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## AGENDA

<b>Committee</b>	STANDARDS & ETHICS COMMITTEE
<b>Date and Time of Meeting</b>	TUESDAY, 25 OCTOBER 2022, 5.00 PM
<b>Venue</b>	CR 4, COUNTY HALL - MULTI LOCATION MEETING
<b>Membership</b>	Independent Members: Jason Bartlett (Chair) Arthur Hallett, David Mills, Chrissie Nicholls and Rashpal Singh  Councillors Cowan, Cunnah and Latif  Community Councillor Julia Charles

### 1 **Committee Membership**

### 2 **Apologies for Absence**

To receive apologies for absence.

### 3 **Declarations of Interest**

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

### 4 **Minutes** (*Pages 5 - 10*)

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

### 5 **Group Leaders New Duties in relation to Standards of Conduct** (*Pages 11 - 22*)

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

**6 Elected Member Exit Survey Comparison 2017 & 2022** *(Pages 23 - 38)*

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

**7 Observation of Meetings** *(Pages 39 - 42)*

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

**8 Members' Code of Conduct Complaints Update, Quarters 1 & 2 2022-23** *(Pages 43 - 48)*

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

**9 Annual Report 2021-22** *(Pages 49 - 54)*

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

**10 Members' Use of Council IT for Political Group Meetings** *(Pages 55 - 60)*

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

**11 Member Briefing** *(Pages 61 - 64)*

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

**12 National Standards Committee Forum** *(Pages 65 - 68)*

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

**13 Public Services Ombudsman for Wales - Consultation on draft Strategic Plan 2023-26** *(Pages 69 - 70)*

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

**14 Work Programme 2022-23** *(Pages 71 - 74)*

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

**15 Senior Officers' Personal Interests Declarations (Pages 75 - 148)**

**Appendix B of the report is exempt from publication as it contains exempt information of the description contained in paragraph 12 of Part 4 and paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.**

Report of the Deputy Monitoring Officer

**16 Urgent Items (if any)**

**17 Date of next meeting.**

14 February 2023 at 4.30 pm

**Davina Fiore**

**Director of Governance and Legal Services**

Date: Wednesday, 19 October 2022

Contact: Mandy Farnham,

02920 872618, Mandy.Farnham@cardiff.gov.uk

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STANDARDS & ETHICS COMMITTEE

22 JUNE 2022

Present: Independent Members: Hollie Edwards-Davies (Chair),  
Councillors Cowan, Cunnah and Latif

1 : APOLOGIES FOR ABSENCE

No apologies for absence were received

2 : DECLARATIONS OF INTEREST

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

3 : COMMITTEE MEMBERSHIP (COUNTY COUNCILLORS) & TERMS OF REFERENCE

The Committee noted that Council, at its Annual meeting on 26 May 2022, appointed Councillors Cowan, Cunnah and Latif to the Committee and agreed the revised Terms of Reference which reflected the updated legislation which placed a statutory duty on Group Leaders to promote and maintain high standards of conduct in their groups which came into force after the recent Local Elections.

The Chairperson welcomed the new members to the Committee.

4 : MINUTES

The Committee approved as a correct record the minutes of the meeting on 9 February 2022.

5 : MEMBERS CODE OF CONDUCT COMPLAINTS UPDATE - QUARTER 4 2021/22

The Committee were provided with an update in respect of complaints made against Members of Cardiff Council or any of Cardiff's Community Councils during Quarter 4 2021/22 (01.01.22 – 31.03.22) alleging a breach of the Members' Code of Conduct.

Members were advised there were still some complaints outstanding from a previous quarter, which have not yet been resolved and are to be referred to the Standards & Ethics Committee Hearings Sub-Committee. The referrals had not taken place previously because of the Pre-Election Period before the Local Elections. Members asked whether the process would remain the same if those Councillors involved were no longer currently elected members and were advised that those complaints currently outstanding all involve members who have been re-elected. Although, if members had stood down it would be up to the member making the complaint as to whether or not they wished to continue.

Members were also referred to the current position in relation to the Code of Conduct training sessions which have taken place since the elections. There have been 3 sessions

and 47 Members out of 79 have attended. Members discussed the categories of training and the procedures followed to ensure attendance at the various training sessions including providing information to the Group Whips to be followed up. There are occasions when the timing of the sessions is the issue, as a consequence sessions are offered at different times; different dates; virtually; and face to face.

Members were advised that, bearing in mind the new statutory duty on Group Leaders, namely, to promote and maintain high standards of conduct within their groups, the guidance from Welsh Government is that Group Leaders should now bring a report to the Committee providing information about steps taken to promote good standards of conduct within their groups and relevant training attended by their Members. The details about training attendance will be populated by Democratic Services. The group leaders' report should highlight any issues they have, and also enable them to be able to answer questions the Committee may have.

Members thought it a good idea to ascertain whether there is a trend in the level of complaints made.

The Committee were advised that new Members would need to be trained before attending the Hearings Panel, and that consideration might have to be given to the use of councillors.

Members expressed concern about the length of time taken to resolve complaints. The Committee were advised that consideration might need to be given as to whether complaints, which in the Monitoring Officer's view do not constitute a breach of the Code, should be brought before the Hearings Panel.

RESOLVED:

To note the contents of the report

6 : MEMBERS EXIT SURVEY 2022

Members of the Committee were provided with the analysis of information gathered from the 2022 Members Exit Survey.

Members were advised that there had been a 57% completion rate of the survey. Compared to the 2016 exit survey, surveys in intervening years showed slight improvements in terms of those saying they have witnessed unacceptable behaviour. In the 2022 survey, 38% said they have experienced unacceptable behaviours. The reasons are unclear. There may be a greater willingness to discuss unacceptable behaviours, or it may be due to election stress.

Members discussed the suggestions put forward by respondents to the survey on how to deal with unacceptable behaviour. It is necessary to work within the legal framework and follow the Hearings Panel procedure. In previous surveys the number of people reporting unacceptable behaviour decreased following induction training, and it is recommended that another survey is carried out after a year to see whether there is a fall in reports. It would be helpful if group leaders actively engage in accordance with their statutory duty to promote good conduct. It should not be expected that all officers challenge unacceptable behaviour.

Members were advised that it was not possible to know for certain what timescale people were referring to when they reported unacceptable behaviour in the intervening surveys, although the exit survey covers the period since the previous election.

Members discussed complaints raised by councillors about unacceptable behaviour from members of their own party. The Committee were advised that such complaints are sometimes raised informally. Officers are unable to get involved in incidents that occur outside of Council meetings or business, for example in group meetings. Groups have their own processes and leaders and group whips try to ensure acceptable behaviour. Most groups have deputy leaders and group whips who would be included in training in case complaints are raised against the group leader.

Members were advised that there were two suspensions during the last Council administration, both involving one member and both in relation to serious breaches of the Code of Conduct. There are regular reports to the Committee setting out the number of complaints made during the previous quarter. Complaints made to group leaders or whips are not included and it may be the Committee would wish that information also to be made available.

Members were advised that refresher training is carried out periodically and a newsletter distributed to councillors. It is unclear how well the newsletter is read given the workload of councillors, and considering that many also have full-time jobs and family responsibilities. It might be possible for senior officers or the Committee Chair to attend group meetings to help get the message out.

Members discussed training in recognising unacceptable behaviour. Examples are given in Code of Conduct training. Hiring outside experts to provide specialist training would be unaffordable and officers do not have time to conduct role modelling exercises. Those who would benefit most from training often do not attend.

Members were interested in exploring different breakdowns of the data regarding complaints of unacceptable behaviour in relation to the various protected characteristics. Officers advised that the information would be brought to the next meeting if it was available, but cautioned that it might not be possible as the data was anonymised

Members were advised that Chairs have the power to exclude councillors from meetings, however Officers' advice was that the power not be exercised as it would be difficult to enforce without excessive disruption and embarrassment to the Council, especially in full Council meetings. Officers try to deal with problems without interruption to the conduct of business.

Members suggested that the Chair, on behalf of the Committee consider writing a letter to group leaders detailing some of the issues raised during the discussion of this item.

#### RESOLVED:

- (1) to note the analysis of the responses received from the 2022 Exit Survey that fall within the remit of this Committee;
- (2) to agree to monitor the position for a period of 12 months and carry out a repeat survey in April 2023 to check for any improvements.

## 7 : DRAFT STATUTORY GUIDANCE ON STANDARDS OF CONDUCT AND DISCLOSURE OF MEMBERS' HOME ADDRESSES IN THE MEMBERS REGISTER OF INTERESTS

Members were advised of the Welsh Government's consultation on draft strategy guidance in relation to:

- (i) the new duties of political group leaders in relation to standards of conduct and corresponding new duties placed on standards committees (introduced by Part 4 of the Local Government and Elections (Wales) Act 2021, 'the 2021 Act'); and the response submitted by the Monitoring Officer; and
- (ii) other parts of the 2021 Act (within consolidated guidance referred to as 'the Democracy Handbook', most of which falls outside of the remit of the Standards and Ethics Committee), in respect of potential implications of disclosure of Members' home addresses in the Members' Register of Interests.

Members noted that a response had been submitted in relation to the draft guidance in relation to the new duties of political group leaders; the new statutory duties were welcomed.

Members discussed the implications of the disclosure of Members' home addresses appearing on the Members' Register of Interests, with concerns being raised about incidents of violence involving current and previous Elected Members. Members were advised that any incidents should be reported to the Monitoring Officer, the Corporate Security Manager, and also the Police. Information was provided in relation to the PeopleSafe App which is provided by the Council.

During those discussions Members were advised that the Ombudsman's guidance currently makes it clear that full home addresses do not need to be provided, but that a street name or postcode will suffice. The Monitoring Officer, if she believes that there is, bearing in mind particular circumstances, a serious risk of violence or intimidation, can make an exemption.

Members were of the view that the response to the consultation should be on the basis of the only information being provided is the Ward Area. Members would like to be provided with the Consultation response for comment before it is forwarded to Welsh Government.

Members discussed the Pro Forma Report to be completed by Group Leaders; it will include the number of referrals made to group leaders and should include any reports of unacceptable behaviour.

Members discussed the frequency of meetings with Group Leaders and Whips; Members recommended that Group Leaders and Whips be invited to the meetings bi-annually. Members were advised that the Plaid Cymru/Green Party Common Ground Alliance have a Group Leader and a Whip who would be invited. Propel has one independent member which does not constitute a group; it would not be necessary to invite them as the statutory duties of Group Leaders do not apply.

RESOLVED:



- (1) To note the information set out in the report and appendices;
- (2) To agree the proforma Group Leader's Report to Standards and Ethics Committee at **Appendix A**, with the agreed amendments, and the proposed frequency of reporting;
- (3) To agree that the completed proforma Group Leader's Reports (**Appendix A**, with any agreed amendments) should be discussed at the next meeting with group leaders and whips, scheduled for Autumn 2022;
- (4) To endorse the Consultation Response submitted by the Monitoring Officer, **Appendix B**; and
- (5) To authorise the Monitoring Officer, in consultation with the Chair, to finalise the response to be submitted on behalf of the committee to the WG consultation on the Democracy Handbook, in relation to the disclosure of Members' addresses in the Members' Register of Interests (paragraph 15 of the report).

**8 : COMMITTEE MEMBERSHIP - COMMUNITY COUNCIL MEMBER; AND ELECTION OF CHAIR AND VICE-CHAIR**

Members discussed the vacancy which has arisen for the Community Council member of the Committee, and arrangements for a selection process to fill the vacancy; and the election of a Chairperson to take office after the expiry of the current Chair's term of office, and a Vice-Chairperson if that position should subsequently become vacant.

It was noted that the Committee has received 3 expressions of interest in filling the vacancy for a Community Council member, as detailed in Appendix A of the report which is exempt from publication.

Jason Bartlett was nominated and approved as Chairperson. Chrissie Nicholls confirmed that she was happy to continue as Vice-Chairperson.

Jason Bartlett, David Mills and Chrissie Nicholls volunteered to serve on the Appointments Panel, with Arthur Hallett and Cllr Cowan in reserve.

