

STANDARDS & ETHICS COMMITTEE

30 SEPTEMBER 2020

Present: Independent Members: James Downe (Chair),
Jason Bartlett, Chrissie Nicholls, and Arthur Hallett
Councillors Cunnah, Sandrey and Joel Williams
Community Councillor Stuart Thomas

59 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Hollie Edwards-Davies (Independent Member)

60 : DECLARATIONS OF INTEREST

The Director, Governance and Legal Services, Davina Fiore, declared a prejudicial interest in Item 8, Senior Officers' Personal Interests and will not take part in the consideration of that item.

61 : MINUTES

The minutes of the meeting on the 11 December 2019 were approved as an accurate record of the meeting.

62 : HEARING OUTCOME & RECOMMENDED AMENDMENTS TO PROCEDURAL AND ADMINISTRATIVE ARRANGEMENTS FOR HEARINGS

The Committee received a report providing details of the outcome of the complaint referred to the Committee by the Public Services Ombudsman for Wales and the experience gained from the hearing.

Nick Bennett, Public Services Ombudsman for Wales, and Annie Ginwalla, PSOW Investigating Officer, attended the meeting. Mr Bennett wished to commend the Panel for its professionalism throughout the process in very challenging circumstances. He further advised that in Wales the overall standard of behaviour is high and the number of complaints referred to either a Standards & Ethics Committee or Adjudication Panel is low, 88% of which are supported. The approach to be taken as a result of the experience gained from the hearing is very much welcomed.

Members expressed concern about the conduct referred to during the course of the hearing, but felt that the proposed amendments would help to improve both the procedure and administration of the meeting. It would also help in providing an accurate record of the content of the hearing.

The Committee noted that the findings of the Panel were reported to Council in January 2020 with the agreement of the Lord Mayor. It is not possible to provide information to Members in relation to a complaint prior to there being a finding.

RESOLVED:

- To note and approve the minutes of the hearing on 6th, 7th, 8th, 13th and 14th January 2020, and the preliminary Panel meeting held on 3rd January 2020, as appended in Appendix A;
- To note the decision of the Hearings Panel appended at Appendix B; and the decision of the Adjudication Panel for Wales in respect of the appeal, appended at Appendix C; and
- To approve the draft amendments to the Hearings procedure as set out in Appendix D and authorise the Monitoring Officer, in consultation with the Chair, to finalise the revised Hearings Procedure.

63 : MEMBER PROTOCOL ON SAFEGUARDING VULNERABLE CHILDREN AND ADULTS

Members were provided with a revised draft of the Member Protocol on Safeguarding Vulnerable Children and Adults which aims to provide guidance and advise elected members on their roles and responsibilities in relation to safeguarding vulnerable children and adults.

The Chair welcomed Phil Hodgson to the meeting. Mr Hodgson was responsible for the independent review of protocol which involved him in meeting a number of elected Members including the Chairs of the Children and Young People Committee and Corporate Parenting Advisory Committee.

The Committee noted that by and large the protocol had not needed much amendment; some changes to legal authorities quoted; the addition of flow charts to provide a clearer structure as to where issues should be raised; and confirmation that a breach of the protocol could be a breach of the Members Code of Conduct.

Members queried and requested clarification of some of the information contained in the flowcharts.

The Committee discussed the Advocacy for Services Users section and raised concerns at the suggestion that elected Members cannot advocate on behalf of a constituent without taking the side of that constituent. Members were advised that although Councillors do have a casework role in supporting individuals and providing information, it is important that that is balanced with being, for example, a Corporate Parent. Members were advised that there would be further consideration about the framing of that paragraph prior to approval by Council.

Members sought clarification about the need for written consent, and referred to concerns that it may lead to constituents not to seek help. Members were advised that the Council requires express consent when dealing with sensitive data, in other circumstances there can be implied consent. Express consent can be given via email or by contact being made with the Social Worker granting consent for the information to be shared.

It was suggested an email could be sent to all Members providing details of telephone numbers of those to call if they have safeguarding concerns. Members were advised that if there are immediate concerns about vulnerable adults or children in the first instance the Police should be contacted. The numbers will be provided and contained within the protocol.

RESOLVED:

- To note the revised draft Protocol on the Role of Members in Safeguarding Vulnerable Children and Adults as set out in Appendix A;
- To authorise the Monitoring Officer, in consultation with the Chair to make any amendments to the Protocol, having regard to the Committee's comments, and recommend it to Council for approval; and
- To recommend to Council that:
 - the approved protocol should be incorporated within Part 5 of the Constitution; and
 - the Cardiff Undertaking should be amended to include a commitment to comply with the Protocol.

64 : CARDIFF UNDERTAKING

The report enabled Members to consider the proposed amendments to the Cardiff Undertaking as a result of a recent Internal Audit completed to review the Code of Conduct prior to Annual Council meeting in November 2020.

It was suggested that the commitment to treat people equally and with respect should be strengthened.

Members also suggested some grammatical and wording changes to the Undertaking as appended at Appendix B.

RESOLVED:

- To note and approve the suggested amendments to the Cardiff Undertaking as set out in Appendix B, with the further minor changes suggested by the Committee; and
- To delegate authority to the Monitoring Officer, in consultation with the Chair, to finalise the draft Undertaking, for submission to full Council for approval.

