in paragraph's 12 and 13 of the report, with delegated authority to shortlist and interview candidates and make recommendations.
- Authorise the Monitoring Officer, in consultation with the Chair, to make all necessary administrative arrangements;
- Note that the recommendations of the Appointments Panel on the appointment of 3 independent members to the Committee will be submitted to full Council for approval; and
- Elect a new Chair to take up position after the expiry of the current Chair's term of office on 22/9/19, and also elect a new Vice-Chair, if that position consequently becomes vacant, with effect from the same date.

Richard Tebboth nominated James Downe for the position of Chair, this was seconded by Hollie Edwards-Davies.

RESOLVED: The Committee AGREED that James Downe be elected Chair of the Standards and Ethics Committee from 22/9/19.

James Downe nominated Hollie Edwards-Davies for the position of Vice-Chair, this was seconded by Stuart Thomas.

RESOLVED: The Committee AGREED that Hollie Edwards-Davies be elected Vice-Chair of the Standards and Ethics Committee from 22/9/19.

Richard Tebboth thanked the Committee for all the hard work that had been carried out during his period as Chair and also thanked Officers for the support that had been provided.

45 : URGENT ITEMS (IF ANY)

None

46 : DATE OF NEXT MEETING – 11 DECEMBER 2019

The meeting terminated at 7.00 pm

CYNGOR CAERDYDD
CARDIFF COUNCIL



STANDARDS AND ETHICS COMMITTEE:

11th DECEMBER 2019

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

OBSERVATION OF MEETINGS

Reason for this Report

1. To allow the Committee to consider the feedback provided by Committee members following observation of meetings of the Council, its Committees and the six Community Councils in Cardiff; and comments received on that feedback.

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. The Committee has approved a feedback profroma for use by the Members of the Committee when observing meetings. Members have been asked to complete a form for each meeting they attend and submit it for consideration at the next appropriate Committee meeting.

Issues

4. Completed meeting observation feedback forms have been received in respect of the following meetings:
 - Radyr and Morganstown Community Council meeting (21st March 2019);
 - St Fagans Community Council meeting (1st April 2019);
 - Lisvane Community Council meeting (8th July 2019);
 - Full Council (20th June 2019); and
 - Full Council (18th July 2019).

The completed Observation forms are appended as **Appendix A**.

5. Members will note that the feedback is generally very positive. However, the Monitoring Officer has made certain best practice recommendations for consideration by Community Councils, which have been forwarded to the respective Clerks. The feedback in relation to meetings of full Council has been forwarded to the Council's Head of Democratic Services. A table summarising the recommendations and key observations made and responses received is set out in **Appendix B**.
6. 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> Independent members, in particular, newly appointed members, are encouraged to observe a full Council meeting and a Committee meeting.
7. Details of forthcoming Community Council meetings are published on the respective Councils' websites. Members are similarly encouraged to observe a Community Council meeting. 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. Community Council website links and Clerks contact details are accessible here: <https://www.cardiff.gov.uk/ENG/Your-Council/Voting-and-elections/Community-councils/Pages/Community-councils.aspx>

Legal Implications

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

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

- (1) Note the meetings observation feedback and responses received, as set out in **Appendices A and B** to the report, and provide any further comments in this regard; and
- (2) Continue to observe appropriate meetings of the Council, Committees and Community Councils and provide feedback to a future meeting of the Committee.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

25th November 2019

Appendix

Appendix A

Meeting Observation Feedback Forms

Appendix B

Table of Meeting Observation Feedback and Responses

Background papers

Standards & Ethics Committee report, 'Observation of Council, Committee and Community Council Meetings, 6th March 2019

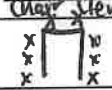
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STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	Radyr & Morganstown Community Council.
Date:	21.3.19

Please provide feedback on the following:

Topic	Comments
Room Layout:	
Name plates/ identification of Committee; Witnesses and Officers:	No name plates, but clear who the chair + the clerk is. I was the only member of public attending.
Ability to hear proceedings:	No problems at all in hearing everything. [Six of 12 Cllrs attended]
Agenda and reports availability:	Agenda & reports available on the website. They were offered & provided to me prior to the meeting.
Management of meeting:	Meeting was well-chaired. Clerk on the ball. Council Cllr not on procedures which was helpful.
Clarity of decision making:	27 items on the agenda. Decisions proposed & seconded. Delegated decisions to committees to avoid lengthy debate.

Possible Code of Conduct/ Standards and Ethics Issues:
<ul style="list-style-type: none"> - One declaration of interest because the Clerk's pay was due to be considered in staffing issues of the final item. - Code of Conduct training was an item on the agenda! - Councils would like to receive a copy of our committee's Annual Report

councils keep to attend in June or September

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

Name:	J. Downe
Date:	21 March 2019

STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting	St Fagans Community Council
Date	01/04/2019

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Fine
Name plates/ Identification of Committee: Witnesses and officers	As is typical at Community Council meetings name plates not used. The chair of the meeting introduced both Richard Tebboth and myself. There were no members of the public present
Ability to hear proceedings	Good
Agenda and reports availability	We received a copy of the agenda.
Management of meeting	Good
Clarity of decision making:	Good

Possible Code of Conduct/ Standards and Ethics Issues:

An observation would be that although matters pertaining to County came up in discussion there was no mention of referring these to the County member only to the County officers

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

Name:	Stuart Thomas
Date:	30/07/019

STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	St Fagans Community Council
Date:	Monday, 1st April 2019

Please provide feedback on the following:

Topic	Comments
Room Layout:	All sat around table. Chairs behind available for visitors: not used.
Name plates/ identification of Committee; Witnesses and Officers:	All Community Council Members know each other; we (myself & Stuart Thomas) were personally introduced to all.
Ability to hear proceedings:	Good.
Agenda and reports availability:	Agenda made available. Desk's report circulated to Members only.
Management of meeting:	Orderly, with some appropriate flexibility.
Clarity of decision making:	Clear.