**RESOLVED:**

1. To note the information set out in this report and **Appendix A (Exempt)**;
2. To agree the establishment of an Appointments Panel, comprised in accordance with paragraph 9 of the report, with delegated authority to shortlist and, if necessary, to interview eligible nominees for the position of community council member of the Standards and Ethics Committee, and make recommendations on appointment;
3. To authorise the Monitoring Officer, in consultation with the Chair, to make all necessary administrative arrangements for the selection process, including convening of the Appointments Panel and scheduling of interviews;
4. To recommend the appointment of (i) a community council member; and (ii) subject to approval of the required constitution amendments, a substitute community

council member to discharge the role in any case in which the community council member has a conflict of interests, as set out in paragraphs 10-11 of the report;

5. To note that the recommendations of the Appointments Panel on the appointment of the community council member and a substitute community council member, along with the recommended Constitution amendments, will be submitted to full Council for approval; and
6. To elect Jason Bartlett as Chairperson for a term of four years or until his term of office on the Committee comes to an end if this is sooner.

## 9 : OBSERVATIONS AT MEETINGS

Members discussed the feedback provided by Committee members following observation of meetings of the Council and Community Councils.

Members expressed a desire for the distribution of a list of forthcoming meetings which would allow for visits to be coordinated between Members; Officers advised that this could be facilitated once a schedule of meetings had been agreed at Council.

### RESOLVED:

- (1) To note the meeting observation feedback received, as set out in **Appendix A**
- (2) To continue to observe meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

## 10 : WORK PROGRAMME 2022/2023

Members considered the Committee's Work Programme and agreed the items for consideration by the Committee in 2022/23.

Members expressed their gratitude to Hollie Edwards-Davies for her service on the Committee and as Committee Chairperson.

## 11 : URGENT ITEMS (IF ANY)

No urgent items were received.

## 12 : DATE OF NEXT MEETING

To be confirmed

The meeting terminated at 6.44 pm

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

**GROUP LEADERS' DUTIES IN RELATION TO STANDARDS OF  
CONDUCT**

**Reason for this Report**

1. To allow the Committee to consider the arrangements to be put in place in order to comply with the new duties of political group leaders in relation to standards of conduct and corresponding new duties placed on standards committees (introduced by Part 4 of the Local Government and Elections (Wales) Act 2021, 'the 2021 Act').

**Background**

2. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), Part 4 introduced certain changes to the statutory ethical framework (set under Part 3 of the Local Government Act 2000), which took effect from 5<sup>th</sup> May 2022. The legislative changes were reported to the Committee on 3<sup>rd</sup> March 2021 in the report titled 'Statutory Ethical Framework – New Legislation', and include:
  - (a) New duties for leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by members of their group, and to co-operate with the standards committee in the discharge of its functions; and
  - (b) New duties for standards committees to monitor the compliance of political group leaders with their new duties; and for advising and training (or arranging training) of political group leaders in relation to those duties (referred to in paragraph (a) above); and to submit an annual report to full Council.
3. In complying with the new duties, political group leaders and standards committees must have regard to any guidance issued by the Welsh Ministers.
4. At its last meeting, on 22<sup>nd</sup> June, the Committee received a report on the draft statutory guidance on this topic issued for consultation, and endorsed the consultation response submitted by the Monitoring Officer. The Committee

also considered a proforma for the group leaders' report to the Committee and agreed that this should be discussed at the next meeting with leaders and whips.

5. In line with its established practice, the Committee meets annually with group leaders and whips to informally discuss conduct issues. The last such meeting was held in October 2021. Group leaders and whips have been invited to attend this Committee meeting.

## Issues

6. The Standards of Conduct draft statutory guidance: [Consultation on the Local Government and Elections \(Wales\) Act 2021: standards of conduct statutory guidance \[HTML\] | GOV.WALES](#) is **Appendix A** to this report. Key provisions of the draft statutory guidance were reported to the last Committee meeting and include the following:

- (i) The purpose of the new provisions is 'to ensure leaders of political groups in principal councils, supported by standards committees, promote and maintain high standards of conduct by the members of their group'; and notes that they 'support the Welsh Government's wider commitment to equality and diversity in public life', within the context of other initiatives seeking to ensure councils 'demonstrate an open and welcoming culture to all' and promoting 'civil, constructive and respectful political discourse'.
- (ii) The draft guidance makes clear that 'The duty does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility. However, they do have a role in taking reasonable steps in maintaining standards, setting an example, using their influence to promote a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues as soon as they arise.' The draft guidance goes on to list a number of reasonable steps the group leader *may* undertake and warns that 'A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code (see the Ombudsman's Guidance).'
- (iii) The Ombudsman's Guidance on the Code of Conduct includes the following in this regard:

'2.32 When considering whether a member's conduct is indicative of bringing their office or their authority into disrepute, I will consider their actions from the viewpoint of a reasonable member of the public. It is likely that the actions of those members in more senior positions, such as the Leader, an Executive Member of Committee Chair, will attract higher public expectations and greater scrutiny than ordinary members. It is more likely, therefore, that inappropriate behaviour by such members will damage public confidence and be seen as bringing both their office and their authority into disrepute. This does not mean that inappropriate behaviour by ordinary members can never bring their authority into disrepute.'

- (iv) In relation to the duty for political group leaders to co-operate with the standards committee, the draft statutory guidance says that 'Leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate ones. Group leaders should also report compliance with their duty to the standards committee. This can take the form of a short letter or report at a frequency agreed by the political group leaders in the council and its standards committee. Group leaders should also report any serious concerns about members' behaviour which have not been remedied by informal actions, in line with the requirement in the Code for councillors to report breaches.'
- (v) The draft guidance on the standards committee's new duty to monitor group leaders' compliance with their duties correspondingly says that 'a council's political group leaders and its standards committee should agree on the form and frequency of a report from each group leader to the standards committee. The standards committee should then consider each report and provide feedback to the group leaders.'
7. The proforma Group Leaders' Report, which was discussed at the last Committee meeting, has been revised to:
- (i) reflect comments made at the last Committee meeting to include complaints about any unacceptable behaviour (highlighted in the responses to the Members' Exit Survey);
  - (ii) include further information about the source and level of complaints, to be provided by the Monitoring Officer's staff; and
  - (iii) make a few other drafting improvements aimed at assisting group leaders to provide the Committee with as much relevant information as possible.
8. In revising the proforma, the Monitoring Officer has also had the opportunity to review a proforma developed by colleagues in another local authority, which has been shared within the Welsh Monitoring Officers group.
9. The revised proforma Group Leaders' Report is attached as **Appendix B**. The Committee will note that the first section is to be completed by the Monitoring Officer's staff prior to sending the form to each group leader for them to complete and return. The completed Group Leaders' Reports will then be reported to the Committee for discussion.
10. The Committee discussed the frequency of the group leaders' report at its last meeting and agreed that biannually would be appropriate.
11. With regard to training for group leaders on their new duties, the draft guidance says 'At the start of each administration this should take place within six months of the election and be reviewed at least annually.' As previously reported to the Committee, the Monitoring Officer has included an overview of group leaders' new duties within the Code of Conduct training sessions delivered as part of the Member Induction Programme 2022, and further specific training sessions will be arranged in due course.

12. The Committee is recommended to consider the arrangements to be put in place in Cardiff to comply with the new statutory duties in relation to political group leaders and standards of conduct. In doing so, the Committee should take account of any views on these matters expressed by the political group leaders, specifically in relation to:
  - (i) The content of the proforma Group Leaders Report (**Appendix B**);
  - (ii) The frequency on which group leaders are to be asked to report to the Committee; and
  - (iii) What training should be provided to assist group leaders to comply with their new duties.
  
13. The Committee should note that the new statutory provisions in relation to its annual report to Council (to be considered by the Committee under agenda item 9) will, in future, require an assessment of group leaders' compliance with their new duties under the 2021 Act (as set out in this report) with effect from the Committee's Annual Report 2022/23, which is to be presented to Council as soon as reasonably practicable after the end of the current financial year.

### **Legal Implications**

14. Relevant legal provisions are set out in the body of the report.

### **Financial Implications**

15. There are no direct financial implications arising from this report. Any costs of providing training and advice for political group leaders are to be met from the allocated budget.

### **RECOMMENDATIONS**

The Committee is recommended to:

- (1) Approve the revised proforma Group Leaders Report (**Appendix B**), subject to any agreed amendments;
- (2) Authorise the Monitoring Officer, in consultation with the Chair, to make any agreed amendments to the proforma Group Leaders' Report, and send it to the Group Leaders for completion and return prior to the Committee meeting scheduled to be held in May 2023;
- (3) Agree to consider the Group Leaders' Reports at the May 2023 Committee meeting;
- (4) Agree the frequency on which group leaders are to be asked to report to the Committee thereafter; and
- (5) Agree what training should be provided to assist group leaders to comply with their new duties.

**Davina Fiore**  
**Director of Governance and Legal Services and Monitoring Officer**  
17<sup>th</sup> October 2022

## **Appendices**

Appendix A Standards of Conduct draft statutory guidance: [Consultation on the Local Government and Elections \(Wales\) Act 2021: standards of conduct statutory guidance \[HTML\] | GOV.WALES](#)

Appendix B Group Leader's Report to Standards and Ethics Committee  
(draft Proforma)

## Background papers

Standards and Ethics Committee report, 'Draft Statutory Guidance on Standards of Conduct',  
22<sup>nd</sup> June 2022

Ombudsman's Guidance on the Members' Code of Conduct: [General : 27 FINAL Investigation Report Template s21 casework support only \(ombudsman.wales\)](#)

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# GROUP LEADER'S REPORT TO STANDARDS AND ETHICS COMMITTEE

## Promoting Compliance with the Code of Conduct

Report by:

Group Leader / Deputy Group Leader

<b><i>TO BE COMPLETED BY MONITORING OFFICER'S STAFF</i></b>			
Political Group:			
No. of members:			
Reporting period:			
<b><u>NUMBER, SOURCE AND LEVEL OF COMPLAINTS</u></b>			
	Informal Resolution	Local Resolution Hearing	PSOW
Public			
Officers			
Councillors			
<b><u>TRAINING RECORDS</u></b>			
Code of Conduct	Number of Councillors trained:	%	
Group members' Training Records attached?	Yes / No		

## **STEPS TAKEN TO PROMOTE COMPLIANCE**

***(TO BE COMPLETED BY GROUP LEADER / DEPUTY GROUP LEADER)***

How many complaints have been raised with you about the conduct (including unacceptable behaviour) of members of your group?

Please give a brief ANONYMISED description of these complaints, including the source, subject matter and action you have taken in relation to these complaints. (Please continue on a separate sheet, if necessary.)

<b>REPORTED TO YOU BY:</b> - Monitoring Officer; - Group Member; - Member of another Group; - Staff member; - Member of the Public; - Other (please specify)	<b>SUBJECT MATTER OF COMPLAINT</b>	<b>ACTION TAKEN</b>	<b>OUTCOME</b> Resolved / Ongoing
<i>Example:</i> Staff member	<i>Failing to treat with respect</i>	<i>Spoke with Member concerned who agreed to apologise. Apology duly given.</i>	<i>Resolved</i>

PLEASE CONFIRM THE STEPS YOU'VE TAKEN TO:

- (I) PROMOTE AND MAINTAIN HIGH STANDARDS OF CONDUCT BY MEMBERS OF YOUR GROUP; AND
- (II) CO-OPERATE WITH THE STANDARDS & ETHICS COMMITTEE IN THE DISCHARGE OF ITS FUNCTIONS:

	<b>STEPS TAKEN</b>	<b>PLEASE TICK ANY THAT APPLY</b>	<b>ANY COMMENTS</b>
1.	Demonstrating personal commitment to, and attending relevant development or training on, the Member Code of Conduct and equalities		
2.	Encouraging group members to attend relevant development or training on		

	the Member Code of Conduct and equalities		
3.	Asking nominees to a committee to ensure they have attended the recommended training for that committee		
4.	Promoting civility and respect at all times, including on social media, within group communications (including group WhatsApp's) and meetings and in formal Council meetings		
5.	Promoting informal resolution procedures in the council, and working with the Standards & Ethics Committee and Monitoring Officer to achieve local resolution		
6.	Promoting a culture within the group which supports high standards of conduct and integrity		
7.	Attend a meeting of the Standards & Ethics Committee if requested to discuss Code of Conduct issues		
8.	Support any action taken by the Standards & Ethics Committee in relation to a Member found in breach of the Code; and work to implement any recommendations from the Committee about improving standards		
9.	Work together with other group leaders, within reason, to collectively support high standards of conduct within the Council and in public life generally		
10.	Report any concerns about Members' behaviour which have not been remedied by informal actions, in line with the duty to report breaches of the Code of Conduct.		
11.	Any other steps (please outline any other steps taken)		

HAVE ALL YOUR GROUP MEMBERS COMPLETED ALL MANDATORY TRAINING?

