



County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

AGENDA

Committee	STANDARDS & ETHICS COMMITTEE
Date and Time of Meeting	WEDNESDAY, 9 DECEMBER 2020, 5.00 PM
Venue	REMOTE MEETING VIA MS TEAMS
Membership	Independent Members: James Downe (Chair) Jason Bartlett, Hollie Edwards-Davies, Chrissie Nicholls and Arthur Hallett 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 - 8)*

To approve as a correct record the minutes of the previous meeting.

4 Members' Gifts and Hospitality Register *(Pages 9 - 14)*

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

5 Officers' Gifts and Hospitality Guidance *(Pages 15 - 32)*

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

6 Annual Report 2019/20 *(Pages 33 - 36)*

7 Member Briefing *(Pages 37 - 40)*

Report of Director, Governance & Legal Services & Monitoring Officer

- 8 Code of Conduct Complaints Update - Quarter 2 of 2020/21**
(Pages 41 - 44)
- Report of Director, Governance & Legal Services & Monitoring Officer
- 9 Forward Work Plan 2020/21** *(Pages 45 - 48)*
- Report of the Director, Governance and Legal Services & Monitoring Officer.
- 10 Observations of Meetings** *(Pages 49 - 56)*
- Report of the Director, Governance and Legal Services & Monitoring Officer.
- 11 Urgent Items (if any)**
- 12 Date of next meeting.**
- The next meeting of the Standards & Ethics Committee is on Wednesday 3 March 2020 at 5.00 pm via MS Teams.

DAVINA FIORE
Director of Governance and Legal Services

Date: Thursday, 3 December 2020
Contact: Mandy Farnham,
02920 872618, Mandy.Farnam@cardiff.gov.uk

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

STANDARDS & ETHICS COMMITTEE

30 SEPTEMBER 2020

Present: Independent Members: James Downe (Chair),
Jason Bartlett, Chrissie Nicholls, and Arthur Hallett
Councillors Cunah, 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

**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 11th December 2019, the Committee considered gifts and hospitality registered during the period from 17th November 2018 to 31st October 2019.

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 1st November 2019 to 31st October 2020 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.
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 direct 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 1st November 2019 to 31st October 2020, and make any comments considered appropriate.

Davina Fiore

Director of Governance & Legal Services and Monitoring Officer

27 November 2020

APPENDICES

Appendix A Extract from the Register of Member's Hospitality, Gifts & Other Benefits for the period 1st November 2019 to 31st October 2020

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', 11th December 2019

Members Gifts and Hospitality Register - 1st November 2019 to 31st October 2020

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	Acceptance Yes / No	Approx. Value
Mackie	03/12/19	Sherman Theatre Press Night	Show and hospitality	Sherman Theatre	Ward Member	Yes	£60.00
Boyle	06/12/19	Willie Seager Memorial Trust, Aelwyd Housing Association, 58 Richmond Road, Cardiff CF24 3ET	Christmas lunch	La Trattoria Molisana	Trustee	Yes	£22.00
Henshaw	28/12/19	Lena Singh 14 Taymuir Road Tremorfa	Scarf, Dried fruit, Biscuits	N/A	Ward Member	Yes	£20.00
Bradbury	27/10/20	Roger Morris (Constituent)	Two bottles of wine as a thank you for casework	N/A	Ward Councillor	Yes	£30

Members Gifts and Hospitality Register (Civic Office) - 1st November 2019 to 31st October 2020

<u>Councillor</u>	<u>Date of Hospitality/Gift</u>	<u>Provider of Gift / Hospitality. Name/Address</u>	<u>Nature/Purpose of Hospitality/Gift/Other benefit</u>	<u>Venue/ Location of Event</u>	<u>Role or Capacity Hospitality/Gift Received</u>	<u>Acceptance Yes/No</u>	<u>Approx Value</u>
De'Ath	2/11/19	Royal British Legion	Concert Tickets to RBL Wales Festival of Remembrance	St David's Hall	Lord Mayor	Yes	£30
De'Ath	8/11/19	United Services Mess	Annual Dinner - United Services Mess	Angel Hotel, Cardiff	Lord Mayor	Yes	£30
De'Ath	12/11/19	Castle Leisure	Dinner at Castle Bingo Cheque Presentation for Lord Mayors Charity	Castle Bingo Newport Road and Canton Clubs	Lord Mayor	Yes	£35
De'Ath	13/11/19	Royal College of Nursing	Nurse of the Year Awards Dinner 2019	City Hall, Cardiff	Lord Mayor	Yes	£35
De'Ath	29/11/19	Linc Cymru	Afternoon Tea at Penylan House Nursing Home Art Exhibition	Penylan House, Penylan Road, Cardiff.	Lord Mayor	Yes	£25
De'Ath	5/12/19	160 th (Welsh) Brigade	Vip Reception & Buffet at the Signing of the Armed Forces Covenant	Senedd, Cardiff Bay	Lord Mayor	Yes	£25.00

APPENDIX A

De'Ath	6/12/19	Rhodri Morgan Statue Fund	Rhodri Morgan Statue Fund Dinner	City Hall, Cardiff	Lord Mayor	Yes	£35.00
De'Ath	6/12/19	HMCTS Wales	Drinks Reception. HHJ Eleri Rees –The Recorder of Cardiff, Retirement from the Circuit Bench.	Crown Court, Cardiff.	Lord Mayor	Yes	£25.00
De'Ath	10/12/19	Cardiff & Vale of Glamorgan Music Service	VIP Concert Tickets - CCVG Music Service Xmas Showcase	St David's Hall	Lord Mayor	Yes	£30.00
De'Ath	21/12/19	Cardiff & Vale of Glamorgan Youth Orchestra	Vip Concert Tickets – Cardiff & Vale of Glamorgan Youth Orchestra Christmas Concert	BBC Hoddinott Hall, Wales Millennium Centre	Lord Mayor	Yes	£30.00
De'Ath	5/2/20	Camelot UK Lotteries	Vip Reception - An Evening with Camelot	National Museum of Wales	Lord Mayor	Yes	£25
De'Ath	6/2/20	160th Brigade	Vip Reception post Royal Gun Salute	Mansion House	Lord Mayor	yes	£25
De'Ath	16/2/20	High Sheriff of Mid Glamorgan	Concert Tickets and VIP Reception Musical Extravaganza held by the High Sheriff of Mid Glamorgan.	Royal Welsh College of Music & Drama	Lord Mayor	Yes	£25