Possible Code of Conduct/ Standards and Ethics Issues:
No standing agenda item on 'Declarations of Interest' & no verbal prompt at outset of meeting. One Member volunteered a possible personal interest. DoI forms were produced at relevant agenda item.

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

Name:	Richard Tebboth
Date:	

STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting	Lisvane Community Council
Date	08/07/2019

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Room was set with just enough chairs for the members Richard Tebboth and myself and the one member of the public they were expecting to arrive. No other seating space available
Name plates/ Identification of Committee: Witnesses and officers	As is typical at Community Council meetings name plates not used. The chair of the meeting introduced both Richard Tebboth and myself.
Ability to hear proceedings	Good
Agenda and reports availability	We received a copy of the agenda by email prior to the meeting
Management of meeting	Good
Clarity of decision making:	Good

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:	Stuart Thomas
Date:	30/07/2019

STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	Lisvane Community Council
Date:	Monday 8th July 2019

Please provide feedback on the following:

Topic	Comments
Room Layout:	14 chairs around grouped tables.
Name plates/ identification of Committee; Witnesses and Officers:	No name plates - all knew each other & we were introduced personally. Members of public making representation knew some of most Community Councilors personally.
Ability to hear proceedings:	Good.
Agenda and reports availability:	Good.
Management of meeting:	Good - relaxed but efficient.
Clarity of decision making:	Generally clear.

Possible Code of Conduct/ Standards and Ethics Issues:
One member declared an interest (in a planning proposal by next-door neighbour). He spoke during the discussion, mainly to provide information. There was no formal decision-making process, although clearly the Council intended to oppose the proposal.

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

Name:	Richard Tebboth
Date:	8. 7. 2019

STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	Council
Date:	20/6/2019

Please provide feedback on the following:

Topic	Comments
Room Layout:	Okay - Council Chamber
Name plates/ identification of Committee; Witnesses and Officers:	Not always easy to see who is who across the chamber. But can be identified easily once members speak
Ability to hear proceedings:	It was very difficult to hear unless listening through headphones. The translator was very softly spoken and sometimes difficult to hear.
Agenda and reports availability:	Yes fine. BUT its odd that oral questions are not provided. In practice, its oral answers not oral questions. This part of proceedings is
Management of meeting:	Very well chaired. not very transparent/easy to follow.
Clarity of decision making:	From the perspective of collective decision made as summarised by the chair - very good.

Possible Code of Conduct/ Standards and Ethics Issues:
<p>Generally good examples of respect and courtesy between members. An enormous improvement over the past two years.</p> <p>Mobile phones going off and members talking while others were speaking</p> <p>A couple of ^{minor} inappropriate comments / sarcasm which came across as disrespectful - one was challenged.</p> <p>There was the right level of political debate & generally positive standards of behaviour which</p>

I agree that my feedback can be shared with the Council and/ or the Community Council (if applicable). I gave me confidence as a member of the electorate.

Name:	Hollie Edwards-Davies	General restless- ness after 9pm
Date:	30/6/2019	

STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting	Full County Council Meeting
Date	18/07/2019

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Fine
Name plates/ Identification of Committee: Witnesses and officers	Clear
Ability to hear proceedings	Overall good although a couple of members had microphone problems
Agenda and reports availability	Available online
Management of meeting	Good
Clarity of decision making:	Good

Possible Code of Conduct/ Standards and Ethics Issues:

An observation would be that on entering City Hall there was no signage downstairs nor at the top of the stairs to direct you to the public gallery.

Similarly on leaving the public gallery there was no signage to direct you to the exit consequently I went further downstairs than I needed arriving at a locked door. A little confusing.

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

Name:	Stuart Thomas
Date:	30/07/2019

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STANDARDS & ETHICS COMMITTEE – MEETING OBSERVATIONS AND RESPONSES

MEETING	OBSERVATIONS / RECOMMENDATIONS	RESPONSE
RADYR & MORGANSTOWN COMMUNITY COUNCIL	Name plates – to consider using name plates in the interests of public transparency and accountability.	The observations were received and noted by R&MCC Members at the Full Council meeting held on 19 September 2019. Members have agreed that nameplates will be used at future Council meetings.
ST FAGANS COMMUNITY COUNCIL	<p>Declarations of interest – to be made a standing agenda item to remind Members at the start of each Council meeting of the need to declare any personal interests.</p> <p>Name plates– – to consider using name plates in the interests of public transparency and accountability.</p> <p>Reports – to be published on Council website if possible, as a matter of good practice.</p>	<p>Observations considered at Council meeting on 4th November; and resolved:</p> <p>To continue to place Declarations of Interest on the agenda for each Council meeting (it was acknowledged that this had inadvertently been left off the agenda for the April 2019 meeting).</p> <p>To have name plates for Councillors and the Clerk for each meeting.</p> <p>To not have any other reports other than those required by statute/regulation on the Council’s website (although it was accepted that this was appropriate for large town Councils/Principal Council where resources permit).</p>
LISVANE COMMUNITY COUNCIL	<p>Personal interests – any Member with a potentially prejudicial interest in a planning application should, as a matter of best practice, withdraw and take no part in the Council’s consideration of its consultation response.</p> <p>Name plates– to consider using name plates in the interests of public transparency and accountability.</p>	<p>Observations considered at LCC meeting on 14th October.</p> <p>Feedback forms have been added to the LCC website.</p> <p>Members are very grateful to Mr Richard Tebboth and Cllr Stuart Thomas for attending and for their comments and have confirmed that they will action appropriately the suggestions made.</p>

	<p>Public seating – to be provided, if practically possible.</p> <p>Reports – to be published on Council website if possible, as a matter of good practice.</p>	
<p>FULL COUNCIL (June 2019)</p>	<p>Sometimes difficult to hear</p> <p>Oral questions not provided</p> <p>Mobile phones going off</p>	<p>The Council is looking to update existing systems in City Hall which should provide better sound quality and visuals.</p> <p>Oral questions are published in advance of the meeting and are available on the Council’s website and using the modern.gov app which is publicly available. The Committee may wish to ask the Constitution Committee to consider the process for oral questions.</p>
<p>FULL COUNCIL (July 2019)</p>	<p>Some microphone problems</p> <p>Not enough signage to / from the Public Gallery</p>	<p>Signage to the Public Gallery will be improved.</p> <p>Reminder about mobile phones (off /silent) will be added to the Lord Mayor’s introduction to Council.</p>

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

REGISTRATION OF GIFTS AND HOSPITALITY RECEIVED BY MEMBERS**Reason for this Report**

1. To enable the Committee to consider the gifts and hospitality received by Members, which have been registered in accordance with rules set under the Members' Code of Conduct; and to make any appropriate comments or recommendations in this regard.