<b>MANDATORY TRAINING (ALL MEMBERS)</b>	<b>YES / NO</b>
Code of Conduct	
Information Governance and Data Protection	
Supporting Equality	
Corporate Parenting	
Safeguarding	

<b>MANDATORY TRAINING (RELEVANT MEMBERS ONLY)</b>	
Cabinet Induction	
Governance and Audit Committee Induction	
Planning Committee Induction	
Planning Committee for Members and Role of Committee	
Public Protection Committee Induction	
Licensing Committee Induction	

(If NO, please tell us how many Members have not completed all mandatory training, brief reasons and any action being taken to address this)

PLEASE TELL US IF THERE ARE ANY OUTSTANDING ISSUES OR CONCERNS YOU WISH TO RAISE WITH THE STANDARDS & ETHICS COMMITTEE:

WOULD YOU LIKE THE OPPORTUNITY TO DISCUSS ANY MATTERS INFORMALLY AND PRIVATELY WITH THE COMMITTEE?                      YES / NO

WHAT, IF ANY, TRAINING HAVE YOU UNDERTAKEN TO SUPPORT THE DISCHARGE OF YOUR GROUP LEADER DUTIES IN RELATION TO STANDARDS OF CONDUCT?

PLEASE TELL US IF THERE IS ANY FURTHER TRAINING YOU WOULD FIND HELPFUL TO ASSIST YOU TO DISCHARGE THESE DUTIES?

Thank you!

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

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**ELECTED MEMBER EXIT SURVEY COMPARISON 2017 & 2022****Reason for this Report**

1. To provide the Standards and Ethics Committee with the comparative analysis of information gathered from the 2017 and 2022 Members Exit Survey which was requested at meeting on 22 June 2022.

**Background**

2. In 2016, the Chairs of the Standards and Ethics Committee and the Democratic Services Committee agreed that a Member Exit Survey be undertaken to enable lessons to be learned about the experiences of Councillors during their five-year term of office, and reasons for leaving or not standing for re-election. Further surveys of members were also carried out in the municipal years 17/18 and 19/20.
3. At the end of the 2022 term of office for the 75 Elected Members in office a further exit survey was carried out. All Elected Members were circulated an electronic survey and invited to complete the Exit Survey.
4. The Exit Survey, sought to provide Members feedback on:
  - a. the previous five years in office, in particular views of Members who had indicated that they were not standing for re-election.
  - b. their training and development needs,
  - c. the challenges Members encountered during their term of office.
5. The analysis of the responses for the 2022 Elected Member Exit Survey was presented to Standards and Ethics Committees for consideration at its meeting on 22 June 2022 which resulted in a request for the comparative data between the 2017 and 2022 Exit surveys be provided.

**Issues**

6. All 75 Elected members were invited to complete the 2017 and 2022 surveys. There were 43 Councillors (57.3%) who responded all or part of the survey in 2022 which was a slight decrease in the number of respondents 47 (63%) Elected Members who completed the survey in 2016-17. Some of this difference may be attributed to the later circulation of the survey in February – March 2022, as opposed to January-

February 2017. A comparative analysis of these Exit Survey relevant to the Standards and Ethics committee are set out in **Appendix A**.

### Improvements

7. Although a significant proportion of Elected Members who responded to the survey in 2017 experienced various forms of unacceptable behaviours (57%) a slightly lower proportion of respondents (51%) responded with the same view in the 2022 Exit survey results.
8. The results of the two surveys suggest that female Elected Members were more likely to experience unacceptable behaviours compared to their male counterparts. In the 2017 survey a much greater proportion of female respondents (71%) confirmed that they experienced unacceptable behaviours compared to the proportion of male respondents (48%). The position was similar in 2022 but with a reduced percentage of respondents experiencing unacceptable behaviours (59% of a female and 46% male respondents) in 2022 Exit Surveys.
9. A comparison of the survey results shows that there is a much smaller number and proportion of respondents (4 out of 10 or 40%) in the 2022 Exit Survey indicated that they experienced discrimination. More respondents in the 2017 survey (7 out of 10 or 70%) confirmed that the experienced discrimination.
10. The results also show that the number of male respondents in the 2022 Exit survey who confirmed that they experienced discrimination is lower when compared to the 2017 Exit Survey results.

### Challenges

11. In the 2022 Exit survey, the majority of female respondents (8 out of 10 or 80%) who experienced unacceptable behaviours indicated that they were subjected to bullying behaviours. In comparison, the total number of female respondents who (6 out of 10 behaviours or 60%) indicated a similar response is slightly lower in the 2017 Exit Survey.
12. The 2022 Exit Survey results show that three quarters (72%) of the male respondents felt that they were subjected to bullying. This figure is higher when compared to male respondents (54%) in the 2017 Exit Survey who indicated the same response.
13. Future Exit Surveys should be planned and promoted to encourage as many Elected Members as possible to complete the surveys before their term of office ends. A higher response rate would more accurately reflect the behaviours of the Council as a whole and clarify any changes to the experienced and witnessed behaviours of Elected Members

### Summary

14. Although a slight decrease in unacceptable behaviours has been identified in the 2022 Exit Survey, the Committee is requested to identify any actions which they consider appropriate to ensure that this trend continues and the challenges



identified within the report can be addressed to minimise the levels of unacceptable behaviours.

### **Legal Implications**

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

### **Financial Implications**

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

### **Recommendations**

The Committee is recommended

- (1) to consider the comparative analysis of the responses received from the 2022 and 2017 Exit Survey that fall within the remit of this Committee;
- (2) to consider whether any areas require further consideration by the Committee as part of its 2022/23 Work Programme.

**DAVINA FIORE**

**Director of Governance and Legal Services and Monitoring Officer**

17 October 2022

### **Appendix A - Comparison of Elected Member Exit Surveys 2017 & 2022**

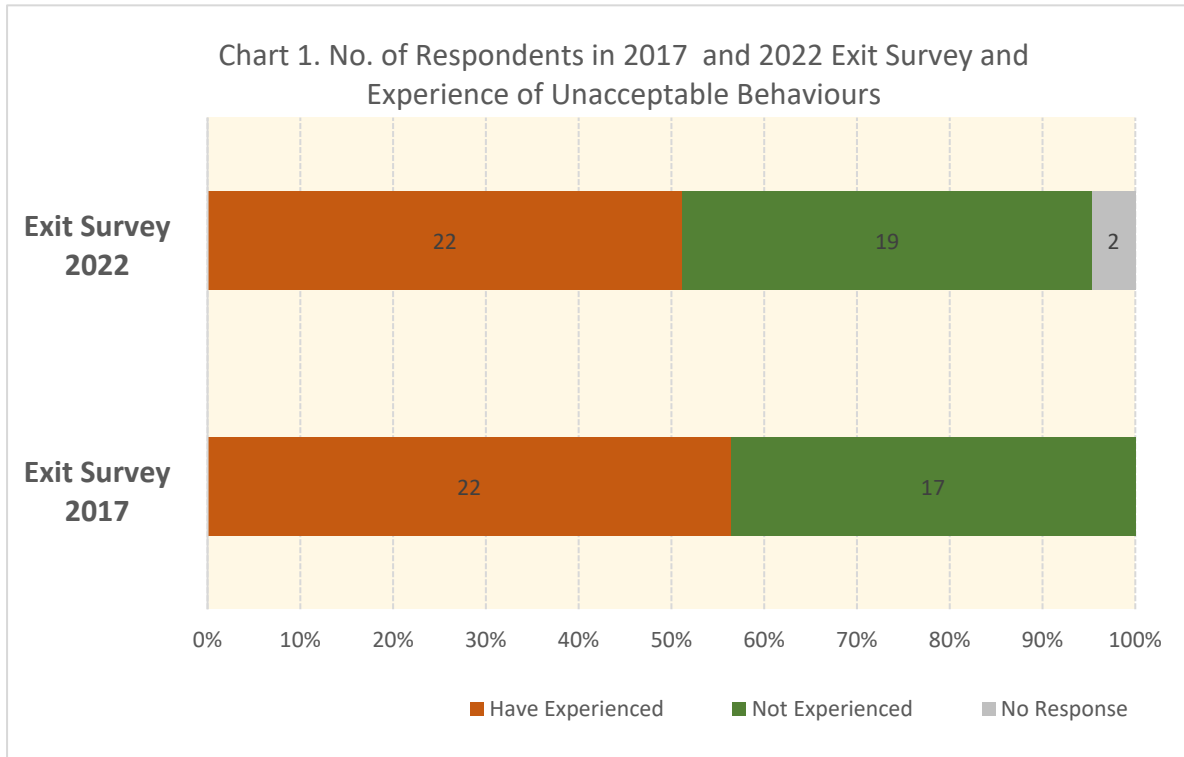
Background papers:

- [Members Exit Survey 2016-2017](#) Report to Standards and Ethics Committee dated 22 March 2017.
- [Members Annual Survey 2017-18](#) Report to Standards and Ethics Committee dated 5 December 2018
- [Members Annual Survey 2019 - 2020](#) Report to Standards and Ethics Committee dated 30 September 2020
- [Section 62 Local Government and Election \(Wales\) Act 2021](#)
- Political Group Leader Role Description considered by [Cardiff Council on 25 November 2021](#)
- Minute 99: Elected Member Learning and Development [Cardiff Council dated 25 November 2021](#)
- Diverse Council Declaration Report to [Cardiff Council dated 27 Jan 2022](#)
- [Members Exit Survey 2022](#), report to Standards and Ethics Committee dated 22 June 2022

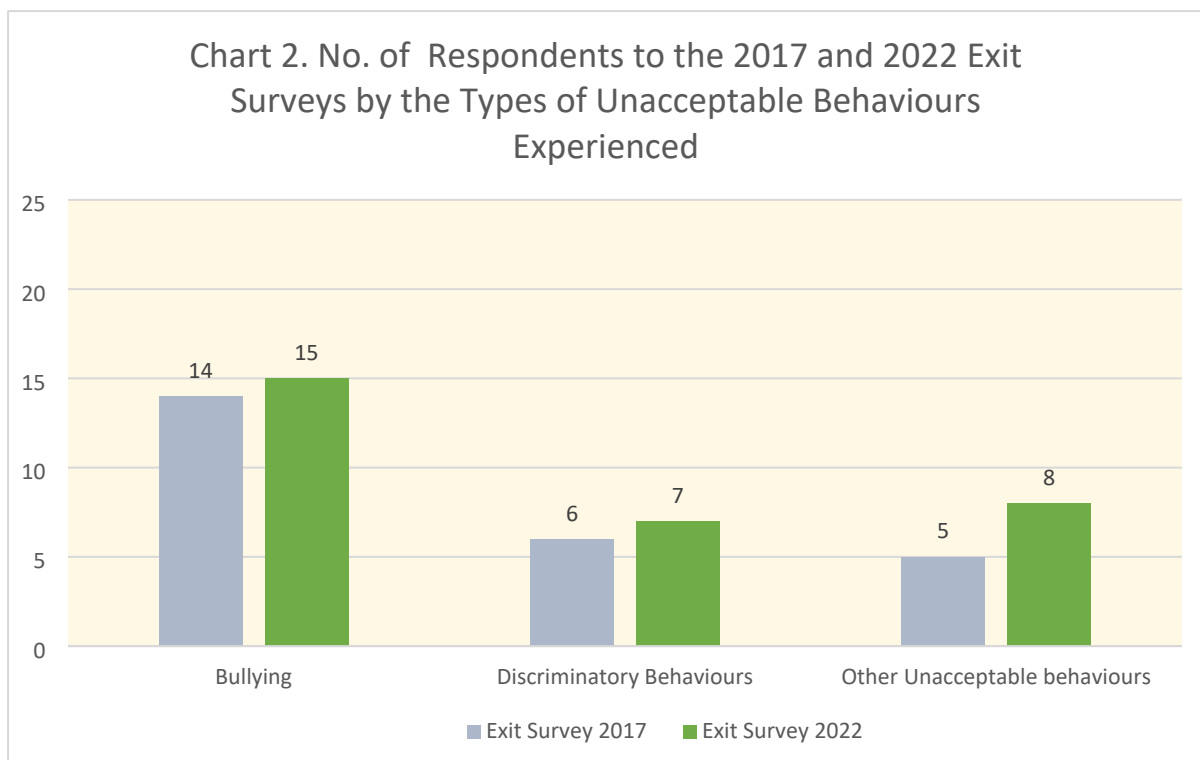
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## COMPARISON OF ELECTED MEMBER EXIT SURVEYS 2017 & 2022

### Respondents' Experience of Unacceptable Behaviours



The results in Chart 1 above show that a slightly higher number of outgoing Elected Members answered this question in the 2022 Exit Survey (43) compared to those who completed the 2017 Exit survey (39). In both surveys, total number of respondents (22) who confirmed that they have experienced some form of unacceptable behaviour is the same.