65 : MEMBERS SURVEY 2019 - 2020

The reports provide the Committee with an analysis of the information gathered from the survey which falls within the remit of the Committee.

The Committee noted that the survey shows trends were going in the right direction, there were fewer in numbers who had experienced unacceptable behaviour, but concern raised about the proportion of female members who experienced some form of unacceptable behaviour. It was felt important to encourage Members to raise their concerns and for those who witness incidents to also raise their concerns. Concerns can be raised with the Monitoring Officer, the Deputy or Group Leaders and/or Group Whips. The political groups are not managed by the Council so we are unable to agree the processes they follow.

Members noted that over the last 6 to 8 months there have been fewer instances of poor behaviour at Council meetings, possibly due to the meetings taking place virtually. However, there is concern that there may be a return to normal behaviour when normal practise is resumed, particular bearing in mind that that is likely to coincide with next round of elections. It was noted that there is clear support from the Lord Mayor, Group Leaders and others in ensuring that unacceptable behaviour is not tolerated.

The Committee discussed further information that may be required for the next survey, particularly whether people feel confident, supported and safe to report. It is important

that there are mechanisms in place within political groups to enable any kind of disclosure to be reported. Training of what constitutes unacceptable behaviour is also important together with a recognition of the impact that the unacceptable has. The Committee were advised that at the present time that type of training is not easy to manage or arrange on a virtual platform. Some training has been made mandatory, such as Code of Conduct training, but in respect of some other types of training there is no real penalty for not undertaking training. There has to be reliance on the Group Whips and Leaders encouraging their groups to do it.

The Committee was advised that Civility in public life is being promoted by the WLGA, it aims to promote the standards of good conduct of elected members and the public.

There will be further Member Development sessions arranged in response to certain areas of the survey. There will be a full suite of surveys before the end of Members term or office to ascertain whether the work undertaken to date is having a positive impact. That will dovetail with the planned candidate sessions at the time of the next election. The results of the survey could be included in the Standards Newsletter and they will also be reported to the Democratic Services Committee.

RESOLVED:

1. to note the analysis of the responses received from the 2019-20 Member Survey which fall within the remit of this Committee; and
2. to consider any areas requiring further consideration by the Committee as part of the 2020/21 Work Programme.

66 : SENIOR OFFICERS' PERSONAL INTERESTS

(The Director, Governance & Legal Services and Monitoring Officer reaffirmed her interest in this item and left the meeting).

The report provides the Committee with information to review the Council's arrangements in relation to Senior Officers' personal interests disclosures.

Cllr Williams advised that he would like to be provided with a list of decisions where Senior Officers who have recused themselves because of an interest. If Members declare an interest and recuse themselves it is available on the public website and the same should apply to Senior Officers who recuse themselves. Members were advised consideration would be given to the request.

RESOLVED:

1. to agree to recommend that the information contained in the Senior Officers' Personal Interests Declaration Form, except for information relating to Trade Union membership status and the officer's home address, is brought to the Committee to review on an annual basis as an exempt report; and
2. to 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.

67 : WHISTLEBLOWING REPORTS 2018/19

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

The Committee was advised of 7 whistleblowing reports notified to the Monitoring Officer in accordance with the policy during 2018/19. The Committee considered the concerns raised and the outcomes in each case.

The Committee also noted that a review of the Whistleblowing Policy was being scheduled and would be programmed into the Work Plan for 2020/21.

RESOLVED:

- to note the content of the report.

68 : CODE OF CONDUCT COMPLAINTS - QUARTERS 3 & 4 OF 2019/2020 AND QUARTER 1 OF 2020/21

The Committee received an update on complaints made during Quarters 3 & 4 of 2019-20 and Quarter 1 of 2020-21 against Members of Cardiff Council or any of Cardiff's Community Councils, alleging a breach of the Members' Code of Conduct. The Committee noted that there were 4 complaints made during that period.

RESOLVED:

- to note the content of the report.

69 : ADJUDICATION PANEL FOR WALES - PRESIDENTIAL GUIDANCE

The report provided the Committee with the opportunity to consider the Presidential Guidance which was updated and issued by the President of the Adjudication Panel for Wales.

RESOLVED:

- to note the content of the report.

70 : OBSERVATIONS OF MEETINGS

The Committee received a report providing feedback provided following observations of the meeting of the Council on 30 January 2020.

The positive comments were welcome and feedback was provided to the Lord Mayor.

The Chair advised that he had also attended a meeting of Council in February 2020 and his observation supported the comments made in respect of the meeting on 30 January, however, expressed concern about the noise levels in the Chamber when voting was

taking place. Feedback will be provided although at the present time meetings are being conducted via MS Teams.

RESOLVED:

- to note the content of the report.

71 : FORWARD WORK PLAN 2020 - 2021

The Committee received the Work Plan for 2020-21. Members were invited to make comments and suggestions on the Work Plan.

RESOLVED:

To note and agree the Work Plan 2020-21 set out in Appendix A.

72 : URGENT ITEMS (IF ANY)

No urgent items were tabled at the meeting.

73 : DATE OF NEXT MEETING - TO BE CONFIRMED.

The date of the next meeting of the Standards & Ethics Committee is on Wednesday 9 December 2020 at 5.00 pm via MS Team.

The meeting terminated at 7.00 pm