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 Members' Code of Conduct (paragraph 17), requires Members to register the receipt of any gifts, hospitality or other benefits where the value of the item or benefits exceeds a threshold determined by the Council from time to time.
4. The Council's threshold for registration of gifts and hospitality received by Members has been set, on the recommendations of this Committee (in October 2007), at £25 (in line with the threshold then applied to all local authorities in England by the Standards Board for England).
5. The Committee has requested regular reports on the registration of gifts and hospitality received by Members. At its meeting on 5th December 2018, the Committee considered gifts and hospitality registered during the period from 1st October 2017 to 16th November 2018.

Issues

6. The Register of Members' Gifts and Hospitality held by the Democratic Services on behalf of the Monitoring Officer shows the registrations during the period from 17th November 2018 to 31st October 2019 set out in **Appendix A**.
7. In accordance the Committee's previous request, Civic Hospitality is shown separately; and the location of the hospitality and approximate value are included in the Register from 2019.
8. For Members' information, the Council's Guidance on Hospitality, Gifts and Other Benefits Received by Members (with the Members' Registration Form) is attached as **Appendix B**.

Legal Implications

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

Financial Implications

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

RECOMMENDATION

The Committee is recommended to note the information supplied at **Appendix A** and **Appendix B** on the registration of hospitality, gifts and other benefits received by Members during the period from 17th November 2018 to 31st October 2019, and make any comments considered appropriate.

Davina Fiore

Director of Governance & Legal Services and Monitoring Officer

26 November 2019

APPENDICES

Appendix A Extract from the Register of Member's Hospitality, Gifts & Other Benefits for the period 17th November 2018 to 31st October 2019

Appendix B Guidance on Hospitality, Gifts and Other Benefits Received by Members (with Members Registration Form)

http://vmweb22.cardiff.gov.uk/cis/documentsearch.php?search_text=hospitality&service_id=0&document_type=ALL&searchmode=EXECUTE&search_ref=

Background papers

Report to Standards & Ethics Committee, 'Members' Gifts and Hospitality Register', 5th December 2018

REGISTER OF MEMBERS HOSPITALITY (CIVIC OFFICE) - 01 NOVEMBER 2018 – 31 DECEMBER 2018

Councillor	Date of hospitality / gift	Provider of hospitality / gift	Nature/purpose of hospitality	Role or Capacity Hospitality / Gift Received
Rees, D	03-Nov-18	Royal British Legion	Festival of Remembrance	Lord Mayor
Rees, D	06-Nov-18	Honorary Consul of Slovakia	Dinner	Lord Mayor
Rees, D	09-Nov-18	United services Mess	Dinner	Lord Mayor
Rees, D	12-Nov-18	Consulate of India-Wales	Diwali Reception	Lord Mayor
Rees, D	14-Nov-18	Royal College of Nursing	Nurse of the Year Awards	Lord Mayor
Rees, D	15-Nov-18	Cardiff and Vale Area Scout Council	Cardiff and Vale Scouts Gang Show and pre show reception	Lord Mayor
Rees, D	18-Nov-18	Vale of Glamorgan Council	Mayor of the Vale Civic Service	Lord Mayor
Rees, D	20-Nov-18	Cardiff Metropolitan University	Graduation Luncheon	Lord Mayor
Rees, D	22-Nov-18	160th Infantry Brigade	Armed Forces in Wales and Defence Employer Recognition Scheme Awards Ceremony	Lord Mayor
Rees, D	24-Nov-18	Welsh Rugby Union	Wales v South Africa Match	Lord Mayor
Rees, D	28-Nov-18	Health Care Supply Association	Health Care Supply Assn Dinner	Lord Mayor
Rees, D	07-Dec-18	Royal Welsh College of Music and Drama	Celebration concert for the 70th Birthday of HRH the Prince of Wales	Lord Mayor
Rees, D	11-Dec-18	Cardiff and Vale Music Service	Christmas Showcase and VIP reception	Lord Mayor
Rees, D	12-Dec-18	Welsh Hospitals Choir	Noah's Ark Charity Christmas Concert	Lord Mayor
Rees, D	15-Dec-18	City Voices	City Voices 10th Anniversary Concert	Lord Mayor
Rees, D	16-Dec-18	Cardiff and Vale Music Service	Cardiff and Vale Youth Orcestra - Glow of Christmas Concert	Lord Mayor

REGISTER OF MEMBERS HOSPITALITY (MEMBERS) - 01 NOVEMBER 2018 – 31 DECEMBER 2018

Councillor	Date of hospitality / gift	Provider of hospitality / gift	Nature/purpose of hospitality	Role or Capacity Hospitality / Gift Received
Jacobsen	05-Nov-18	RSPCA	Three-course lunch	Councillor
Ali, Dilwar	20-Dec-18	Study Circle	Meeting and launch of book	Councillor
Williams	08-Dec-18	Ice Arena Wales	Tickets to Cage Warriors event, plus refreshments	Member of Licensing Committee
Henshaw	25-Dec-18	Constituent	Scarf	Ward member