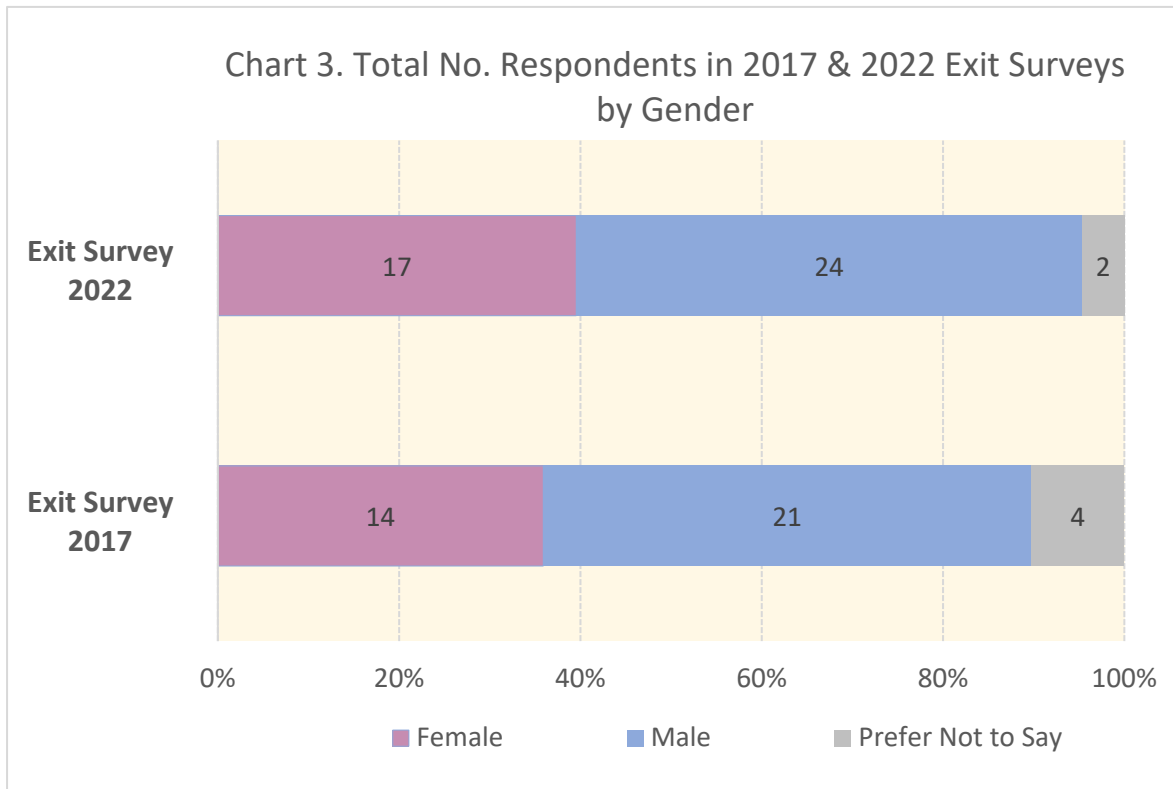
Although the total number of respondents who experienced unacceptable behaviours is the same (22) in both the surveys, the numbers of those who have experienced unacceptable behaviours is slightly higher in the 2022 Exit Survey when compared with results from the 2017 Exit Survey.

The number of respondents in the 2022 Exit who confirmed that they experienced bullying (15), or discriminatory behaviours (7) is only very slightly higher than the numbers reported in in 2017 Exit Survey. There is a much higher number of respondents (8) in the 2022 Exit Survey who confirmed that they experienced ‘Other Unacceptable Behaviours’.

These are the 7 examples of other unacceptable behaviours include:

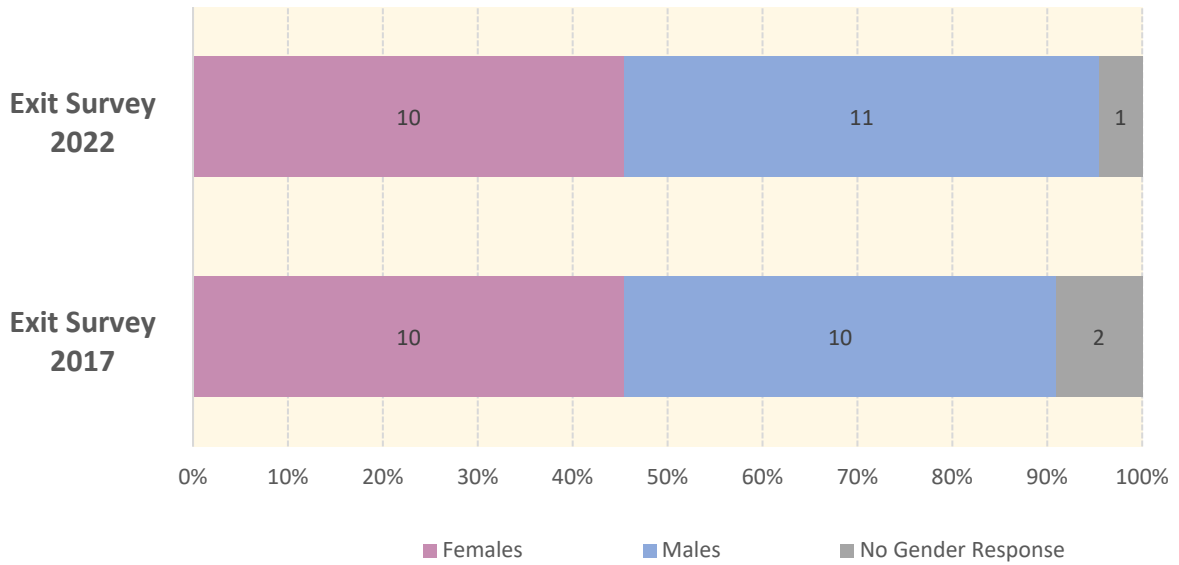
- Lack of respect
- Personal Attacks and rudeness
- Lack of consideration given to role as a single parent to a young child
- Aggressive, bad behaviour.
- Dishonest during election campaign
- Overbearing behaviour from some councillors
- Threatening behaviour from residents

## Respondents' Experience of Unacceptable Behaviours by Gender



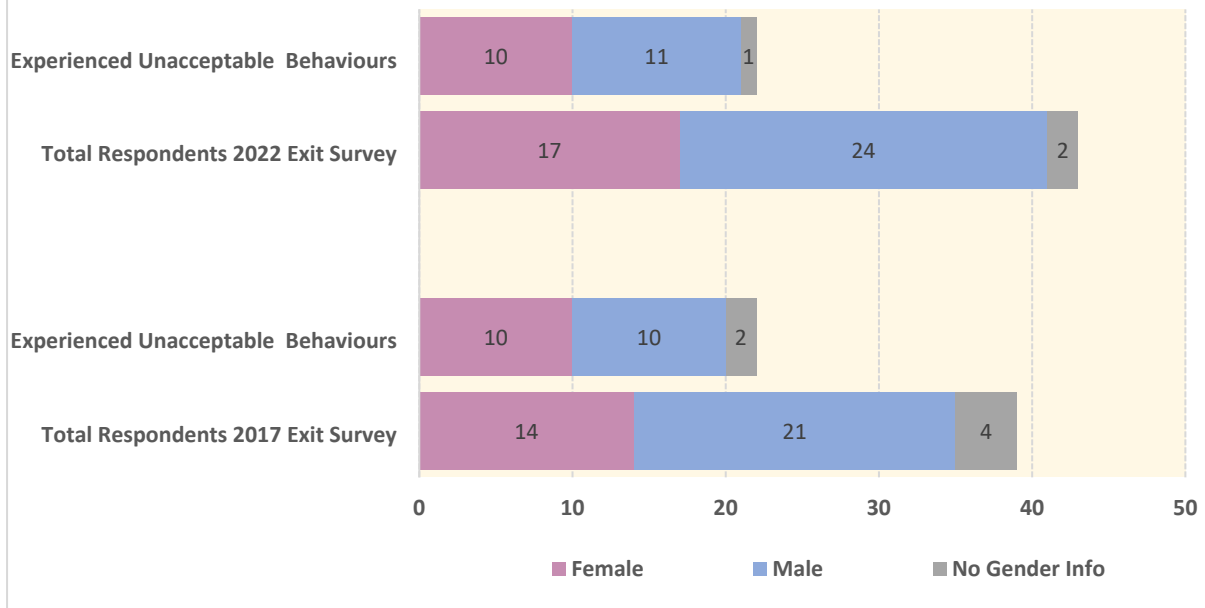
As illustrated in Chart 3 above, more respondents completed this question in the 2022 Exit Survey compared to those who responded to the 2017 Exit Survey. More specifically, a slightly higher number of female and male respondents completed the 2022 Exit Survey. In both surveys, there were a few respondents who did not provide information on their gender.

Chart 4. No. of of Respondents who Experienced Unacceptable Behaviours by Gender



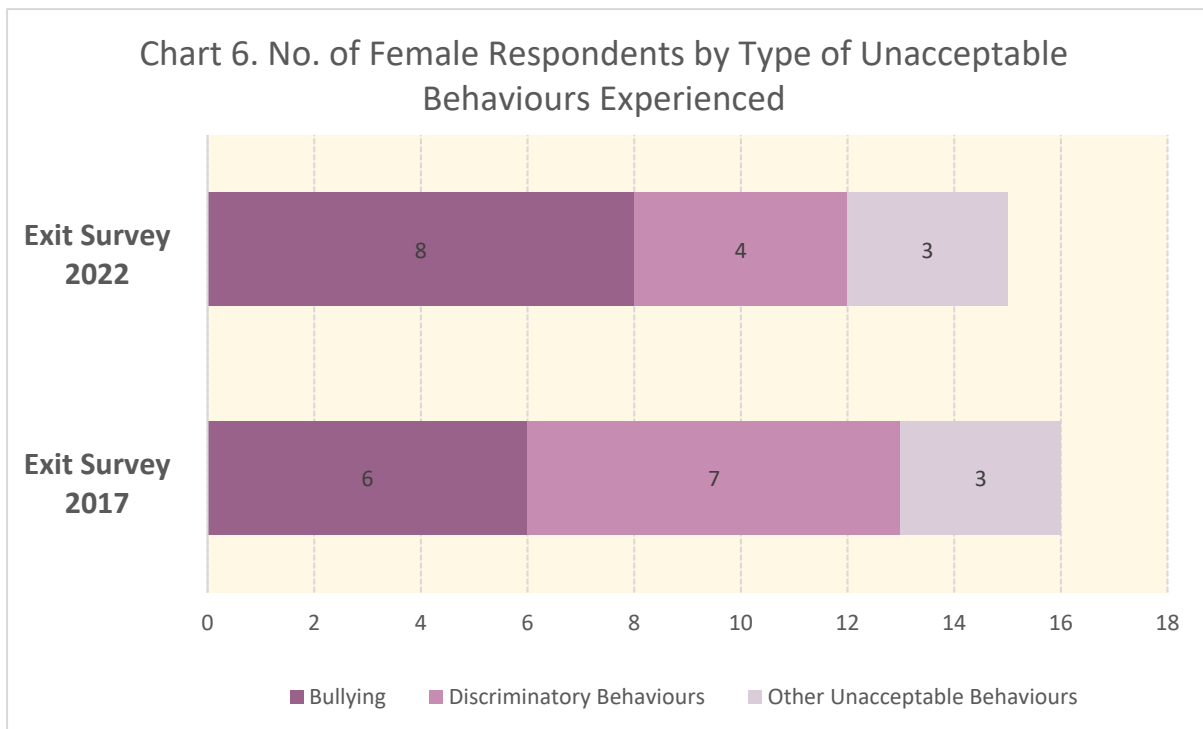
The results in Chart 4 above show that the total number of respondents in the 2017 Exit Survey (22) who indicated that they have experienced some form of unacceptable behaviour is the same as those in the 2022 Exit Survey (22). More specifically, the number of male and female respondents who completed the surveys are almost the same too.

Chart 5. No. of Respondents in 2017 & 2022 Exit Surveys who have Experienced Unacceptable Behaviours vs Total No. of Exit Survey Respondents in each Year



The results in Chart 5 above show that a substantial proportion of Elected Members have experienced various forms of unacceptable behaviours. More than half (in the range of 51% - 56%) of all respondents (both male and female respondents in 2017 & 2022 Exit Survey) have experienced some form of unacceptable behaviours. In 2017, 56% of those who completed the Exit Survey indicated that they have experienced such behaviours. A slightly lower proportion of respondents (51%), in the 2022 Exit survey results provided the same response.