APPENDIX A

De'Ath	19/2/20	Flourish Community Housing Assn	Flourish Recognition Celebration Dinner.	Mercure Holland House Hotel	Lord Mayor	Yes	£35
De'Ath	22/2/20	Welsh Rugby Union	Match Tickets and pre –match luncheon for Wales V France Rugby Match	Principality Stadium	Lord Mayor	Yes	£85 £30

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

OFFICERS' GIFTS AND HOSPITALITY – REVISED DRAFT GUIDANCE

Reason for this Report

1. To enable the Committee to consider proposed changes to the Council's rules and guidance for officers in relation to gifts and hospitality.

Background

2. The Standards and Ethics Committee's terms of reference include the following:
 - a. To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services.
 - b. To report to the Council on any matters of concern. To advise the Council on the content of its Ethical Code and to update the Code as appropriate.
 - c. To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application.
3. The Employees' Code of Conduct, paragraph 8(2) states that:

"[Employees must comply with] any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying¹ employees must not accept benefits from a third party unless authorised to do so by their relevant authority."
4. The Council has issued 'Guidance on Hospitality, Gifts and Other Benefits Received by Officers' ('the Guidance'), which requires officers to register the receipt of any gifts and hospitality which has an estimated value of £25 or more (reflecting the same threshold which applies to elected Members).

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

5. The Standards and Ethics Committee reviewed the Guidance in March 2019. The Committee recommended that the register of gifts and hospitality received by Senior Officers (Chief Officers, Assistant Directors and above) should be published on the Council's website with effect from 1st April 2019; and that the estimated value of any gifts and hospitality received by officers should be included within the public register. These changes were implemented from April 2019.

Issues

6. The Council's Internal Audit team has carried out a review of the Council's rules, which concluded they were 'Effective with opportunity for improvement' and recommended certain changes and issues for consideration, which are set out in paragraphs 9 to 17 (inclusive) of this report.
7. The Internal Audit recommendations have been considered and, in consultation with the Audit Manager, revised draft Guidance (and accompanying forms) has been prepared. The revised draft Guidance (and forms) has been considered by the Senior Management Team, who have confirmed they are content with the proposed changes. The Trade Unions have also been consulted about the proposed changes. The UNISON representative has confirmed they have no objections and that 'We agree this should be in place for all Council service areas as part of good governance and codes of ethics/conduct.' No other representations or concerns have been raised.
8. The changes proposed are incorporated within the revised draft Guidance attached as **Appendix A**. The proposed changes relate to the following matters:

Provision of Gifts and Hospitality

9. The Guidance currently covers any gifts and hospitality which may be offered to Council officers, in line with the requirements of the Code of Conduct paragraph 8(2), set out in paragraph 3 above. The Guidance does not currently cover any gifts or hospitality which may be offered by Council officers to individuals or organisations outside of the Council. Internal Audit has recommended that rules should be included on the provision of hospitality, as a matter of best practice, to ensure the appropriate use of public funds. The Committee considered this issue in 2016, but it was not progressed further, pending a review of the Guidance.
10. New rules have now been incorporated into the revised draft Guidance (**Appendix A** paragraphs 23 to 32 inclusive) which:
 - a) Confirms that gifts and hospitality should only be provided in order to support the proper exercise of Council functions, with identified links and benefits to the Council, and must demonstrate value for money.
 - b) Requires officers to obtain authorisation from a line manager at Assistant Director / Chief Officer level or above (or the Section 151 Officer or the Monitoring Officer for the Chief Executive) before providing any gifts or hospitality which exceeds a threshold value of either £25 per person or £500 per event (anything in excess of either value will trigger the registration requirement).

- c) Allows Directors to grant a 'general authorisation' to specified officers for the provision of gifts or hospitality up to a financial limit of £750 per event, provided that the cumulative value of approvals under the general authorisation in that Directorate does not exceed £1,500 per financial quarter; and the Director must retain overall responsibility and accountability.
 - d) Requires officers to register with Democratic Services within 28 days any gifts and hospitality provided which exceeds the threshold value set out in paragraph (b), including anything authorised under a Director's general authorisation; and for Democratic Services to make registers available for public inspection, and to publish the register for Senior Officers.
 - e) Requires all other records (receipts etc) to be kept within the relevant service area, with copies provided promptly for audit inspection upon request.
11. A draft form for officers to register the provision of gifts or hospitality is attached as **Appendix B**.

Gifts and Hospitality Refused by Officers

12. The current Guidance explains that gifts or hospitality offered to Council officers should always be refused *if* it may appear to place them under an improper obligation to the donor, and gives examples (Guidance paragraphs 8 to 14 inclusive). However, there is no current requirement to register any refused offers.
13. The Internal Audit review recommended that consideration should be given to requiring officers to register any gifts and hospitality offered to them but refused. It was noted that some other Core Cities include this requirement in their rules.
14. A requirement to register refused gifts and hospitality may highlight potential risks of improper influence and reduce this risk. It should also be noted that the offer of a gift or hospitality for improper motives is likely to constitute a criminal offence under the Bribery Act 2010, even if the offer is refused. Disclosure of all gifts and hospitality offered to officers, including those which may have been refused, would demonstrate full transparency and openness and may be considered to be best practice in this regard. However, extending the registration requirements may create additional administrative work, which needs to be proportionate, having regard to the level of risk involved.
15. This issue was considered by the Senior Management Team, who were content to extend the registration requirements to cover offers of gifts and hospitality worth over £25 which had been refused. The Guidance has been amended to incorporate this. Corresponding amendments have been made to the current registration form for offers of gifts and hospitality received by officers, as shown in **Appendix C**.