REGISTER OF MEMBERS HOSPITALITY (CIVIC OFFICE) 01 JANUARY 2019 – 31 OCTOBER 2019

Councillor	Date of Hospitality / gift	Provider of Hospitality/Gift Name and address	Nature/Purpose of Hospitality/ Gift / Other Benefit	Venue/ Location of Event	Role or Capacity Hospitality / Gift Received	Approx. Value
Thomas, Huw	23-Jan-19	Ian Edwards, Chief Executive, Celtic Manor Collection	Round Table discussion Dinner	Celtic Manor	Leader of Cardiff Council	Unknown
Bradbury	26-Jan-19	Cardiff Metropolitan University	Cardiff games award ceremony, hospitality and ticket for Cardiff Blues v Connacht	Cardiff Arms Park	Cabinet Member for Culture and Leisure	£25.00 +
Thomas, Huw	07-Feb-19	Frank Holmes, Economic Growth Partnership	Innovate UK Dinner	Park Plaza	Leader of Cardiff Council	Unknown
Thomas, Huw	01-Mar-19	Rhodri Talfan Davies, BBC Cymru Wales	St David's Day with BBC National Orchestra and Chorus Wales, one ticket	St David's Hall	Leader of Cardiff Council	Unknown
Thomas, Huw	09-Mar-19	Cardiff City Football Club, Cardiff City Stadium, Cardiff	Cardiff City v West Ham 1 x Match ticket	Cardiff City Stadium	Leader of Cardiff Council	Unknown
Thomas, Huw	16-Mar-19	WRU, Westgate Street, Cardiff	Match ticket and hospitality x 2	Principality Stadium	Leader of Cardiff Council	£380.00
Thomas, Huw	21-Mar-19	Cardiff Life Awards Team, Media Clash, Circus Mews House, Circus Mews, Bath, BA1 2PW	Cardiff Life Awards 2019	Park Plaza	Leader of Cardiff Council	£25.00
Thomas, Huw	24-Mar-19	Football Association of Wales, 11-12 Neptune Court, Vanguard Way, Cardiff	Wales v Slovakia euro 2020 Qualifier Match ticket and hospitality x 1	Cardiff City Stadium	Leader of Cardiff Council	Unknown
Bale	26-Mar-19	Muslim Council of Wales	Interfaith Dinner	Amgueddfa Sain Ffagan	Councillor	Unknown
Boyle	26-Mar-19	Muslim Council of Wales	Interfaith Dinner	Amgueddfa Sain Ffagan	Councillor	Unknown
Hudson	26-Mar-19	Muslim Council of Wales	Interfaith Dinner	Amgueddfa Sain Ffagan	Councillor	£25.00 +
Jones-Pritchard	26-Mar-19	Muslim Council of Wales	Interfaith Dinner	St Fagans National Museum of History	Councillor	£30.00
Robson	26-Mar-19	Muslim Council of Wales	Interfaith Dinner	St Fagans Museum	Councillor	£25.00 +
Thomas, Huw	26-Mar-19	Muslim Council of Wales	Interfaith Dinner	St Fagans Museum	Leader of Cardiff Council	£25.00 +
Thomas, Huw	02-Apr-19	Professor Julie Lydon, Vice Chancellor, University of South Wales	University of South Wales - 'Our Future' Dinner	Unknown	Leader of Cardiff Council	£25.00
Howshaw	16-Apr-19	Lena Singh – resident	T-shirt and Trinket Box	N/A	Councillor	£25.00
Thomas, Huw	27-Apr-19	Raj Aggarwal	Birthday Celebration	City Hall	Leader of Cardiff Council	Unknown
Lister	03-May-19	GMB Union	Dinner at fundraiser	New House County Inn Hotel	GMB workplace representative	£45.00
Sandrey	08-May-19	Cardiff Bus	Conference attendance by invitation of MD	City Hall	Representative of Cardiff Bus board	£100.00
Goodway	23-May-19	Cardiff University	Cardiff University Futures Dinner	Hilton Hotel	Cabinet Member	£25.00 +
Lister	23-May-19	Cardiff University	Cardiff University Futures Dinner	Hilton Hotel	Assistant Cabinet Member	£25.00 +
Merry	23-May-19	Cardiff University	Cardiff University Futures Dinner	Hilton Hotel	Deputy Leader	£25.00 +
Weaver	23-May-19	Cardiff University	Cardiff University Futures Dinner	Hilton Hotel	Cabinet Member	£25.00+
Bradbury	24-May-19	Caerau Ely RFC	Dinner a Ward Member	Cardiff Athletic Club	Ward Councillor	£35.00
Gordon	26-May-19	Saleem Kidwai, Muslim Council of Wales	A return thank you gift	N/A	Councillor	£30.00
Thomas, Huw	29-May-19	Sir Peter Hendy CBE, Network Rail, walker Suite, Floor 2, Waterloo General Office, London SE1 8SW	Business Dinner	The Marriott Hotel	Leader of Cardiff Council	Unknown
Lister	05-Jun-19	Adult Learners Cymru	Dinner / Awards Ceremony	The Exchange Hotel	Chair of Grangetown Community Action	£25.00 +
Thomas, Huw	05-Jun-19	Paul Nicholas, Wates House, Station Approach, Leatherhead.	Business Dinner	Park House Restaurant	Leader of Cardiff Council	Unknown
Ali, Dilwar	06-Jun-19	Bangladesh High Commission	Bangladesh High Commission Dinner	Bangladesh High Commission	Councillor	Unknown
Ali, Dilwar	08-Jun-19	Glamorgan Cricket Club	Guest of the Chairman for Cricket game	Park Plaza	Councillor	Unknown
Bradbury	08-Jun-19	Glamorgan Cricket Club	Ticket to England v Bangladesh plus hospitality	Glamorgan Cricket Club	Cabinet Member for Culture and Leisure	Unknown
Lister	08-Jun-19	Cardiff Council – Keep Grangetown Tidy	Take That tickets x2	Principality Stadium	Founder Member of keep Grangetown tidy	£110.00