The results of the two surveys suggest that female Elected Members were more likely to experience unacceptable behaviours compared to their male counterparts. A much greater proportion of female respondents (in the range of 71% in 2017 and 59% in 2022 Exit Surveys) confirmed that they experienced unacceptable behaviours compared to the proportion of male respondents (48% in 2017 and 46% in 2022 Exit Surveys) who indicated the same response.

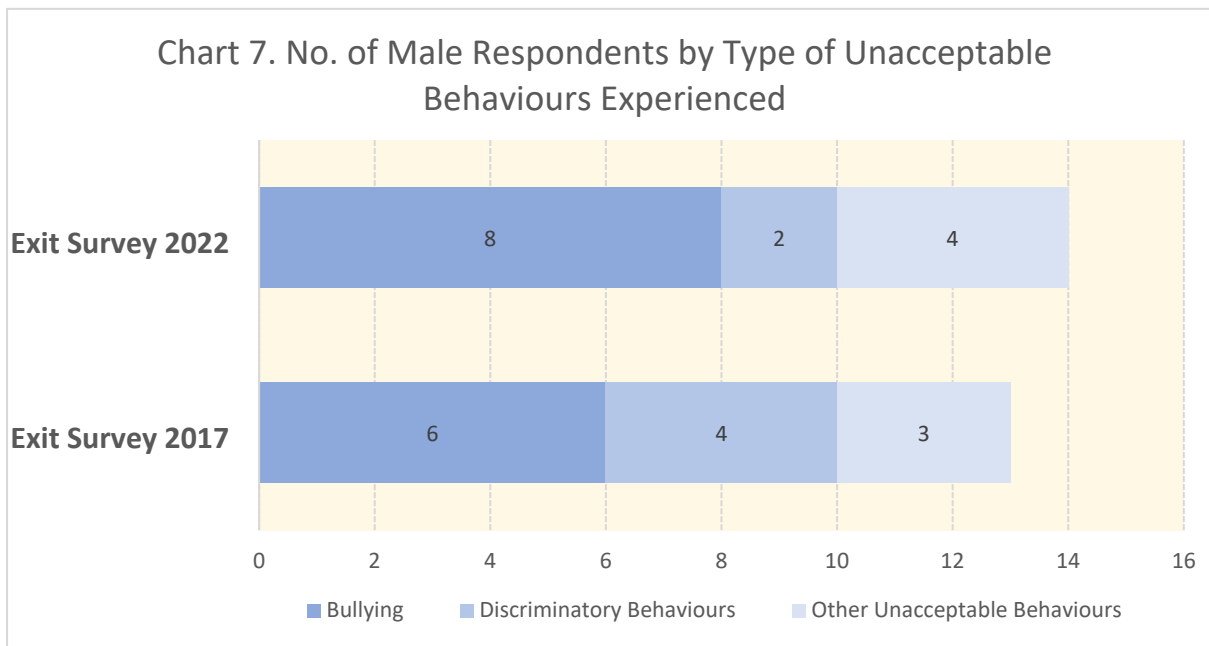


The total number of female respondents in each year who confirmed that they experienced unacceptable behaviours is the same, i.e., 10 in total in 2017 Exit Survey and 10 in the 2022 Exit Survey. Of this number a substantial proportion confirmed that they have experienced bullying behaviours. In the 2022 Exit survey, the majority of female respondents (8 out of 10 or 80%) who experienced unacceptable behaviours indicated that they were subjected to bullying behaviours. In comparison, the total number of female respondents who (6 out of 10 behaviours or 60%) indicated a similar response is slightly lower in the 2017 Exit Survey.

A comparison of the two survey results also shows that there is a much smaller number and proportion of respondents (4 out of 10 or 40%) in the 2022 Exit Survey indicated that they experienced discrimination. More respondents in the 2017 survey (7 out of 10 or 70%) confirmed that the experienced discrimination.

Overall, the results illustrate that the types of unacceptable behaviours experienced by female respondents are not limited to bullying alone. Some of these respondents confirmed that they also experienced discrimination and/or other forms of unacceptable behaviours in addition to bullying.





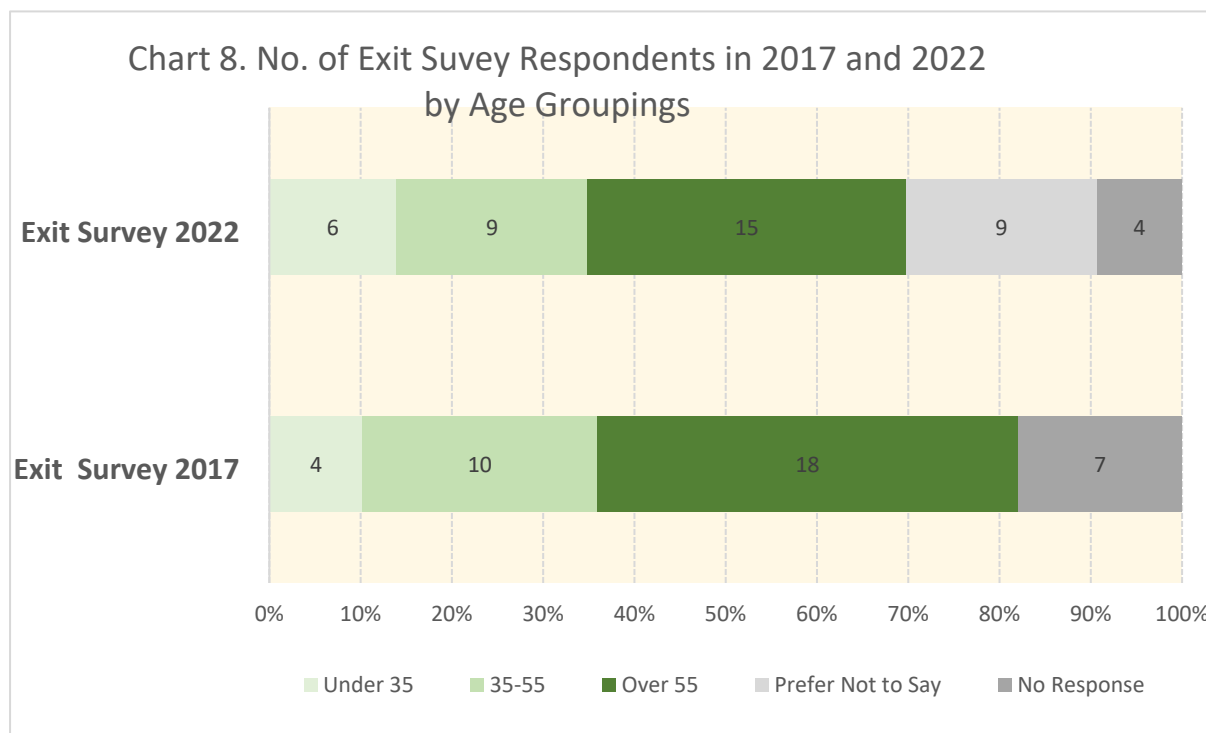
The results above illustrate the types of unacceptable behaviours that male Elected Members have experienced.

More than half of the male respondents who experienced unacceptable behaviours respondents indicated that they have experienced bullying. The 2022 Exit Survey results show that three quarters (72%) of these respondents felt that they were subjected to bullying. This figure is higher when compared to male respondents (54%) in the 2017 Exit Survey who indicated the same response.

The results also show that the number of male respondents in the 2022 Exit survey (2) who confirmed that they experienced discrimination is lower when compared to the 2017 Exit Survey results (4).

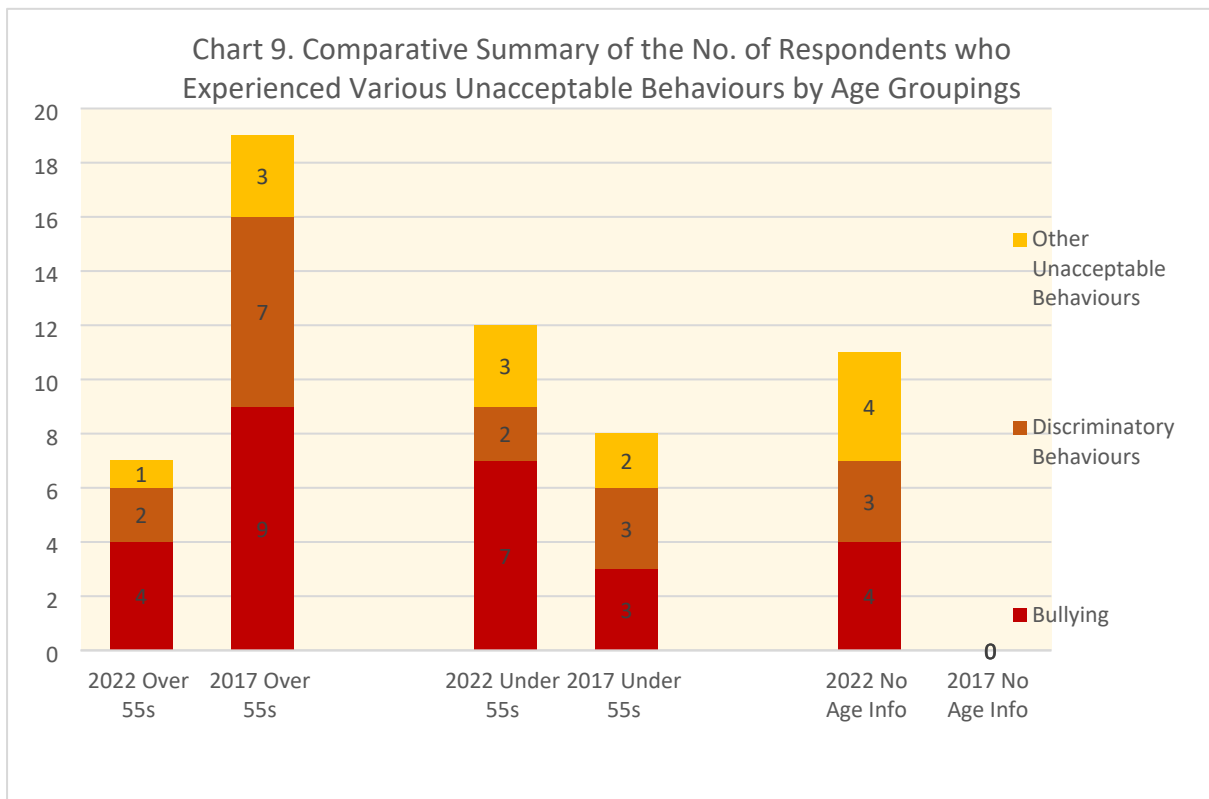
Overall, the results above illustrate that the types of unacceptable behaviours experienced by male respondents are not limited to bullying but could also include discrimination and other forms of unacceptable behaviours.

## Respondents' Experience of Unacceptable Behaviours by Age Group



The results above show that those who responded to the survey fall under different age groupings. Just over a third (35%) of total respondents in the 2017 and 2022 Exit Surveys are 55 years old or below. More respondents (in total 18 or 46%) in the 2017 Exit Survey confirmed that they were 'Over 55 years' when compared to the number of respondents (in total 15 or 35%) in the 2022 Exit Survey who are in the same age group,

It is worth noting that a substantial number of respondents in the 2017 Exit Survey (a total of 7 or 18%) and the 2022 Exit Survey (a total of 13 or 30%) did not provide information on which age group they fall under.