Registration within 28 days

16. The Internal Audit review recommended that the Guidance should be amended to make clear that registration (when required under the rules) must be completed within 28 days after receipt, to support the effectiveness of the rules and compliance

with them. It may be noted that the officers' registration form (**Appendix C**) already refers to a 28 day deadline (which reflects the same timescale applicable to Members under the statutory rules for Members). This has been reflected in the revised draft Guidance (paragraph 21).

Other minor amendments

17. The Internal Audit review recommended that the Guidance should include reference to the fact that the rules are an important part of the Council's framework for managing risks of bribery and corruption. This has been added to the revised draft Guidance at paragraph 7.
18. A number of other minor amendments are also included in the revised draft Guidance, to improve clarity and update administrative processes.

Registrations made under the current Guidance

19. No registrations have been made for the current year, 2020/21. This may be unsurprising, given the Covid-19 related restrictions in place since March this year. The register for Senior Officers Gifts and Hospitality 2019/20 is published on the Council's website, accessible using this link: <https://www.cardiff.gov.uk/ENG/Your-Council/Councillors-and-meetings/registers/Pages/default.aspx>

Implementation of Changes

20. Subject to approval by the Committee, the revised draft Guidance will be published on the staff intranet and brought to the attention of all staff through the Core Brief, or similar, with support from the Council's Communications team.

Legal Implications

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

Financial Implications

23. The policy is designed to support openness and propriety in the receiving or offering of gifts and hospitality. Provisions are included within the policy for effective stewardship of public funds, and to avoid perceived or actual conflicts of interest.

RECOMMENDATION

The Committee is recommended to:

1. Consider and approve the revised draft Officers' Guidance on Hospitality, Gifts and Other Benefits attached as **Appendix A**, and the accompanying registration forms, **Appendices B and C**, subject to any amendments the Committee may wish to make; and
2. Authorise the Monitoring Officer, in consultation with the Chair, to finalise and issue the revised Guidance and registration forms (**Appendices A, B and C**), to reflect any comments made by the Committee.

Davina Fiore

Director of Governance & Legal Services and Monitoring Officer

27 November 2020

APPENDICES

Appendix A	Revised draft Officers' Guidance on Hospitality, Gifts and Other Benefits
Appendix B	Draft Registration Form for the Provision of Hospitality, Gifts or Other Benefits to External Organisations, Businesses or Individuals
Appendix C	Amended draft Registration Form for Offers of Hospitality, Gifts and Other Benefits

Background papers

Current Guidance on Hospitality, Gifts and Other Benefits Received by Officers (with Officers' Registration Form)

http://vmweb22.cardiff.gov.uk/cis/documentsearch.php?search_text=&service_id=0&document_type=ALL&searchmode=EXECUTE&search_ref=1.cm.070

Internal Audit Review 'Ethics and Values – Gifts and Hospitality', November 2019

Standards and Ethics Committee report 'Officers Gifts and Hospitality Guidance', March 2019

This page is intentionally left blank

OFFICERS' GUIDANCE ON HOSPITALITY, GIFTS AND OTHER BENEFITS OFFERED BY, OR PROVIDED TO, EXTERNAL ORGANISATIONS, BUSINESSES OR INDIVIDUALS

Introduction

1. This guidance is issued in accordance with the statutory Code of Conduct for Employees and is therefore relevant to all Council officers to whom the Code of Conduct relates, including school based non-teaching staff.
2. It sets out guidance on the acceptance and refusal of any gifts and hospitality which may be offered to officers, and authorisation and record keeping / registration requirements. **All hospitality, gifts and other benefits offered to officers, which are estimated to exceed the threshold value of £25 require authorisation by a senior officer (at Assistant Director level or above); and must be registered with the Head of Democratic Services.**
3. It also sets out guidance on when hospitality or gifts may legitimately be provided by officers to external organisations or individuals in order to fulfil the Council functions, and the authorisation and record-keeping / registration requirements. **Any hospitality, gifts or other benefits provided by officers which exceed the threshold of either (i) £25 per person; or (ii) £500 per event require authorisation by a senior officer (at Assistant Director level or above); and must be registered with the Head of Democratic Services.**
4. This guidance does not cover:
 - a) Members' gifts and hospitality, which is covered by separate guidance, CIS document reference 1.CM.221;
 - b) Civic hospitality provided by the Lord Mayor's Office; or
 - c) Gifts, such as long service awards, which may be provided to Council staff only in accordance with the Long Service Award Scheme, CIS document reference 1.CM.102.

Definitions

5.

Term	Definition
Hospitality received	Any entertainment beyond the offer of non-alcoholic drinks and light refreshments, offered to staff representing the Council in an official capacity or in the course of their duties as an officer of the Council.
Hospitality provided	Any hospitality, gifts or other benefits offered by officers to organisations or individuals (excluding civic hospitality) using Council funds or resources.

Term	Definition
Hospitality	May include (but not exclusively) meals, travel opportunities, hotel accommodation, invitations to events, sport and theatre tickets.
Gift	Any tangible item which is either (i) offered to an officer arising out of their official duties and position within the Council; OR (ii) offered by an officer to any external organisation or individual, which has been purchased or otherwise obtained using Council funds or resources, or belongs to the Council or is otherwise at its disposal
Other benefits	Any other benefit which is not covered by the definitions listed above.

Statutory Framework

6. The statutory Code of Conduct for Employees (which is contained within Part 5 of the Council's Constitution) includes the following duties:

"Personal Interests

.. "[Employees must comply with] any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority." (Paragraph 8(2) of the Code)

"Stewardship

Qualifying employees of Cardiff council must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so." (Paragraph 7 of the Code)

7. The acceptance of, or giving of a gift to obtain financial or other advantage, is a criminal offence under the Bribery Act 2010. The prevention, detection and reporting of bribery and corruption is the responsibility of all those working for the council or under its control. All workers are required to avoid any activity that might lead to, or suggest, a breach of the Bribery Act 2010.