REGISTER OF MEMBERS HOSPITALITY (MEMBERS) 01 JANUARY 2019 – 31 OCTOBER 2019

Councillor	Date of Hospitality / gift	Provider of Hospitality/Gift Name and address	Nature/Purpose of Hospitality/ Gift / Other Benefit	Venue/ Location of Event	Role or Capacity Hospitality / Gift Received	Approx. Value
Lister	16-Jun-19	BBC Cymru Wales	1 x Ticket each night for BBC Cardiff Singer of the World and 1 x Programme	St David's Hall	Councillor	£25.00 each performance
Mackie	16-Jun-19	BBC Cymru Wales	1 x Ticket each night for BBC Cardiff Singer of the World and 2 x Programme and reception	St David's Hall	Councillor	£30.00 each performance
Elsmore	16/17/18/19/ 22-Jun-19	BBC Cymru Wales/ Welsh National Opera / Royal Welsh College/ Swansea University	1 x Ticket for BBC Cardiff Singer of the World	St David's Hall	Councillor	£25.00 each performance
Henshaw	18-Jun-19	BBC Cymru Wales	1 x Ticket for BBC Cardiff Singer of the World	St David's Hall	Councillor	£25.00
Gordon	19-Jun-19	St David's Hall	Seat at Cardiff Singer of the World	St David's Hall	Ward Member	£30.00
Lister	19-Jun-19	BBC Cymru Wales	1 x Ticket each night for BBC Cardiff Singer of the World and 1 x Programme	St David's Hall	Councillor	£25.00 each performance
Mackie	19-Jun-19	BBC Cymru Wales	2 x Ticket each night for BBC Cardiff Singer of the World and 2 x Programme and reception	St David's Hall	Councillor	£30.00 each performance
Thomas, Huw	19-Jun-19	Federation of Small Businesses Wales, Cleeve House, Lambourne Crescent, Cardiff	Federation of Small Businesses Annual Dinner	Techniquet	Leader of Cardiff Council	Unknown
Williams	19-Jun-19	BBC Cymru Wales	1 x Ticket for BBC Cardiff Singer of the World and 1 x programme and drinks reception	St David's Hall	Councillor	£65.00
Radbury	26-Jun-19	Wales Sports Hall of Fame	Ticket to awards and hospitality	Cardiff City Stadium	Cabinet Member for Culture and Leisure	Unknown
Rees, D	28-Jun-19	Honorary Consuls Association	Summer Reception	St Fagans Castle	Councillor and Immediate Past Lord Mayor	£25.00
Al-Dilwar	04-Jul-19	One Million Mentors 25-37 Bethnal Green Road London E16LA	Guest of Rushanara Ali MP and Alveena Malik One Million Mentors London Launch	Centre Point London	Councillor and Supporter of One Million Mentors	Unknown
Rees, D	11-Jul-19	The Ambassador of Thailand & Honorary Consul of Thailand, Theo Coliandris	Opening Reception & Charity Concert	Royal College of Music & Drama	Councillor and Immediate Past Lord Mayor	£25.00 +
Rees, D	17-Jul-19	Cardiff Metropolitan University	Black Tie Graduation Dinner	Millennium Centre	Councillor and Immediate Past Lord Mayor	£35.00
Thomas, Huw	22-Jul-19	The Royal Welsh Agricultural Society, Llanelwedd, Builth Wells	Presidents Luncheon	Royal Welsh Show	Leader of Cardiff Council	Unknown
Lister	23/25- Aug-19	Pride Cymru	3 x VIP Tickets	City Hall Lawns	Councillor	£90.00
Rees, D	28-Aug-19	Noah's Ark Children's hospital Appeal	A thank you for raising funds for the charity	Hilton Hotel Cardiff	A thank you for raising funds for the charity in year as Lord Mayor	£30.00
Rees, D	01-Oct-19	Muslim Council of Wales	Gift (Book – Muslim Heritage)	Unknown	Councillor	£29.50
Wild	04-Oct-19	Arup	3 Course Lunch	St David's Hotel	Cabinet Member	£25.00+
Williams	30-Oct-19	Western Power Distribution	Power Cut Survival Kit	HQ	Member	£25.00

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**STANDARDS AND ETHICS
COMMITTEE**

11th DECEMBER 2019

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

**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 4 OF
2018/19 and QUARTERS 1 & 2 OF 2019/20**

Reason for Report

1. To provide 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.

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 Quarter 3 of 2018/19 were reported to the (inquorate) meeting on 6th March 2019, and noted at the Committee's last meeting, on 30th July 2019. The Committee usually receives quarterly update reports, but a longer than usual gap has arisen since the last quarter reported, due to Committee vacancies and consequential quorum issues.

Issues

5. During Quarter 4 of 2018/19 and Quarters 1 & 2 of 2019/20, covering the period running from 1st January 2019 to 30th September 2019, total of ten complaints alleging a breach of the Members' Code of Conduct were reported to the Monitoring Officer.
6. The table below shows the type of complaints received during this period and includes comparative figures for the previous two quarters.

	Q2 Jul, Aug Sept 2018	Q3 Oct, Nov, Dec 2018	Q4 Jan, Feb, Mar 2019	Q1 Apr, May, Jun 2019	Q2 Jul, Aug, Sept 2019
Total	2	6	3	3	4
Member on Member	2	3	2	1	4
Public on Member	0	0	1	2	0
Officer on Member	0	3	0	0	0
Community Councillors	0	0	0	0	0

7. A summary of the complaints received is as follows:

Quarter 4 of 2018/19

- i. A member of the public complained that members of the Planning Committee had not discharged their duties on the Committee in a fair and proper manner. This complaint was considered by the

- Ombudsman, who decided not to investigate the complaint or take any further action.
- ii. A Member complained about social media comments made by another Member. This was resolved informally by the Member clarifying his comments.
 - iii. A Member complained about the conduct of another Member during a meeting of full Council, alleging that it brought the Authority into disrepute. The Ombudsman found that the Member's comments were legitimate political expression and did not constitute a breach of the Code.

