

STANDARDS & ETHICS COMMITTEE

9 FEBRUARY 2022

Present: Independent Members: Hollie Edwards-Davies (Chair)
Jason Bartlett, Arthur Hallett, David Mills, Chrissie Nicholls

Councillors Cunnah, Sandrey and Williams

Community Councillor Stuart Thomas

118 : APOLOGIES FOR ABSENCE

Apologies were received from Councillor Williams.

119 : DECLARATIONS OF INTEREST

No declarations of interest were received in accordance with the Members Code of Conduct.

120 : MINUTES

The minutes of the meeting on 6 October 2021 were approved as a correct record of that meeting.

The Chair indicated that she would like more time to consider the draft minutes of the Hearings Panel held on 12th January 2022; and the Committee delegated authority to the Monitoring Officer, in consultation with the Chair, to approve the minutes of the Hearings Panel on 12 January 2022.

121 : WELCOME TO THE NEW INDEPENDENT MEMBER

The Chair welcomed David Mills to the Committee.

122 : MEMBERS CODE OF CONDUCT COMPLAINTS UPDATE - QUARTER 3 2021/22

The report provided Members with an update on complaints made against Members of Cardiff Council or any of Cardiff's Community Councils alleging a breach of the Members' Code of Conduct, in particular, complaints received during Quarter 3 of 2021/22 (the period running from 1 October 2021 to 31 December 2021).

The Committee discussed whether, in light of the outcome of the recent local resolution hearing, the Local Resolution Protocol should be reviewed in order to strengthen the test for bringing a complaint to the Hearings Panel. The Monitoring Officer explained that under the current Protocol, a Member may ask for their complaint to be referred to the Hearings Panel if it is not resolved by informal resolution, even if the Monitoring Officer's view is that there is no breach of the Code; and the Panel must then determine the complaint. This ensures Panel members are accountable for determining Member's complaints in an open and transparent manner. However, this could be reviewed, for example, to authorise the Monitoring Officer, in consultation with the Committee Chair, to decide that a complaint should not be referred to the Panel in certain specified circumstances, such as where the

Monitoring Officer's view is that there is insufficient evidence of any breach of the Code. Members indicated that it would be useful for the Committee to have the opportunity to review the Local Resolution Protocol at a future meeting.

The Community Council member expressed concern at the number of complaints from Community Councils and offered his assistance to Officers, if appropriate, when discussing issues with the Clerks.

RESOLVED:

To note the contents of the report.

123 : OBSERVATIONS OF MEETINGS

The Committee discussed the feedback in relation to a meeting of the full Council, which had also been shared with the Lord Mayor for his information, and were pleased to note the positive feedback.

Members discussed observing at future Council, Community Council and other Committee meetings. It was agreed that a list of meeting dates be distributed to Members. The Chair welcomed the interest shown by Members.

Members also discussed the possibility of observing induction and training sessions for new Elected Members. Officers confirmed that this would be possible.

RESOLVED:

1. To note the meeting observation feedback received, as set out in Appendix A to the report; and

To continue to observe meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

124 : REGISTRATION OF GIFTS AND HOSPITALITY RECEIVED BY MEMBERS

The report provided Members with the opportunity of considering the gifts and hospitality received by Members, which have been registered during the period from 1st November 2020 to 31st December 2021, in accordance with rules set under the Members' Code of Conduct.

During consideration of this item Members commented on the small number of registrations for hospitality and queried how much confidence there was that all cases had been declared. Officers advised that it was incumbent on Elected Members to declare all hospitality. There had been a reduction in declarations but that could be accounted for by the lockdown period.

Members were advised that the overwhelming majority of Councillors have attended Code of Conduct refresher sessions and officers were as confident as they could be, that declarations were being made in accordance with the Code of Conduct

RESOLVED:

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 2020 to 31st December 2021.

125 : PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL LETTER 2020/21;
ANNUAL REPORT 2020/21; AND CODE OF CONDUCT CASEBOOK 2020/21

The Chair invited Members to comment on the Annual Letter and Report, which provides an overview of all complaints considered by the Ombudsman during the year 2020/21 followed by an analysis of the complaints received in relation to Cardiff Council. Those discussions are summarised below:

- Members observed and Officers concurred that the number of complaints considered by the Ombudsman in relation to Cardiff was low in comparison with the size of population. Officers observed that it reflected the fact that standards of behaviour had improved and that it was something the city could be proud of.

RESOLVED:

To note the information set out in the report and its appendices.

126 : REVIEW OF THE ETHICAL STANDARDS FRAMEWORK

The Committee were advised of the Independent Review Report which had concluded the current arrangements are largely fit for purpose, but recommended certain changes to the Framework, including a number of changes to the Model Code of Conduct.

The recommended changes included

- making Code of Conduct training mandatory;
- amending the Model Code of Conduct to require that any complaint should be considered for local resolution before it can be referred subsequently to the Public Services Ombudsman;
- formalising guidance on social media;
- ensuring that members of Standards Committees should receive training on how to hold Hearings;
- creation of an All-Wales Forum for Independent Chairs of Standards Committees;
- and a recommendation that the Chair of the Standards Committee should play a leadership role, along with the Chief Executive, the Monitoring Officer and the leaders of political groups, in promoting high standards of conduct across the Council.