GIFTS, HOSPITALITY OR OTHER BENEFITS OFFERED TO OFFICERS

Acceptance and Refusal

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

It should be stressed that the above are examples only, and are not exhaustive. Each offer and its appropriateness should be considered on its merits and it will be necessary for officers to take a personal view as to whether it is appropriate to accept it, subject to authorisation. Officers must always be mindful of the need to avoid the appearance of any improper obligations to an external organisation, business or individual.

10. In circumstances where it is necessary for the Council to be represented at events where hospitality is offered by an external organisation, business or individual, it is appropriate to accept, unless there are circumstances which clearly suggest that an improper obligation may be seen to arise.
11. If, for example, the external organisation, business or individual offering hospitality is at a sensitive stage in contractual negotiations with the Council, it will not be appropriate for those who are directly or indirectly involved with those negotiations to accept hospitality. If the matter is a major project which affects many parts of the Council, all invitations during negotiations should be refused.
12. If, however, the issue is relatively minor and confined to one service area or a small group of individual officers, it may be appropriate for those officers not involved directly or unconnected with the matter to accept invitations, if it is believed that the event concerned is particularly relevant to Council business or functions.
13. The offer of hospitality from other public bodies or organisations (e.g. UK Government, National Assembly for Wales, Welsh Government, Local Health Boards and other Councils) will normally be appropriate for acceptance as the implication of improper obligation would rarely arise in those circumstances and such events are generally arranged for proper public purposes. However, those officers who are offered hospitality, gifts or other benefits from such organisations would still need to consider whether acceptance is appropriate and likely to further the Council's interests. In addition, if the organisation is involved in the process of negotiating a contract or other arrangement with the Council, careful consideration should be given before accepting any hospitality, gifts or other benefits.
14. Officers may be offered gifts in the form of bequests by local residents, as a result of their undertaking official duties. This most often happens in the case of home care or residential care staff. Such offers of bequests should be discouraged wherever possible in order to avoid officers being subject to any accusations of impropriety and undue influence or persuasion having been brought to bear on the testator. However, if a bequest is made, then the acceptance of small bequests by officers, which represent only a minor proportion of the estate in each individual case, will generally be considered as acceptable, subject to appropriate authorisation by a senior manager at Assistant Director level or above, in accordance with the authorisation levels set out in **paragraph 18** below.

Authorisation

15. Under the Code of Conduct for Employees, officers should seek authorisation before accepting any hospitality, gift(s) or other benefit(s).

16. It is the responsibility of the employee to record any hospitality, gifts or other benefits and to ensure that their line manager and/or senior manager are aware of this. Even if authorisation is given, employees remain under a duty to consider whether acceptance of the hospitality, gift(s) or other benefit(s) would place him/her under an improper obligation or be reasonably regarded as such, and also consider whether they need to register its receipt within the register held by Democratic Services.
17. Subject to paragraph 12 above, this guidance gives **general authorisation** for employees to accept the following hospitality, gifts or other benefits from third party external organisations, businesses or individuals:
- a) Promotional or advertising items including pens, calendars, note pads, diaries, etc;
 - b) Small token gifts given to all or most participants at the end of an official visit by or to the Council or a properly authorised conference;
 - c) Modest gifts given by individuals to express gratitude for help given in the proper performance of official duties, where refusal would needlessly offend (e.g. bunch of flowers, box of chocolates, single bottle of inexpensive wine etc.), but repeated or costly gifts of this nature should be politely refused;
 - d) Hospitality offered as part of a conference or training event at which attendance has been authorised through the normal procedures;
 - e) Hospitality by way of meals offered at business meetings where it is necessary due to diary commitments or other pressing circumstances for the meeting to cover a normal mealtime. In such cases, the hospitality accepted should be of an appropriately modest scale below an estimated value of £25.
18. For all other occasions, specific authorisation must be obtained before employees accept the hospitality, gift(s) or other benefit(s). Authorisation must be requested from an appropriate senior manager, as set out below:

Employee	Authorised by:
Chief Executive	Corporate Director Resources <u>or</u> Director of Governance and Legal Services & Monitoring Officer
Corporate Director or Director	Chief Executive <u>or</u> Corporate Director
Assistant Director <u>or</u> Chief Officer	Corporate Director <u>or</u> Director
Any other officer	Assistant Director <u>or</u> Director

Registration

19. Officers are required to register the offer of any hospitality, gifts or other benefits exceeding an estimated value of £25 for each occasion, item or payment, within 28 days. This includes any offers which may be refused.
20. If there is any doubt about whether the item exceeds the threshold value, you are advised to register it. However, for the avoidance of any doubt, items below the threshold value do not need to be registered by officers. The threshold value will be reviewed by the Council as necessary and appropriate, in consultation with the Standards and Ethics Committee.
21. Employees should use the Officer Registration Form (4.C.034), which must be completed and returned to Democratic Services for registration purposes within 28 days. The register will be made available for public inspection.
22. The Head of Democratic Services will arrange for publication of a register of any gifts, hospitality or other benefits offered to Senior Officers (Chief Officers, Assistant Directors and above).

PROVISION OF HOSPITALITY, GIFTS AND OTHER BENEFITS TO EXTERNAL ORGANISATIONS OR INDIVIDUALS

23. There are occasions when it is necessary and appropriate for the Council to offer hospitality, gifts or other benefits to organisations or individuals in order to further the proper exercise of the Council's functions and fulfil its role as the capital city of Wales. Examples include (but are not limited to) offers made in connection with the following:
 - a) Promoting economic, environmental or social benefits for the inhabitants of the area;
 - b) Securing economic development;
 - c) Promoting tourism within the City and providing entertainment;
 - d) Official visits by distinguished people, representatives of foreign, national, regional and local government and other public services; and
 - e) Raising money for charitable purposes or for the funds of public bodies which provide services otherwise than for gain.
24. When considering whether it is appropriate to make any such offers (whatever the value), officers must be mindful that the value of all gifts, hospitality and other benefits offered by the Council is derived from public funding, and the expectation that such funding will be used for legitimate purposes and demonstrate value for money. It must, therefore, be ensured that proper regard is given to the fiduciary

responsibilities of the Council towards Council taxpayers and the inhabitants of the area.