Quarter 1 of 2019/20

- i. A member of the public complained that a Member's social media comments did not show due regard for equal opportunities. The Ombudsman found no evidence of a breach of the Code.
- ii. A Member complained about another Member's actions in relation to particular project. The Monitoring Officer considered this under the Local Resolution Protocol and found no evidence had been given to show a breach of the Code.
- iii. A member of the public complained that a Member of the Planning Committee had used their position improperly and not shown respect and consideration to members of the public attending a Planning Committee meeting. The Ombudsman found no evidence of a breach of the Code and decided not to investigate further.

Quarter 2 of 2019/20

- i. A Member complained about social media comments made by another Member. This was resolved informally by the Member clarifying his comments.
- ii. A Member complained about another Member wrongly representing an individual as a Councillor and sharing information inappropriately with that individual. The Monitoring Officer has requested evidence to substantiate the allegations, but received none to date.
- iii. A Member complained that information given by another Member in a newsletter and at a public meeting was misleading and inaccurate, bringing the Council and office of Member into disrepute. The complainant has asked that this matter be referred to the Standards & Ethics Committee's Hearings Panel for determination under the Local Resolution Protocol; and arrangements are being made accordingly.
- iv. A Member complained that social media comments made by another Member failed to show respect and consideration. This was resolved informally by the Member deleting those comments.

Legal Implications

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

Financial Implications

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

Recommendation

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

Davina Fiore

Director of Governance and Legal Services, and Monitoring Officer

27th November 2019

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 3 of 2018/19', 6th March 2019, noted at Committee meeting on 30th July 2019.



STANDARDS & ETHICS COMMITTEE: 11th DECEMBER 2019

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

ANNUAL REPORT 2018/19

Reason for this Report

1. To enable the Committee to consider the content of its Annual Report 2018/19 and approve arrangements for the report to be finalised and presented to full Council.

Background

2. In order to maintain the profile of the Standards and Ethics Committee and awareness of the importance of high standards of Member conduct, the Committee prepares an annual report for presentation to full Council each year.
3. The Committee's Annual Report 2017/18 was presented to full Council by the Chair of the Committee in November 2018 and was well received. The Chair responded to Members' questions and observations about the work of the Committee and invited Members to contact him if there were any specific matters they wished the Committee to consider. The Lord Mayor thanked the Chair and the Committee for their report.

Issues

4. The Committee is invited to consider and provide comments on the contents of its Annual Report 2018/19, which is recommended to be presented to full Council in January 2020.
5. Based on the standard format of previous annual reports and the work undertaken by the Committee during the last year, suggested contents include:
 - a) Chair's Foreword – with the agreement of the Chair, this is to be drafted by the former Chair, as the report covers his period of office.

- b) Principles of public life – to remind Members of the ten general principles of public life based on the principles originally set down by the Nolan Committee in 1995.
- c) Role of the Committee – to set out the Committee’s terms of reference and how the Committee approaches its role
- d) Work undertaken by the Committee during 2018/19:
 - i. Member Survey 2017 – the Committee considered the results of the Members Survey 2017 in relation to Member conduct issues and discussed ways to address concerns identified; and agreed to review matters when it receives the results of the next Members’ Survey.
 - ii. Standards & Ethics Committee Members role descriptions – revised role descriptions were considered and approved.
 - iii. Committee membership –the vacancies which arose during the year, the recruitment process followed and new members appointed.
 - iv. Member Briefings – the fourth edition was issued in February 2019, explaining the work of the Committee and emphasising the importance of high standards of conduct. To summarise issues covered in the Briefing.
 - v. Community Councils – to report on feedback following observation of meetings and the quarterly meetings held between the Monitoring Officer and Community Council Clerks.
 - vi. Gifts and hospitality received by Members – to report on the Committee’s routine review of the Members Hospitality Register
 - vii. Officers Gifts and Hospitality - to report on the Committee’s recommendations in relation to publication of the register of gifts and hospitality received by senior officers.
 - viii. Officers Personal Interests– to report on the Committee’s recommendations made in relation to publication of the register of senior officers’ business interests.
 - ix. Social Media Guidance – to note the updated guidance issued by the WLGA and commended to all Councillors by the Committee.
 - x. Observation of meetings - to note the Committee’s feedback following observation of meetings of full Council.
 - xi. APW Sanctions Guidance – the Sanctions Guidance issued by the Adjudication Panel for Wales was considered, and it was agreed this would be a useful reference for the Committee’s Hearings Panel.

- xii. Ombudsman's Annual Letter 2017/18 – was considered by the Committee, in so far as it related to Member conduct issues, and to note the Committee's observations.
 - xiii. Caselaw Update – to note the decision of the High Court in Harvey v Ledbury Town Council [2018] in relation to the lawfulness of a grievance process instigated against a councillor.
 - xiv. Leaders and Whips meeting – to note that the next meeting is to be scheduled for Spring 2020 (which will allow discussion of results from the next Members Survey).
- e) Complaints about Member conduct – to give an overview of complaints reported during the year.
 - f) Future work priorities, to reflect the Committee's Forward Work Plan 2019/20
 - g) Committee members biographies and Committee meeting attendance figures
 - h) Contact details for the Chair, the Monitoring Officer and the Ombudsman
6. The Committee is invited to consider the contents of its Annual Report 2018/19 and provide any appropriate comments.

Legal Implications

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

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

- 1) Provide comments on the contents of the Committee's Annual Report 2018/19;
- 2) Delegate authority to the Monitoring Officer, in consultation with the Chair, to draft and finalise the Annual Report, having regard to comments provided by Members of the Committee; and
- 3) Ask the Chair to present the Annual Report to full Council in January 2020.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

28th November 2019

Background papers

Council report 'Standards & Ethics Committee Annual Report', November 2018; and minutes

Standards and Ethics Committee minutes 13th June 2018; 5th December 2018; and 6th March 2019

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

WORK PLAN

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.