The review found that there were serious concerns about bullying, a lack of respect or otherwise generally disruptive behaviour by some Members at meetings of Town and Community Councils, and suggested this might be mitigated by a requirement for mandatory training of councillors and greater use of local resolution procedures.

Officers observed that many of the recommended practices were already carried out at Cardiff Council, and that the second recommendation would result in a significant increase in the number of complaints to be dealt with by the Monitoring Officer and the Standards and Ethics Committee, with associated resource implications, as well as raising questions around independence.

Members were asked to comment or raise questions on the information received. Those discussions are summarised below:

- Members discussed the take up of bespoke training and adoption of local resolution procedures by Community Councils. Officers advised that a number of Community Councils had adopted local resolution procedures. All Community Councils have offered training to their members but not all members have taken it up as it is not mandatory. Officers have provided training to some Community Councils but others have made their own arrangements.
- Members instructed the Monitoring Officer to feedback the Committee's concerns about the recommendation that all complaints should be considered for local resolution, in relation to resource implications and questions around independence.
- Members discussed the precedent set by the Calver case in the context of the prevention of cases of misconduct. Officers observed that training focused on the need to maintain appropriate standards of behaviour.
- There was concern about the higher level of female Councillors reporting unacceptable behaviour. The view was expressed that robust behaviour that was not in itself in breach of the Code could nevertheless have a negative cumulative impact especially on younger female Councillors and might lead them to not seek re-election. Members commented that the standard of behaviour in committees was better than in full Council.
- The view was expressed that there should be more support for Elected Members who were subjects of complaints against them. Officers advised that a Confidential Counselling service was available and that the support for Elected Members was continually reviewed.
- Members expressed the view that the precedent set by the Calver case was not helpful in relation to power and gender imbalances and that the comment in regard to robust political debate could be taken advantage of and lead to bad behaviour. It was observed that junior Councillors could often feel intimidated by the behaviour of senior Elected Members even when no intimidation was intended.
- Members expressed concern that the high threshold set by the Calver case could mean that complainants were set up to fail if their complaint could not meet that standard. Officers advised that potential complainants were advised if their complaint was not likely to succeed. Many potential complainants who might have a strong case choose not to pursue it because they do not wish to subject themselves to the stress.
- Members expressed appreciation for the difficult work of Councillors. The view was expressed that the perennial nature of comments about behaviour in Member Surveys indicated there was a problem that had not been addressed.
- Members discussed unconscious bias in relation to the culture surrounding social activities among Councillors. Officers advised that there had been non-mandatory training in unconscious bias for Elected Members, and that it will be covered in the induction training for new Members.

- Members suggested it would be useful to gather accounts of the experiences of Councillors in relation to unacceptable and intimidating behaviour and unconscious bias for use in training. Officers advised that it would be difficult to do so without breaching confidentiality.
- Members expressed the view that the outcome of a recent complaint would be discouraging to future complainants because the bar for success appeared to be so high.
- Members discussed the culture of political debate among certain Councillors and expressed the view that it was not inclusive and not the sort of culture that should be encouraged. Elected Members should be aiming for a better and more inclusive standard of conduct.
- Officers referred to incoming legislation imposing a duty on Group Leaders to promote and maintain high standards of behaviour within their groups, and proposed individual meetings with Group Leaders to discuss conduct issues, including concerns raised about the behaviour of some Senior Members.
- Officers advised that a previous Chair of the Committee had invited Councillors to discuss examples of bad behaviour with them, but had not received many responses. Members nevertheless indicated that they would welcome another approach being made to Councillors.
- Officers confirmed that there would be training for Cabinet Members in the responsibility of their position in regard to their relationships with backbenchers.

RESOLVED:

To note the information set out in the report and its appendices.

127 : PREPARATION FOR LOCAL ELECTIONS 2022

The Chair invited the Monitoring Officer to introduce the report which reviewed arrangements being made to promote and maintain standards of conduct in preparation for the May 2022 local government elections. The Committee noted the draft letter which was to be sent by the Chair to all election candidates, as agreed at the meeting with group leaders and whips, asking candidates to comply with the standards of conduct in the interests of a fair and honest election.

RESOLVED:

To note the information set out in the report and its appendices.

128 : MEMBER BRIEFING

The Committee was invited to consider the content of its next Member Briefing and approve arrangements for the Briefing to be finalised and issued.

RESOLVED:

1. To 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

To instruct the Monitoring Officer to issue the finalised Member Briefing to all Members of Cardiff Council and Cardiff's six Community Councils, and also, if considered appropriate, to candidates in the forthcoming local government elections.

129 : WORK PROGRAMME 2021/22

The Committee agreed the Work Programme as set out in Appendix A.

130 : URGENT ITEMS (IF ANY)

No urgent items had been received.

131 : DATE OF NEXT MEETING

The next meeting will be on Wednesday 22 June 2022 at 5.00pm.

The meeting terminated at 6.20 pm