Authorisation

25. Officers are required to obtain authorisation from a senior officer at Assistant Director level or above, in line with the authorisation levels set out in paragraph 18, before offering any hospitality, gift or other benefit to representatives of external organisation, businesses or individuals if the **value exceeds either (i) £25 per person; or (ii) £500 per event.**
26. Directors may grant a general authority to specified officers to incur expenditure on the provision of hospitality up to a value of £750 per event, provided that all of the conditions below are met:
 - a) The cumulative value of all such expenditure for that Directorate must not exceed £1,500 in any financial quarter period;
 - b) The Director maintains overall responsibility and accountability for all such hospitality and expenditure; and
 - c) Evidence of the general authorisation must be retained and a copy provided with the registration form (see paragraph 28 below).
27. When seeking authorisation, it will be necessary to provide as much information as possible about the reasons for providing the hospitality, gifts or other benefits, showing any links and benefits to the Council.

Registration and Record-Keeping

28. Officers are required to register any hospitality, gift or other benefit provided to representatives of external organisation, businesses or individuals, which has a value exceeding either (i) £25 per person; or (ii) £500 per event, (including anything approved under the Director's general authority referred to in paragraph 26) within 28 days from its provision.
29. Officers should use the Officer Registration Form (xxx), which must be completed and returned to Democratic Services for registration purposes **within 28 days**. The register will be made available for public inspection.
30. The Head of Democratic Services will arrange for publication of a register of hospitality, gifts or other benefits provided by Senior Officers (Chief Officers, Assistant Directors and above).
31. Receipts and any other appropriate documentation must be retained for all hospitality provided, regardless of value; and such records must be promptly made available for audit inspection upon request.

32. Payment should be made using a Corporate Procurement Card wherever possible. If this is not feasible or practical, reimbursement of approved expenditure may be made in accordance with the Financial Procedure Rules. All approval forms and a VAT receipt will be required.

DRAFT

PROVISION OF HOSPITALITY, GIFTS OR OTHER BENEFITS TO EXTERNAL ORGANISATIONS, BUSINESSES OR INDIVIDUALS		
Name: Job Title:	Service Area:	
Name and Address of Organisation, Business or Individual For Whom Hospitality, Gift or Other Benefit is to be Provided:		
Nature of Hospitality, Gift or Other Benefit (please provide all relevant details, including date, venue etc as applicable)		
Link/ Benefit to the Council		
Estimated Cost:	Financial Code to be charged:	Method of Payment:
Number of guests / persons (who are to receive the hospitality, gift or other benefit)		
<p>I confirm that the provision of this hospitality, gift or other benefit complies with the Officers' Guidance on Hospitality, Gifts and Other Benefits (CIS Ref. 1.CM.070) and represents value for money and a proper and lawful use of public funds.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 60%;"> <p>..... (Signature of Applicant)</p> </div> <div style="width: 35%;"> <p>Date:</p> </div> </div>		
<p>AUTHORISED BY: (Assistant Director or above, in line with Guidance CIS Ref. 1.CM.070)</p> <p>.....</p> <p>..... (Name and Post Title of Authorising Officer)</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 60%;"> <p>..... (Signature of Authorising Officer)</p> </div> <div style="width: 35%;"> <p>Date:.....</p> </div> </div>		
<p>OR Under Director's General Authorisation: <input type="checkbox"/> <i>(Please tick if applicable)</i></p> <p>Date of General Authorisation: <u>Copy to be attached</u></p>		

PLEASE FILL OUT ALL SECTIONS OF THIS FORM.

THE AUTHORISED FORM MUST BE SUBMITTED TO DEMOCRATIC SERVICES (democraticservices@cardiff.gov.uk) **WITHIN 28 DAYS** FROM APPROVAL, FOR INCLUSION IN THE REGISTER OF HOSPITALITY, GIFTS AND OTHER BENEFITS.

ALL OTHER RECORDS (RECEIPTS ETC) SHOULD BE RETAINED IN ACCORDANCE WITH YOUR SERVICE AREA'S ARRANGEMENTS.

DRAFT

OFFERS OF HOSPITALITY, GIFTS & OTHER BENEFITS

OFFICER REGISTRATION FORM

All Officers must complete this form in order to register any hospitality, gifts or other benefits offered to them, **which have an estimated value of £25 or greater** for each item, relevant occasion or payment.

If there is any doubt about whether any hospitality, gift(s) and other benefit(s) exceeds the £25 threshold value, Officers are advised to register it. However, for the avoidance of any doubt, items below the threshold value do not need to be registered. Officers should also refer to the Council's guidance on Hospitality, Gifts & Other Benefits, which is issued in accordance with the Code of Conduct for Employees.

DETAILS OF HOSPITALITY, GIFTS AND OTHER BENEFITS			
Name of Officer:			
Job Title:			
Service Area: (if applicable)			
Name & Address of Organisation, Business or Individual who offered the Hospitality / Gift / Other Benefit			
Nature & Purpose of Hospitality / Gift / Other Benefit			
Gift/Hospitality/Other Benefits Accepted?		YES / NO (*please delete as appropriate)	
Date Hospitality/Gift/ Other Benefit Offered / Received:		Location / Venue: (if applicable)	
Approximate Value of Hospitality/Gift/ Other Benefit:	£	Benefit to the Council of Officer Receiving Hospitality/Gift:	

SIGNATURE:		DATE:	
------------	--	-------	--

AUTHORISATION: (By Assistant Director or above)

NAME:		POSITION:	
SIGNATURE:		DATE:	

Please note that you must register any offers of hospitality, gifts or other benefits with an estimated value of £25 or greater **within 28 days of receipt**.