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

28th November 2019

APPENDICES

Appendix A Work Plan 2019/20

Background Papers

Standards & Ethics Committee, Work Plan, 6th March 2019

STANDARDS AND ETHICS COMMITTEE – WORK PLAN – 2019/20

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) ON AGENDA (2) Spring 2020
(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	ON AGENDA
(3) Member Briefings	To publish Member Briefings on the work of the Committee and member conduct issues	Chair / Monitoring Officer	Medium	Scheduled	Summer 2020
(4) Training	To consider refresher training on the Members' Code of Conduct	Monitoring Officer	High	Ongoing	As necessary.
(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

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
(6) Whistleblowing Policy	To monitor and review the operation of the Council's whistleblowing arrangements; and consider any ethical issues arising.	Monitoring Officer	Medium	Scheduled	Spring / Summer 2020
(7) Officers Personal Interests	To review the Council's rules in relation to senior 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	Scheduled	Spring 2020
(9) Annual Report	Prepare Annual Report	Committee Chair/ Monitoring Officer	Medium	Scheduled	ON AGENDA
(10) Member Survey	To consider the results of the Members Survey in relation to conduct and ethical issues	Head of Democratic Services / Monitoring Officer	Medium	Scheduled	Spring 2020



STANDARDS AND ETHICS COMMITTEE: 11th DECEMBER 2019

REPORT OF THE DEPUTY MONITORING OFFICER

SENIOR OFFICERS' PERSONAL INTERESTS

Reason for this Report

1. To enable the Committee to review the Council's arrangements in relation to Senior Officers' personal interests disclosures.

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 (“the Policy”), 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. At its meeting in March 2019, the Committee reviewed the Council's rules and resolved to recommend publication of a Register of Senior Officers' Outside Business Interests with effect from April 2019. This recommendation has been implemented.
6. Members of the Committee also 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. It was agreed that the Committee should receive a further report in this regard.

Issues

7. 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.

Current disclosure requirements

8. The Council's Policy on Officers' Personal Interests and Secondary Employment (**Appendix A**) aims to provide rules and guidance to help protect the Council and its staff from criticism, misunderstanding and allegations of impropriety; and to ensure that any conflicts of interest are managed effectively and transparently.
9. 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. They are required to disclose any:
 - a) Outside business interests – this requirement is imposed in employment contracts and, in accordance with the ICO's model Publication Scheme, a register of such interests is published on the Council's website;
 - b) Conflicts of interest between their personal interests and duties to the Council – this duty is imposed in the statutory Employees Code of Conduct (paragraph 8);
 - c) Financial interests in a Council contract (existing or proposed) – this is a statutory requirement imposed by section 117 of the Local Government Act 1972; and
 - d) Details of any company or body owned or controlled by the Senior Officer or their spouse or partner or any of their children or dependents (this is an audit requirement) in relation to 'related party' disclosures for the Council's Statement of Accounts, imposed by the CIPFA Code of Practice and section 21(2) of the Local Government Act 2003.
10. The Senior Officers' Personal Interests Declaration Form is attached – **Appendix B**. The forms are held by the Monitoring Officer and officers are asked to update their declarations annually.
11. The Council's Policy provides detailed guidance on what constitutes a conflict of interest and which must be avoided or disclosed. This includes the requirement for Officers to:
 - i. Disclose any apparent conflicts as well as actual conflicts of interest.
 - ii. Seek advice from their line manager in the case of any doubt about a possible conflict of interest.
 - iii. Include the personal interests of close family and friends when considering if they have a potential conflict of interests
 - iv. Disclose any links with (i) Council suppliers or contractors (or those tendering for a Council contract); (ii) any organisations which campaign, lobby or seek to influence the Council's policies; and (iii) any

organisation applying for Council grants, if the officer is involved in the grant allocation process.

- v. Disclose any personal interest in a matter being dealt with at the Council (eg. regulatory applications) by anyone with whom the Officer has any connection or personal relationship.

The Law

12. The rules governing officers' personal interests are set out above and reflected in the Council's current Policy, as noted in paragraph 9 above.
13. It should be noted that elected Members are governed by different statutory requirements, under the statutory Members' Code of Conduct, which sets out detailed requirements about the types of personal interests which Members must declare and register (including all business, property and financial interests, and membership of any bodies, organisations or clubs operating in the area). The legal requirements applying to Members are reflected in the Members' Register of Interests Form, which the Council has a legal duty to publish on its website.
14. There is no legal requirement or guidance recommending that Senior Officers should be subject to similar disclosure requirements to Members.

Senior Officers' Roles and Accountabilities

15. Senior Officers are appointed by Members to implement the policy decisions taken by Members and provide professional advice and support to Members in relation to the discharge of the Council's functions. Members are elected to make the policy and strategy decisions required to discharge the statutory functions of the Council. The Head of Paid Service has statutory responsibility for the overall management of all Council officers, whereas elected Members are accountable to the electorate. The roles and accountabilities of Senior Officers are fundamentally different to those of elected Members.

Audit review

16. The Council's Internal Audit team has carried out a review of the Council's arrangements for managing personal interests for both officers and Members. The review has concluded that the Council's arrangements are 'effective with opportunity for improvement'. The review recommended that the Council invest in a digital mechanism to record employees' declarations of interest and secondary employment and initiate regular reminders in order to improve compliance in relation to secondary employment declarations. Discussions are already underway with a digital solution provider in this regard, with a view to launching a new staff application early next year.
17. A desktop review of comparative local authority approaches was included as part of the audit review. This identified only one other local authority (Essex) which published any information about Senior Officers' personal interests, and this was restricted to business interests. No other authorities published Senior Officers' home addresses, Trade Union membership, or any other personal interests.

However, it was noted the Standards & Ethics Committee were considering Senior Officers' disclosures, and recommended that 'consideration should be given to requesting land ownership information and membership of voluntary bodies from Senior Officers for internal monitoring and avoidance of conflict, with careful consideration given to the level of information published online.'