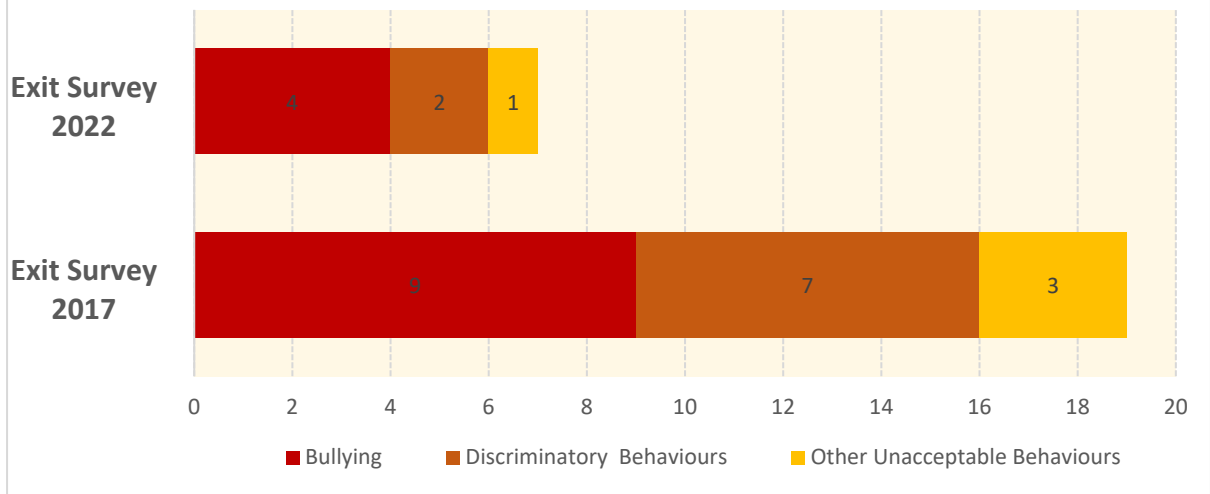


The results of the 2017 Exit Survey in Chart 9 above show that most of those who experienced different types of unacceptable behaviours (in total 19) are in the 'Over 55s' age group. A comparatively smaller number of respondents (in total 8) who have indicated that they experienced unacceptable behaviours are 'Under 55' years old,

In contrast, the results of the 2022 Exit Survey show that most of those who experienced unacceptable behaviours are in the 'Under 55s' age group. There is a much lower number from the 'Over 55's' age group who gave a similar response.

It must be noted that a substantial number of respondents also indicated that they experienced different types of unacceptable behaviours who did not provide information on the age group they fall under.

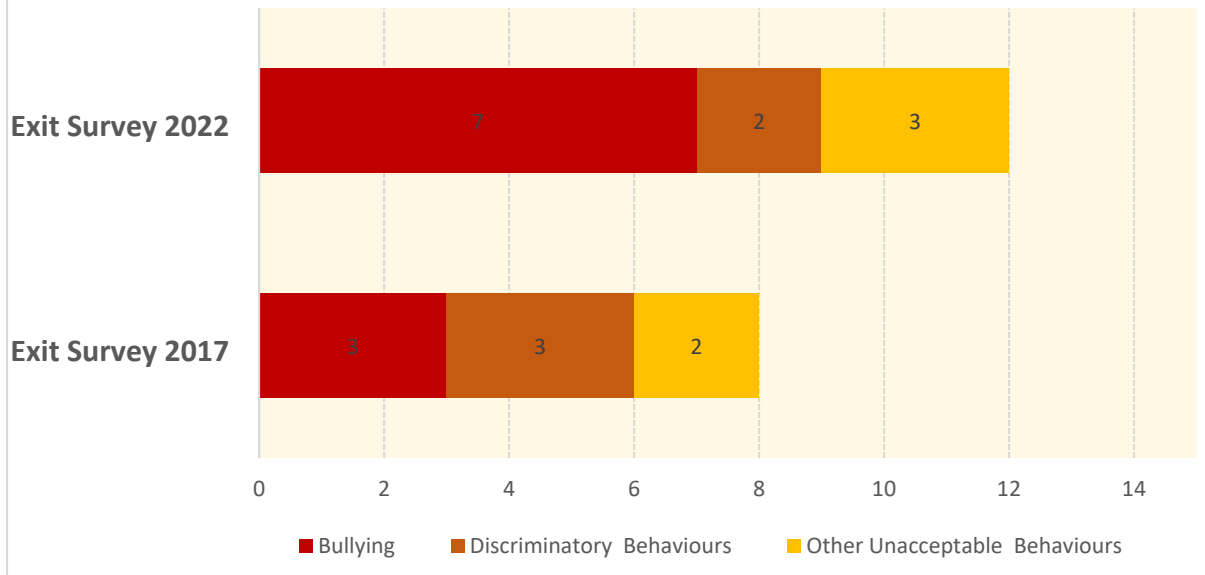
Chart 10. No. of Respondents Aged Over 55 who have Experienced Various Types of Unacceptable Behaviours



The Chart above illustrates that the number of respondents aged 'Over 55' who confirmed that they have experience unacceptable behaviours, is much higher in the 2017 Exit Survey (19) when compared with the results of the 2022 Exit Survey (7). The 2017 results also show that majority of those in this age group experienced bullying (9) and/or discrimination.

A much lower number of (in total of 7) respondents in 2022 Exit Survey have indicated a similar response. Most (4) confirmed that they have experienced bullying behaviours. Fewer respondents in this survey indicated that they experienced discrimination (2) or other unacceptable behaviours (1).

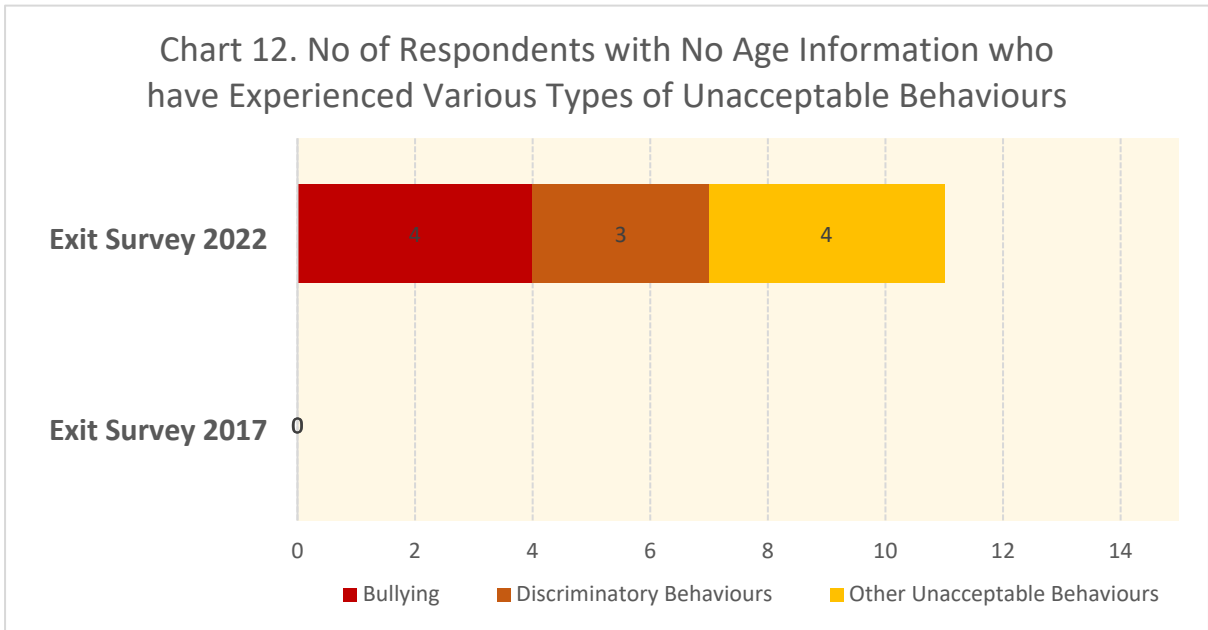
Chart 11. No. of Respondents Aged Under 55 who have Experienced Various Types of Unacceptable Behaviours



The results in Chart 11 show that the number of respondents aged 'Under 55' who confirmed that they have experienced unacceptable behaviours, is higher in the 2022 Exit Survey (12) compared to respondents in the 2017 Exit Survey (8) who gave the same response.

Most of these respondents (7) from the 2022 Exit Survey indicated that they experienced bullying behaviours. A comparatively smaller number confirmed that they experienced discrimination (2) or other unacceptable behaviours (3).

Chart 12. No of Respondents with No Age Information who have Experienced Various Types of Unacceptable Behaviours



The results in Chart 12 above show that a substantial number of respondents (11) from the 2022 Exit survey who have experienced unacceptable behaviours did not provide any information on their age.

None of those respondents who did not provide their age information in the 2017 Exit Survey, have indicated that they experienced any unacceptable behaviours.

**STANDARDS AND ETHICS COMMITTEE:**

**25<sup>th</sup> OCTOBER 2022**

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

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**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 and Community Councils.

**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.
4. At its last meeting on 22<sup>nd</sup> June 2022, the Committee considered feedback provided in respect of observation of the meetings of three different Community Councils (held in February, March and April 2022) and Cardiff Council's Planning Committee (April 2022).

**Issues**

5. Meeting observation feedback has been received in respect of the Council meeting held on 29<sup>th</sup> September 2022. The completed observation form is appended as **Appendix A**.
6. Members will be pleased to note that the feedback is positive in relation to standards of conduct as well as the management of the meeting. The incident referred to in relation to criticism of officers was responded to in the meeting by the Leader of the

Council and the Lord Mayor, as Chair of Council and subsequently appropriate action is being taken by the leader of the relevant political group in discussion with the Chief Executive and the officer concerned. The feedback has been shared with the Lord Mayor, as Chair of Council.

7. Details of all forthcoming Council, Committee and Cabinet 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 and make any comments considered appropriate; and
- (2) Continue to observe 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**

11<sup>th</sup> October 2022

#### Appendix

Appendix A Meeting Observation Feedback Form for full Council meeting held on 29<sup>th</sup> September 2022 (JGB)

Background papers - Standards and Ethics Committee report, 'Observation of Meetings', 22<sup>nd</sup> June 2022



## STANDARDS AND ETHICS COMMITTEE

### FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	Council Meeting
Date:	29/09/2022

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Large well appointed room.
Name plates/identification of Committee; Witnesses and Officers:	Name plates very good. I perceived no issues.
Ability to hear proceedings:	Overall good communication, occasional technical issues which were resolved promptly.
Agenda and Reports availability:	Good
Management of Meeting:	Well managed.
Clarity of decision making:	

#### Possible Code of Conduct/Standards and Ethics Issues:

Overall the standard was adhered to and courtesy and respect was maintained. However there was an incident of an officer being named which Davina Fiore discussed with me at the time.

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

	Jason Guy Bartlett.
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Name:	
Date:	9 <sup>th</sup> October 2022.

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

**MEMBERS' CODE OF CONDUCT COMPLAINTS UPDATE – QUARTERS 1 & 2 OF 2022/23**

**Reason for Report**

1. To provide the Committee 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 Quarters 1 and 2 of 2022/23 (the period running from 1<sup>st</sup> April 2022 to 30<sup>th</sup> September 2022).

**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 Quarter 4 of 2021/22 were reported to the Committee meeting on 22<sup>nd</sup> June 2022.

## Issues

### Complaints received during Quarters 1 and 2 of 2022/23

5. During Quarters 1 and 2 of 2022/23, covering the period running from 1<sup>st</sup> April 2022 to 30<sup>th</sup> September 2022, a total of 4 complaints alleging a breach of the Members' Code of Conduct were reported to the Monitoring Officer (2 during Quarter 1; and 2 during Quarter 2).
6. The table below shows the figures for this period alongside comparative figures for the previous four quarters.

	Q1 Apr – Jun 2021	Q2 Jul – Sept 2021	Q3 Oct – Dec 2021	Q4 Jan – Mar 2022	Q1 Apr – Jun 2022	Q2 Jul – Sept 2022
Member on Member	1	6	1	1	0	0
Public on Member	4	2	0	1	2	2
Officer on Member	0	0	0	0	0	0
Community Councillors	0	0	3	1	0	0
<b>Total</b>	5	8	4	3	2	3

7. Brief details of the complaints submitted are as follows:

#### Quarter 1 of 2022/23

- (i) A member of the public complained that a Member had continued to hold advice surgeries during the pre-election period. The complaint was submitted to the Ombudsman who decided not to investigate the matter, because there was no evidence of a breach of the Code of Conduct. The Ombudsman confirmed that *'During the pre-election period, Councillors standing for election can arrange to speak to constituents as long as their activities are not funded nor arranged by the Council.'*
- (ii) A member of the public complained that a Member had, during the election campaign, removed mail from their letterbox. The Ombudsman decided not to investigate the complaint, indicating that concerns related to the election and the campaigning period are

primarily a matter for the Electoral Commission and or the Police; and that he did not consider the Code of Conduct to be engaged in this case.

#### Quarter 2 of 2022/23

- (i) A member of the public complained about a social media comment made by a Member, which was considered to be inflammatory and insulting. The Monitoring Officer resolved this complaint informally by raising this with the Member, who then deleted the offending comment.
- (ii) A member of the public complained that a Member had made malicious attacks on their name and integrity, specifically in relation to (i) alleged events which took place in 2017; and (ii) social media comments made during the election period in 2022. The Ombudsman decided not to investigate the complaint.