When completed, the Officer Registration Form must be sent to Democratic Services (Democraticservices@cardiff.gov.uk / Room 286A, County Hall) for registration purposes. Please note that the register will be made available for public inspection.

This page is intentionally left blank

**CYNGOR CAERDYDD
CARDIFF COUICIL**



STANDARDS & ETHICS COMMITTEE: 9th DECEMBER 2020

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

ANNUAL REPORT 2019/20

Reason for this Report

1. To enable the Committee to consider the content of its Annual Report 2019/20 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 2018/19 was presented to full Council by the Chair of the Committee in February 2020 and was well received. The Chair referred to the Committee's consideration of the Members' Survey outcomes and highlighted conduct issues relating to social media. 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 2019/20, which is recommended to be presented to full Council in January 2021.
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 – the Chair may wish to set the context for the report, noting that the work of the Committee has been inevitably affected by the Covid-19 pandemic and the essential business priorities of the Council during this period. Also, to explain the changes in the Committee's membership due to the Independent Member vacancies which arose unexpectedly last year and to welcome the new Independent Members .

- 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 2019/20:
 - i. Independent Member vacancies – the Committee approved the public appointments process and set up an Appointments Panel, to recruit and select 3 new Independent Members to fill the vacancies which arose.
 - ii. Member Conduct Hearing – a Hearings Panel was set up to determine a complaint referred to the Committee by the Public Services Ombudsman for Wales. The Hearings Procedure was reviewed and updated. A 5 day hearing was held in January 2020, which involved a significant amount of work for Panel members and support staff and attracted considerable publicity. The decision of the Hearings Panel was appealed and upheld by the Adjudication Panel for Wales. To note that the Ombudsman commended the Council for the extremely professional way in which the hearing was managed in very challenging circumstances and personally attended a Committee meeting to thank the Committee for the support they gave in maintaining high standards in the Council.
 - iii. Gifts and hospitality received by Members – to report on the Committee’s routine review of the Members Hospitality Register
 - iv. Officers Personal Interests– to report on the Committee’s further consideration of the disclosure requirements relating to senior officers’ personal interests.
 - v. Observation of meetings - to note the Committee’s feedback following observation of meetings of full Council and Community Council meetings.
- e) Complaints about Member conduct – to give an overview of complaints reported during the year.
- f) Meeting with Group Leaders and Whips - To report that the Committee’s annual meeting with group leaders and whips was postponed until September 2020 due to the Covid pandemic. To highlight key points from the discussion about outcomes of the Members Survey 2019/20 in relation to Member conduct and behaviour issues.
- g) Future work priorities, to reflect the Committee’s Forward Work Plan 2020/21

- h) Committee members biographies and Committee meeting attendance figures
 - i) Contact details for the Chair, the Monitoring Officer and the Ombudsman.
6. The Committee is invited to consider the contents of its Annual Report 2019/20 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 2019/20;
- 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 2021.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

27th November 2020

Background papers

Council report 'Standards & Ethics Committee Annual Report', February 2020; and minutes

Standards and Ethics Committee minutes 1st and 30th July 2019; and 11th December 2019

This page is intentionally left blank

**CARDIFF COUNCIL
CYNGOR CAERDYDD**



STANDARDS & ETHICS COMMITTEE:

9 DECEMBER 2020

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

MEMBER BRIEFING

Reason for this Report

1. To enable the Committee to consider the content of its next Member Briefing and approve arrangements for the Briefing to be finalised and issued.

Background

2. In response to the Wales Audit Office Corporate Assessment Follow-On Report, the Cabinet decided that the Standards and Ethics Committee should be asked to publish a biannual Member Briefing on the work of the Committee (Action reference P5a, approved by Cabinet in March 2016). The aim of the Briefings is to underline the importance of the Cardiff Undertaking and Member conduct and behaviour, and provide relevant guidance as necessary.
3. The Committee issued its first Member Briefing in 2016 and has issued one or two briefings each year since then. The Committee has taken the view that the presentation of the Committee's Annual Report each year serves a similar purpose and that briefings would be issued as and when appropriate, rather than at specified intervals. The last Member Briefing was issued in February 2019; and the Committee's Annual Report was presented to Council in February 2020.

Issues

4. The Committee is invited to consider issuing its next Member Briefing and to provide comments on topics to be included. Suggested contents include:

Chair's Foreword

- To acknowledge the exceptional circumstances arising from the Covid pandemic, and the change to remote meetings and working arrangements. Any general observations about standards of conduct.

New Committee Members

- To introduce the three new Independent members of the Committee members.

'The Cardiff Undertaking'

- To note that all Members were asked at the Annual Council meeting in November to publicly affirm their commitment to the revised Cardiff Undertaking, which has been amended to strengthen the commitments regarding treating all people equally and with respect, and to include a commitment to complying with the revised Members' Safeguarding Protocol.

Members' Safeguarding Protocol

- To note that the Protocol has been independently reviewed and updated, including clarification of the ways Members may raise concerns (with attached flowcharts) and the guidance in relation to advocacy on behalf of constituents.

Meeting with Cardiff Group Leaders and Whips

- To report that the Committee held its annual meeting with group leaders and whips in September 2020 and discussed the outcomes of the Members Survey 2019/20 in relation to Member conduct and behaviour issues. To highlight key points from that discussion and to encourage Members to report any concerns about unacceptable behaviour to the Monitoring Officer or their group leader or whip.

Member Conduct Complaints

- To report that the number of complaints received during 2020/21 is low – a total of 2 complaints during the first two quarters of the year, which may be due to the national lockdown in effect for most of this period.
- To report that both cases have been closed with no findings of misconduct. One was resolved informally and the other was closed by the Ombudsman, who decided not to investigate the complaint.