Employment issues

18. The Council owes its employees a duty of care, both in statute and common law, to ensure so far as is reasonably practicable, that the health, safety and welfare of employees are protected.
19. The Council also has a duty to consult Senior Officers and Trade Unions about any proposed changes to the current rules regarding disclosure of personal interests.
20. Senior Officers have been informally consulted, through discussion at Senior Management Team, about publication of their home addresses on the Council's website. A number of Senior Officers have reported specific and credible security threats pertaining to their personal safety.

Trade Union Membership

21. Membership of a trade union constitutes a private employment right for officers. A senior manager's Trade Union membership will not, of itself, create a conflict of interest affecting an officer's discharge of their duties to the Council. However, the public disclosure of the Trade Union membership of senior staff would create significant operational difficulties, specifically in respect of industrial relations within the Council. It is important that Senior Officers are able to negotiate equally with all Trade Unions in relation to staffing issues, without reference being made to their own personal trade union membership.
22. The relationship between Trade Unions and Senior Officers is fundamentally different to that between Trade Unions and elected Members. Members are often supported politically by Trade Unions, and Members' election campaigns may be supported financially by the unions. Disclosing a Member's trade union support, as required under the statutory regime, is important for public transparency and accountability.
23. Senior Officers have been informally consulted about public disclosure of their Trade Union membership through discussion at Senior Management Team. Serious concerns have been expressed that this would make negotiating with Unions very difficult and would compromise their ability to negotiate effectively on behalf of the Council. For this reason, Directors have indicated they would not consent to this.

Data protection / privacy issues

24. Data Protection laws (the General Data Protection Regulation 2016, 'GDPR', and Data Protection Act 2018) control the use of personal information (any information about living identifiable individuals). Information about officers' home addresses and membership of other organisations is 'personal data' – meaning it may only be processed, for specified purposes, if there is a lawful basis for the Council to do so.
25. Where there is a statutory requirement for officers to disclose certain personal interests (eg. interests in Council contracts and 'related party disclosures' required under audit rules), the legal obligation provides the GDPR lawful basis for the Council's processing of this information. GDPR also allows the Council to process certain personal information about its staff (home address, next of kin, bank details etc) in order to discharge its employment rights and duties under its contracts of employment. However, this information may not be used for other purposes unless the Council can demonstrate it has a lawful basis to do so.
26. Trade Union membership is classed as 'Special Category Data', subject to increased protection, meaning that explicit consent is required (unless another specified condition applies) before this type of information may be lawfully processed.

Legal Implications

27. As the Monitoring Officer is one of the Council's Senior Officers, she has a conflict of interest in this matter, so this report and the legal advice have been provided by the Deputy Monitoring Officer.
28. The Deputy Monitoring Officer has advised that, in his view, the duty to protect employees outweighs any potential public interest arguments for the disclosure of Senior Officers' home addresses. This is particularly the case given there are mechanisms whereby any Member who is concerned about the misuse of delegated powers may raise a complaint to the Monitoring Officer, who holds Senior Officers' Personal Interests Declarations and has access to other employee records in order to investigate any allegations.
29. As noted in paragraph 26 above, Trade Union membership is 'Special Category Data' under the GDPR, subject to increased protection, meaning that (in the absence of any other lawful basis) this information cannot be lawfully processed without Officers' explicit consent. Such consent has not been granted.
30. Members may wish to note that the Monitoring Officer is authorised to make minor amendments to ensure the effectiveness of the Policy, but any substantive changes would require further consultation with staff and Trade Unions and then a report to Cabinet for approval.
31. Other relevant legal provisions are set out in the body of the report.

Financial Implications

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

RECOMMENDATION

The Committee is recommended to make no changes to the current disclosure requirements for Senior Officers' Personal Interests.

James Williams

Operational Manager, Litigation & Deputy Monitoring Officer

25th November 2019

Appendices

Appendix A Officers' Personal Interests and Secondary Employment Policy

Appendix B Senior Officers Personal Interests Declaration Form

Background Papers

Standards and Ethics Committee report 'Officers' Personal Interests and Secondary Employment Policy', March 2019



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.

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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

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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.

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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

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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' PERSONAL INTERESTS DECLARATION FORM

(TO BE COMPLETED BY ALL ASSISTANT DIRECTORS, CHIEF OFFICERS & ABOVE)

Name:	
Post Title:	

SECTION A. Your Other Business Interests or Appointments

Please list all outside business (trade or professional) interests or appointments, including any Council appointments to outside bodies. Please note, it is a condition of your contract of employment that you seek written consent from the Council before engaging in any other business or taking up any other appointment.

The information provided in this section is likely to be made available to the public, as part of the Council's commitment to transparency and accountability, and is required for purposes of the Council's Statement of Accounts.

Position	Name and Address of Company / Organisation	Details of your interest or appointment, including work undertaken, responsibilities, time commitment, whether you are appointed by the Council etc

SECTION B. Any companies or bodies owned or controlled by your Spouse or Partner, or the Children or Dependents of either of you

Please note: This information is a ('Related Parties') audit requirement for the purpose of the Council's Annual Statement of Accounts. The term 'control' includes joint control. The Council's finance officers will assess whether reference should be made in the Statement of Accounts and seek further information from you if necessary. Individual or company names are not disclosed in the Statement of Accounts.

Spouse / Partner / Dependent / Child (please give name and relationship)	Name and Address of Company / Body	Details of interest

SECTION C. Other Potential Conflicts of Interest

Please Note: You only need to disclose other personal interests which conflict, or may conflict, with your duties to the Council. If you are at all unsure, you should disclose your interest using this form or discuss this with your Manager.

Membership or management of a club, organisation, charity, professional association or other body	
Land or property interests	

Other financial interests	
Any other potentially conflicting personal interests	

Notification of Changes	I undertake to notify the Council in writing of any changes which may occur within 28 days from the date of the change.		
Signature:		Date:	

COMPLETED FORMS (INCLUDING 'NIL RETURNS') SHOULD BE RETURNED TO THE DIRECTOR OF GOVERNANCE AND LEGAL SERVICES

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