In relation to the events alleged to have taken place in 2017, the Ombudsman found that, in view of the length of time which had elapsed since then, it was not in the public interest to investigate this aspect of the complaint.

In relation to the social media comments made during the election period, the Ombudsman noted that *'It is not the purpose of the Code of Conduct to inhibit free speech and the robust expression of political differences. Councillors have a wide freedom of expression both in a personal and professional capacity.. [meaning that they] can say things which may be shocking or offensive to some people.'*

Also, that *'Case law on the application of the Code of Conduct for members in Wales has established that for a breach of the "disrepute" provision to be found, a member's conduct must impact upon their Council's reputation and/or the role of elected member and go beyond affecting their personal reputation.'*

And *'Whilst I fully appreciate that you may have been personally offended by the content of the report, I do not consider on the evidence provided that it was offensive, intimidating or insulting to such a degree as to bring the office of member or the Council into disrepute.'*

- 8. The Committee will note that this reporting period includes the local government election period, and that the number of complaints received remained relatively low. All four complaints have been resolved with no finding of a breach of the Code.

## Update on Complaints reported previously

### Quarter 2 of 2021/22

9. The complaints submitted during Quarter 2 of 2021/22 included a number of complaints which were subject to ongoing discussions under the local resolution protocol. Efforts to resolve these complaints informally were temporarily suspended during the pre-election period. An update on those complaints is provided below:
  - i. Two Members complained about allegedly inaccurate information contained in a political group leaflet. These complaints were raised with the leader of the group concerned, who was asked whether the inaccuracies were accepted and if so, whether they would be corrected and an apology offered on behalf of the group. Agreement on a resolution has not been reached and so consideration needs to be given to a referral to the Standards Committee Hearings Sub-Committee.
  - ii. A Member (Cllr A) complained about comments made about them by another Member (Cllr B) during a meeting with other Members and Council officers. The complainant (Cllr A) considered the comments to be an unacceptable racist slur on the complainant. In response, the Member (Cllr B) said that the offending comment was made following allegations made by the complainant (Cllr A) against them, which attacked their personal integrity. The Member (Cllr B) also made a counter-complaint against the complainant (Cllr A), alleging that the complainant (Cllr A) had made discriminatory comments about them (Cllr B) during the same meeting. In response to the Monitoring Officer's attempts to informally resolve this matter, the first Member complained of (Cllr B) offered an apology to the complainant (Cllr A) for any upset caused by their comments. The other member (Cllr A) has been asked to apologise but to date has not done so. Cllr A's complaint may need to be referred to the Standards Committee Hearings Sub Committee.
  - iii. The counter-complaint (made by Cllr B), referred to in paragraph (ii) above, which has been recorded as a separate complaint. Cllr B has indicated this complaint is being withdrawn, but written confirmation is awaited.
  - iv. A Member (the same Cllr A referred to in sub-paragraph (ii) above), complained about misleading information, misrepresenting what the complainant had said at a meeting with Members and Officers, being published on social media by another Member (the same Cllr B referred to in sub-paragraph (ii) above). To date it has not been possible to resolve this complaint by informal resolution.

Consideration may need to be given to a referral to the Standards Committee Hearings Sub Committee.

- v. A Member complained that another Member had posted untrue and misleading information about the complainant on social media. It has not been possible to resolve this under the local resolution procedure. Consideration needs to be given to a referral to the Standards Committee Hearing Sub Committee.
10. Members may wish to note that three of the complaints above (referred to in paragraph 9 (ii), (iii), and (iv)) all relate to the same meeting attended by Members and Officers, and involve the same two Members.

#### Quarter 3 of 2021/22

11. One of the complaints reported to the last Committee meeting related to a complaint by a Community Councillor about material posted on social media by another Community Councillor and conduct associated with this. The complaint was submitted to the Ombudsman, who has confirmed that the complaint would be investigated. The Ombudsman's decision on this complaint is still awaited.

#### Code of Conduct Training

12. The Committee is invited to note that the Monitoring Officer has delivered a number of training sessions on the Code of Conduct, both in person and remotely, as part of the Member Induction Programme 2022. To date, 8 sessions have been delivered, attended by 72 out of the 79 Cardiff Councillors (91.14% of all Cardiff Councillors). A further session, which Members may attend remotely, is scheduled for Friday 21<sup>st</sup> October and further 'mop up' sessions will be made available, on an individual basis if necessary, to seek to ensure that all Members complete this mandatory training.

#### **Legal Implications**

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

#### **Financial Implications**

14. 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**

17<sup>th</sup> October 2022

Background papers Standards and Ethics Committee report 'Member Code of Conduct Complaints Update – Quarter 4 of 2021/22, 22<sup>nd</sup> June 2022

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**CYNGOR CAERDYDD  
CARDIFF COUCIL****STANDARDS & ETHICS COMMITTEE: 25 OCTOBER 2022**

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

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**ANNUAL REPORT 2021/22****Reason for this Report**

1. To enable the Committee to consider the content of its Annual Report 2021/22 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 has a long-established practice of presenting an annual report to full Council on the work it has undertaken during the municipal year.
3. The Committee's Annual Report 2020/21 was presented to full Council by the Chair of the Committee in October 2021. The Chair confirmed that the number of conduct complaints remained low and standards of conduct were generally high, although a significant number of complaints continued to involve social media comments, and therefore the Committee had been pleased to lead on the development of Cardiff's Social Media Codes. The Committee's Annual Report 2020/21 was well received by Members and the Lord Mayor thanked the Committee for its report and thanked the Chair for his leadership of the Committee.

**Issues**

4. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), section 63, introduces a new statutory requirement for Standards Committees to produce an annual report on the exercise of their functions. The annual report is to relate to the financial year and must be presented to full Council as soon as reasonably practicable after the end of the financial year.

5. The new statutory requirements take effect from the financial year 2022/23, and must be reflected in the Committee's annual report for 2022/23. Nevertheless, it is recommended that the Committee take account of the new requirements in its Annual Report 2021/22 by way of preparation for compliance with the new requirements.
6. Under the new statutory requirements and draft statutory guidance issued by the Welsh Ministers ([Consultation on the Local Government and Elections \(Wales\) Act 2021: standards of conduct statutory guidance \[HTML\] | GOV.WALES](#)), the annual report from 2022/23 must:
  - (i) describe how the Committee's functions have been discharged during the financial year;
  - (ii) in particular, must include a summary of what has been done to discharge the Committee's statutory functions (under sections 54 and 56 of the Local Government Act 2000) namely:
    - (a) its general function to promote and maintain high standards of conduct by Members and Co-Opted Members of the Council and to assist them to observe the Code of Conduct;
    - (b) its specific functions to advise the authority on the adoption or revision of a code of conduct; monitor the operation of the code of conduct; and provide advice or provide or arrange training on the code of conduct for members of the authority;
    - (c) its new specific functions of monitoring compliance by political group leaders with their duties in relation to standards of conduct; and advising, training or arranging to train political group leaders about matters relating to those duties; and
    - (d) the exercise of the functions referred to in sub-paragraphs (a) and (b) above in relation to members of Community Councils in its area.
  - (iii) include a summary of reports and recommendations made or referred to the Committee by the Ombudsman (under Chapter 3 of Part 3 of the Local Government Act 2000), and any subsequent action taken by the Committee;
  - (iv) include a summary of notices given to the committee by the Adjudication Panel for Wales (under Chapter 4 of Part 3 of the Local Government Act 2000) in relation to the Panel's decisions on possible breaches of the member code of conduct;
  - (v) describe the advice it has provided on training for all members and how that has been implemented; and
  - (vi) include the Committee's assessment of how political group leaders have complied with their new duty to promote high standards of conduct, (under section 52A(1) of the 2000 Act, inserted by section 62 of the 2021 Act, taking effect from 5th May 2022), including the advice the standards committee has provided and the training it has suggested.

7. The annual report may also include:
  - (i) recommendations to the authority about any matter in respect of which the Committee has functions; and
  - (ii) a report on the number of cases considered under local resolution processes.
  
8. The Committee will be pleased to note that the information routinely included in the Committee's annual reports covers the new statutory requirements, although it may wish to give consideration to:
  - (i) whether the report should be restructured to address each of the Committee's statutory functions (general and specific, as set out in paragraph 6(ii) above); and or
  - (ii) whether the Committee wishes to make any specific recommendations to the Council and or Community Councils in relation to matters within its remit. For example, in recognition of the limited resources available to support the work of the Committee, and the provisions of the Committee's terms of reference paragraph (j) 'To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties', the Committee may wish to recognise that the Council has a challenging budget position, and note that the resources available for the work of the Committee are limited and that its work cannot always be prioritised over other work.
  
9. Members may wish to note that the draft statutory guidance states that:

'The requirement to make an annual report is intended to ensure there is a regular and consistent approach to the reporting and consideration of standards of conduct by members of relevant authorities in Wales. This is intended to promote local ownership and collective responsibility by members for ensuring high standards of conduct within their authority. To this end, section 56B places an obligation on a relevant authority to consider the report and any recommendations made by its standards committee within three months of its receipt. The authority's consideration of a report will be a matter of public record through the published minutes of the meeting.

It would be good practice for Standards Committees to share their Annual Reports with the Public Services Ombudsman for Wales.'

10. The annual report must be presented to full Council and also to the Community Councils in its area; and must be considered within 3 months from the date it is received.
  
11. During the financial year 2021/22, the Committee met on three occasions, on the following dates: 7<sup>th</sup> July 2021; 6<sup>th</sup> October 2021; and 9<sup>th</sup> February 2022. Based on the standard format of previous annual reports, the new statutory requirements and draft guidance on the contents of the annual report and the work undertaken by the Committee during the last year, suggested contents include:
  - a) Chair's Foreword – the Chair is invited to introduce himself as the new Chair of the Committee, set the context for the report, noting that the

Committee's long established practice of presenting its annual report to full Council is being placed onto a statutory footing under the Local Government and Elections (Wales) Act 2021. The Chair may wish to note that the reporting period includes the run up to the local government elections 2022 and that the Committee has been pleased to observe that standards of conduct generally have remained high. The Chair may wish to refer to changes in the Committee's membership and thank the outgoing Chair and Committee members for their valued contribution to the work of the Committee.

- 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, including new statutory duties introduced under the 2021 Act, and how the Committee approaches its role.
- d) Work undertaken by the Committee during 2021/22:
  - i. Social Media Codes – to report on the Social Media Codes developed by the Committee in response to a Council Motion, following full Member consultation and support from party groups, and subsequently adopted by full Council.
  - ii. Senior Officers' Personal Interests – to report on the Committee's review of the declarations of senior officers' personal interests and observations made.
  - iii. Whistleblowing reports 2020 – to report on the Committee's review of whistleblowing reports made during 2020 and observations made.
  - iv. Ombudsman's Annual letter, Annual report and Casebook 2020/21 – to report on the Committee's consideration of the Ombudsman's Annual letter, Annual report and Casebook 2020/21
  - v. Gifts and Hospitality received by Members – to report on the Committee's routine review of the Members Hospitality Register
  - vi. Member Briefing – to note the Briefing issued by the Committee to update Members on the work of the Committee and provide advice and guidance on various relevant issues.
  - vii. Review of the Ethical framework – the Committee considered a report produced following the independent review of the statutory ethical framework, and to note observations made in this regard
  - viii. Preparation for Local Elections 2022 – to note the arrangements approved by the Committee, including a letter sent to all election candidates reminding them about the importance of maintaining high standards of conduct, and training on the Code of Conduct within the Member Induction Programme.

- ix. Observation of meetings - to report on the Committee's feedback following observation of meetings of full Council and Community Council meetings.
  - x. Independent Member vacancies – to note that the Committee carried out a public appointments process to recruit and select 2 new Independent Members to fill vacancies which arose.
- e) Complaints about Member conduct – to give an overview of complaints reported during the year, including those considered under the Local Resolution Protocol, and note that no referrals were received from the Ombudsman nor were any notices received from the Adjudication Panel for Wales
  - f) Meeting with Group Leaders and Whips - To report on the Committee's annual meeting with group leaders and whips held in October 2021 and discussions about the new duty being introduced for leaders in relation to standards of conduct and arrangements for monitoring compliance with that duty.
  - g) Future work priorities, to reflect the Committee's Forward Work Plan 2022/23 and note that work will be progressed as resources permit.
  - h) Recommendations – whilst recognising that the Council has a challenging budget position, to note that the resources available for the work of the Committee are limited and therefore the Committee's work cannot always be prioritised over that of other Council priorities.
  - i) Committee members biographies and Committee meeting attendance figures.
  - j) Contact details for the Chair, the Monitoring Officer and the Ombudsman.