Local Resolution Protocol

- To confirm that the local resolution protocol continues to provide a helpful process for resolving Member disputes in a timely and proportionate way.
- To report that 2 cases relating to complaints made in 2019 were referred to a formal Hearings Panel. One complaint was withdrawn and arrangements are being made for a hearing to determine the other one.
- To note that Members are encouraged to raise any genuine complaints under the Local Resolution Protocol, but should not make vexatious, malicious or frivolous complaints.
- To reiterate that Community Councils are encouraged to adopt their own local resolution protocols, using the model developed by One Voice Wales in consultation with the Ombudsman.

Community Councils

- To note that the Monitoring Officer continues to hold quarterly meetings with Community Council Clerks to provide advice and support in relation to conduct issues.
- To report that Committee members have observed a number of Community Council meetings and provided positive feedback.
- To reiterate that Community Councillors are welcome to attend Standards and Ethics Committee meetings (and provide appropriate details).

Bias and Predetermination

- To confirm that Members must be mindful to avoid any appearance of bias or predetermination when dealing with Planning matters. (These issues are addressed in the Code of Conduct training sessions attended by all Members and Planning Committee members are given further detailed advice.) To reiterate the key points of the advice applicable to all Members, for example, when making representations on planning applications as a Ward member; and explain the difference between predisposition (which recognises that Members may have views on matters prior to decision) and predetermination (having a closed mind) which will make decisions subject to legal challenge.

Training and Development

- To invite Members to contact the Monitoring Officer if there are any specific conduct issues they would like further training or advice on

Advice

- To confirm that advice on any conduct issue is available from the Monitoring Officer or her Deputy (with contact details)

Feedback or Further information

- To invite feedback.
- To inform Members that they can contact the Standards and Ethics Committee Chair directly (and provide contact details)

5. It is proposed that the Member Briefing should be issued to all Members of Cardiff Council and Cardiff's six Community Councils.

Legal Implications

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

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

- 1) Provide comments on the contents of the Member Briefing, as set out in the report;
- 2) Delegate authority to the Monitoring Officer, in consultation with the Chair, to finalise the Briefing, having regard to comments provided by Members of the Committee; and
- 3) Instruct the Monitoring Officer to issue the finalised Member Briefing to all Members of Cardiff Council and Cardiff's six Community Councils.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

27th November 2020

Background papers

Standards and Ethics Committee report, 'Member Briefing', March 2018.

**CARDIFF COUNCIL
CYNGOR CAERDYDD**



**STANDARDS AND ETHICS
COMMITTEE**

9th DECEMBER 2020

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

**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 2 OF
2020/21**

Reason for Report

1. To provide the Committee with an update on complaints made during Quarter 2 of 2020/21 (the period running from 1st July 2020 to 30th September 2020) 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 quarterly reports from the Monitoring Officer on complaints, made against Members of Cardiff Council and Community Councils within its area, alleging a breach of the Members' Code of Conduct. (There are six Community Councils in Cardiff: Lisvane; Old St. Mellons; Pentyrch; Radyr and Morganstown; St. Fagans; and Tongwynlais.) These reports provide information to assist the Committee to discharge its functions, in particular:
 - i. To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services, and to report to the Council on any matters of concern;
 - ii. To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application; and
 - iii. To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law',

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

3. The Committee considers the number of complaints made and any themes or patterns emerging, but does not consider the specific details of each individual case, unless the complaint is formally referred to the Committee for a decision.
4. Complaints received during Quarters 3 and 4 of 2019/20 and Quarter 1 of 2020/21 were reported to the Committee meeting on 30th September 2020.

Issues

5. During Quarter 2 of 2020/21, covering the period running from 1st July 2020 to 30th September 2020, no complaints alleging a breach of the Members' Code of Conduct were reported to the Monitoring Officer.
6. The table below shows the figure for this period alongside comparative figures for the previous four quarters.

	Q2 Jul, Aug, Sept 2019	Q3 Oct, Nov, Dec 2019	Q4 Jan, Feb, Mar 2020	Q1 Apr, May, Jun 2020	Q2 Jul, Aug, Sept 2020
Member on Member	4	0	0	1	0
Public on Member	0	1	1	1	0
Officer on Member	0	0	0	0	0
Community Councillors	0	0	0	0	0
Total	4	1	1	2	0

7. When considering the above, the Committee will of course be mindful of the national lockdown which was in effect for most of the reporting period and the impact this may have had.

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 2020

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarters 3 and 4 of 2019/20 and Quarter 1 of 2020/21, 30th September 2020

This page is intentionally left blank

**CYNGOR CAERDYDD
CARDIFF COUNCIL**



STANDARDS AND ETHICS COMMITTEE:

9 December 2020

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

WORK PROGRAMME 2020 - 2021

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 2020/21.

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 2020/21 which reflects ongoing priorities and standard reports and the frequency of reporting. The Committee is invited to review the plan taking into account available resources, and add or remove items and agree the frequency of reporting.

Legal Implications

5. There are no direct legal implications arising from the content of this report. However, the Committee is reminded of its statutory role contained in the extract from the Local Government Act 2000 set out below which should be considered alongside its terms of reference when setting the Forward Plan:

54 Functions of standards committees

- (1) *The general functions of a standards committee of a relevant authority are--*
 (a) *promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and*
 (b) *assisting members and co-opted members of the authority to observe the authority's code of conduct.*
- (2) *Without prejudice to its general functions, a standards committee of a relevant authority has the following specific functions—*
 (a) *advising the authority on the adoption or revision of a code of conduct,*
 (b) *monitoring the operation of the authority's code of conduct, and*
 (c) *advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.*

6. The Committee has the same statutory functions in relation to Community Councils and Community Councillors as it has in relation to the County Council and County Councillors (pursuant to section 56(1) of the Local Government Act 2000).

Financial Implications

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

RECOMMENDATION

The Committee is recommended to consider the Work Plan as set out in Appendix A, and, taking into account its terms of reference and available resources, to agree with the Director of Governance and Legal Services and Monitoring Officer any amendments and how it wishes to progress the various items or topics contained therein.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

1 December 2020

Appendix

Appendix A Work Plan December 2020

Background Papers

Standards & Ethics Committee Work Plan September 2020

STANDARDS AND ETHICS COMMITTEE – WORK PLAN – 2020/21

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 consider the Council's guidance for Officers' gifts and hospitality; and (2) To monitor and review the acceptance of gifts and hospitality by Members.	Monitoring Officer	Medium	Scheduled	ON AGENDA
(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	ON AGENDA
(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
(6) Whistleblowing Policy	To monitor and review the operation of the Council's whistleblowing arrangements; and	Monitoring Officer	Medium	Scheduled	Spring 2020

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
	consider any ethical issues arising.				
(7) Officers Personal Interests	To receive a report on Senior Officers Personal Interests Declarations (annually)	Monitoring Officer / HR	Medium	Scheduled	Spring 2020
(8) Annual Meeting with Group Leaders and Whips	To facilitate ongoing engagement with representatives from all political groups.	Elected Members	Medium	Scheduled	September 2021
(9) Annual Report 2019/20	Prepare Annual Report 2019/20	Committee Chair/ Monitoring Officer	Medium	Scheduled	ON AGENDA

CYNGOR CAERDYDD
CARDIFF COUNCIL



STANDARDS AND ETHICS COMMITTEE:

9TH DECEMBER 2020

**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.

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 proforma 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. Meeting observation feedback has been received in respect of the full Council meeting on 26th November 2020 and a Community Council meeting on 30th November 2020. The completed Observation forms are appended as **Appendix A**.
5. Members will note that the feedback in relation to the full Council meeting is positive in relation to standards of conduct as well as the management of the meeting. The feedback has also been shared with the Lord Mayor, as Chair of Council, for his information.
6. The feedback in relation to the Community Council meeting is also generally positive, although some issues are noted regarding access to documents for the meeting. This feedback has been shared with the Clerk to the Community Council. The Clerk has confirmed that meeting agendas are published online in advance of the meeting.

and emailed to anyone attending remotely; and that minutes are published online after they are approved. The Clerk confirmed that the feedback, including the comments in relation to the reports discussed at the meeting, would be submitted for consideration by the Community Council at its next meeting. The Committee may wish to consider making a recommendation for the Community Council to consider publishing draft minutes and reports relating to business items on their website, if possible, as a matter of good practice, to facilitate transparency and public engagement.

7. All forthcoming Council and Committee meetings are to be held remotely until further notice, due to Covid-19 restrictions. Details of all 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, and in particular, newly appointed members, are encouraged to observe a full Council meeting and a Committee meeting.
8. Details of forthcoming Community Council meetings are published on the respective Councils' websites. Members are similarly encouraged to observe a Community Council meeting. Members are advised to contact the Clerk to confirm the meeting is going ahead and to check arrangements for 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

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

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

- (1) Note the meeting observation feedback received, as set out in **Appendix A** to the report;
- (2) Consider whether to make any recommendations or further comments in relation to the feedback, having regard to the information set out in paragraph 6 of the report; and
- (3) Continue to observe appropriate meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

2nd December 2020

Appendix

Appendix A Meeting Observation Feedback Forms for Council meeting 26 November 2020 and Tongwynlais Community Council Meeting 30th November 2020

Background papers

Standards & Ethics Committee report, 'Observation of Council, Committee and Community Council Meetings, 30th September 2020

Email correspondence with Clerk to Tongwynlais Community Council, dated 01/12/2020 and 02/12/2020

This page is intentionally left blank

STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	CARDIFF CITY COUNCIL MEETING
Date:	26/11/20 at 4.30 pm

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Meeting held virtually
Name plates/ identification of Committee; Witnesses and Officers:	All Councillors were named by the Mayor when called on to speak. Due to the nature of the virtual meeting only some initials shown screen for members attending
Ability to hear proceedings:	The proceedings could be heard very well with no difficulty
Agenda and reports availability:	The agenda and all reports were available prior to the meeting on the Council website
Management of meeting:	The Mayor was excellent in his meeting management
Clarity of decision making:	Decisions were clearly defined

Possible Code of Conduct/ Standards and Ethics Issues:
<p>Although this was a very long meeting (4 hours+) I did not observe any potential issues that would concern the Standards and Ethics Committee.</p> <p>I thought that all members treated each other with respect, often with humour, and behaved in a professional manner even where there was a difference of opinion on issues.</p> <p>The only 'point of order' raised by a Councillor was dealt with quickly and effectively by the Chair/Mayor</p>

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

Name:	ARTHUR HALLETT
Date:	27/11/20

STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	TONGWYNLAIS COMMUNITY COUNCIL
Date:	30 TH NOVEMBER 2020 at 7.30 pm

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Meeting held virtually (Starleaf)
Name plates/ identification of Committee; Witnesses and Officers:	The website showed the names of the members attending virtually. Two members attended by telephone and only their phone numbers were displayed, although they were named as being in attendance at the beginning of the meeting
Ability to hear proceedings:	The meeting could be heard satisfactorily
Agenda and reports availability:	The agenda and minutes for previous meetings are on the Council's website. However, on this occasion neither the agenda for the meeting nor the minutes of the previous meeting in October were available on the website. Also none of the documents being considered by members of the council at the meeting are on the website, making it impossible for members of the public to view the documents being discussed at the meeting. This applies to all previous meetings as well.
Management of meeting:	The Chair handled the meeting very well
Clarity of decision making:	Decisions were clearly defined

Possible Code of Conduct/ Standards and Ethics Issues:
<p>There were no Code of Conduct/Standards and Ethics issues that need to be considered in relation to this meeting.</p> <p>There was strong level of agreement between the members on matters under consideration.</p>

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

Name:	ARTHUR HALLETT
-------	----------------

Date:	30/11/20
-------	----------

This page is intentionally left blank