12. The Committee is invited to consider its Annual Report 2021/22, having regard to the suggestions above, and provide any appropriate comments.

### **Legal Implications**

13. Relevant legal provisions are referred to in the body of the report. There are no other direct legal implications arising from this report.

### **Financial Implications**

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

## **RECOMMENDATION**

The Committee is recommended to:

- 1) Provide comments on the contents and structure of the Committee's Annual Report 2021/22;
- 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;
- 3) Ask the Chair to present the Committee's Annual Report 2021/22 to the next suitable meeting of full Council; and
- 4) Instruct the Monitoring Officer to send the Committee's Annual Report 2021/22 to each of the Community Councils in Cardiff, and a copy to the Public Services Ombudsman for Wales.

**Davina Fiore**

**Director of Governance and Legal Services and Monitoring Officer**

10<sup>th</sup> October 2022

### Background papers

Standards & Ethics Committee Annual Report 2020/21; and minutes of Council meeting October 2021

Standards and Ethics Committee minutes July 2021; October 2021; and February 2022

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

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**MEMBERS' USE OF COUNCIL IT EQUIPMENT FOR POLITICAL GROUP  
MEETINGS**

**Reason for this Report**

1. To invite the Committee to consider the Council's policy in relation to Members' use of Council resources, specifically, in response to a request from party group whips to permit Members to use Council IT equipment for remote / hybrid political group meetings.

**Background**

2. The conduct of elected Members is governed by the statutory Members' Code of Conduct adopted by each local authority in Wales under Part 3 of the Local Government Act 2000.
3. In considering their duties under the Code of Conduct, Members must have regard to the statutory guidance issued by the Public Services Ombudsman for Wales (under section 68 of the Local Government Act 2000).
4. The Standards and Ethics Committee has responsibility 'To advise the Council on the effective implementation of the Code..' and 'To recommend to Council and the Cabinet any additional guidance on issues of probity' (under its approved terms of reference, paragraphs (c) and (h)).

**Issues**

5. Party group whips have requested that consideration be given to permitting the use of Council IT equipment for Members to hold or join party group meetings, which may be held remotely or on a multi-location (hybrid) basis.
6. The rules on Members' use of Council resources are set out in the Members' Code of Conduct, paragraph 7(b), which provides that Councillors must not 'use, or authorise others to use, the resources of your authority—
  - (i) imprudently;
  - (ii) in breach of your authority's requirements;
  - (iii) unlawfully;

- (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
  - (v) improperly for political purposes; or
  - (vi) improperly for private purposes.’
7. Statutory guidance issued by the Ombudsman [General : 27 FINAL Investigation Report Template s21 casework support only \(ombudsman.wales\)](#) provides the following guidance on this duty (emphasis added):
- ‘2.55 You must only use or authorise the use of the resources of the authority in accordance with its requirements and the law. These sub-paragraphs also apply at all times. **Where your authority provides you with resources (for example telephone, computer and other IT facilities, transport or support from officers), you must only use these resources or employees for carrying out your local authority business and any other activity which your authority has authorised you to use them for.**
- 2.56 You must be familiar with the rules applying to the use of these resources made by your authority. Failure to comply with your authority’s rules is likely to amount to a breach of the Code. If you authorise someone (for example a member of your family) to use your authority’s resources, you must take care to ensure that this is allowed by your authority’s rules.
- 2.57 You must make sure you use the authority’s resources for proper purposes only. These sub-paragraphs apply at all times. It is not appropriate to use, or authorise others to use, the resources for private or political purposes, including party political purposes. When using the authority’s resources, you must have regard, if applicable, to any guidance issued by your authority, for example, your authority’s Information Security Policy.
- 2.58 You should never use authority resources for purely political purposes, including designing and distributing party political material produced for publicity purposes. **However, your authority may authorise you to use its resources and facilities for political purposes in connection with your authority’s business, for example, holding meetings of your political group.** In this case, you must be aware of the limitations placed upon such use for these purposes. Members should also have regard to the fact that periods leading up to local government elections are particularly sensitive in this regard. Using your authority’s resources outside of these limitations is likely to amount to a breach of the Code. **Some authorities will permit members to use authority-supplied IT equipment such as laptops for ancillary use. Provided that such usage is in line with the authority’s requirements, there would not be a breach,** but sending mass emails as part of an election campaign, for example, would not be appropriate.
- 2.59 **Where, however, there is no policy or the policy is silent you may not use these resources for any political or private purposes.’**
8. The Committee will note that, whilst Council IT equipment may not be used for purely political purposes, the Council may authorise Members to use Council resources and facilities for political purposes *in connection with the authority’s business*, such as holding political group meetings.



9. It is established custom and practice in Cardiff for all political groups to be permitted to use Council meeting rooms for their group meetings, on the basis that Members' discussions at their political group meetings relate predominantly to Council business.
10. It is recommended that the same approach taken to Council meeting rooms should apply equally to Council IT equipment, for the same reasons, that is, because discussions at political group meetings relate predominantly to Council business and it is therefore not inappropriate to permit Council IT equipment to be used to hold or join those meetings. Members will note that facilitating remote attendance is also consistent with the Council's general approach to its formal decision making meetings, as set out in its Multi-Location Meetings Policy.
11. The Council's IT Security Policy, which applies to all elected Members and employees of the Council, includes the following:
  - (i) 'Acceptable Use of IT Facilities', paragraph 7.7, which includes:

'The council's IT facilities are provided for business purposes. Any use of the council's IT facilities for non-business or unauthorised purposes may be regarded as improper use of the facilities.' and
  - (ii) 'General Acceptable Use', paragraph 7.18:

IT systems must not be used for any of the following purposes:

    - intentionally or recklessly accessing or transmitting computer Malware and similar software;
    - intentionally or recklessly accessing or transmitting information about, or software designed for, breaching security controls or creating computer Malware;
    - intentionally or recklessly accessing or transmitting material which is obscene, sexually explicit, pornographic, racist, defamatory, hateful, incites or depicts violence, or describes techniques for criminal or terrorist acts or otherwise represents values which are contrary to council policy and values (except where this is strictly and necessarily required by the job, for example within the social services or consumer protection arenas, where employees are sometimes required to research into illegal activities. An excuse of personal or private research would not be acceptable);
    - knowingly doing anything which is illegal under the law as it applies in England and Wales or the law of any other relevant country;
    - personal business for financial/commercial gain;
    - any activities which could cause congestion and disruption of networks and systems.
12. It is therefore recommended that express authorisation be given for Members to use Council IT equipment to hold or join remote / hybrid political group meetings.
13. The Council's IT department has been consulted and raised no concerns about this proposal. However, it has been emphasised that technical IT support will not be available for political group meetings.
14. The Head of Democratic Services has suggested that a code of practice on the use of Council resources for political group meetings should be developed to clearly set out any conditions or limitations on use, to include the following:

- a) technical IT support will not be available for group meetings;
  - b) no new equipment can be purchased specifically to facilitate group meetings, eg. to support hybrid meetings;
  - c) group meetings will have to dovetail with, rather than being prioritised over, existing Council business; and
  - d) any other appropriate conditions or limitations.
15. For clarity and transparency, it is recommended that the Members' Code of Conduct, paragraph 7(b) (referred to in paragraph 6 above) should be amended to refer to the code of practice in relation to political group meetings, by adding at the end of sub-paragraph (v) the words: 'except in accordance with the Council's approved code of practice in relation to political group meetings held for the purpose of discussing Council business'. The approved code of practice should then also be included within Part 5 of the Constitution. Subject to the agreement of this Committee, the proposed changes will be reported to Council in or around November 2022.
16. The Committee may also wish to note that the Head of Democratic Services has indicated that the Council's IT Security Policy, currently applicable to elected Members and employees, should be adapted to develop an IT policy specifically for Members, reflecting the distinct role of Councillors and how they undertake their ward and Council duties, which differs significantly from those of Council employees. This issue is to be progressed by the Head of Democratic Services, in consultation with the Democratic Services Committee.

### **Legal Implications**

17. The Committee may make recommendations to the Council on this matter.
18. Any amendments to the Members' Code of Conduct and the recommended code of practice in relation to the use of Council resources for political group meetings will require the approval of full Council.
19. Other relevant legal provisions are set out in the body of the report.

### **Financial Implications**

20. There are no direct financial implications arising from this report, with it stated in the report that no new equipment can be purchased specifically to facilitate group meetings. The Democratic Services Reserve is the identified source of funding for Member IT requirements for 2022/23, in which all IT equipment costs are to be contained.

## RECOMMENDATION

The Committee is recommended to:

1. Recommend to Council:
  - (a) that authorisation be given to allow Members to use Council IT equipment to hold and or join political group meetings held remotely (fully or partly), in accordance with an agreed code of practice; and
  - (b) the Members' Code of Conduct be amended as set out in paragraph 15 of this report;
2. Provide any relevant comments on the code of practice to be put in place in relation to the use of Council resources for political group meetings;
3. Delegate authority to the Monitoring Officer, in consultation with the Chair, the Head of Democratic Services, the IT Services Manager and party group whips, to develop and agree a code of practice on the use of Council resources for political group meetings, for approval by Council; and
4. Receive an information report back on this matter in due course.

**Davina Fiore**

**Director of Governance and Legal Services and Monitoring Officer**

13<sup>th</sup> October 2022

### Background papers

Guidance from the Public Services Ombudsman for Wales, 'The Code of Conduct for members of local authorities in Wales: [General : 27 FINAL Investigation Report Template s21 casework support only \(ombudsman.wales\)](#)

IT Security Policy:

<https://cityofcardiffcouncil.sharepoint.com/sites/ict/Documents/Forms/AllItems.aspx?id=/sites/ict/Documents/IT Security Policy.pdf&parent=/sites/ict/Documents>

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**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 line with recommendations made by the Wales Audit Office Corporate Assessment Follow-On Report (2016), the Standards and Ethics Committee has agreed to publish periodic Member Briefings on the work of the Committee. The aim of the Briefings is to underline the importance of the Cardiff Undertaking and Member conduct and behaviour, and provide Members with relevant information and guidance as necessary.
3. The Committee issued its first Member Briefing in 2016 and has issued one or two briefings each year since then. In recognition of the fact that presentation of the Committee's Annual Report to Council may serve a similar purpose, the Committee has agreed that briefings shall be issued as and when appropriate, rather than at specified intervals.
4. The last Member Briefing was issued in April 2022 to all Councillors, including Community Councillors (through their Clerks), emphasising the importance of maintaining high standards of conduct in the highly pressurised period leading up to the local government elections; and was reissued to all newly elected Councillors following the local elections in May 2022.

**Issues**

5. The Committee is invited to consider and provide comments on its next Member Briefing, including the topics to be included and the timing for issuing it. Suggested contents include:

### Chair's Foreword

- To welcome all Members, returning Members and newly elected Members, to the first Briefing for the new Council elected in May 2022.

### Committee Membership

- To note the current membership and changes, including the election of a new Chair, new elected Member appointments and the Community Council representative and substitute.

### The Cardiff Undertaking

- To note that all Members are requested to publicly affirm their commitment to the Cardiff Undertaking at the Annual Council meeting each year, however as two members have declined to sign this and it has no legal standing, to note the proposal that a review of the Undertaking is carried out as part of the Committee's work plan 2022/23.

### Members' Social Media Code

- To note that social media comments continue to feature frequently in Member conduct complaints; and remind Members of the Codes developed by the Standards Committee and adopted by full Council in October 2021.

### New duties for Group Leaders and Standards Committees

- To note the new duties of group leaders in relation to standards of conduct and the arrangements being made by the Committee with group leaders to support compliance.

### Member Conduct Complaints

- To report on the number of complaints received during 2022, which included the pre-election period, and remains relatively low; and provide an overview of the outcomes.

### 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 encourage Members to raise any genuine complaints under the Local Resolution Protocol, but be mindful of the right to freedom of expression and the higher level of protection afforded to political expression.

### Ombudsman's Decisions on Complaints

- To highlight key points taken from recent decisions of the Ombudsman on conduct complaints, which provides helpful guidance for Members on the application and interpretation of the duties in the Code of Conduct (as reported to Committee in June 2022).

### 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 encourage all Community Councillors to attend training on the Code of Conduct, which is available from One Voice Wales, and may also be arranged by the Monitoring Officer.

- To report that Committee members continue to observe Community Council meetings and have provided constructive feedback, which has been well received.
- To reiterate that Community Councillors are welcome to attend Standards and Ethics Committee meetings (and provide appropriate details).

#### Annual Report 2021/22

- To note that the Committee's annual report is being placed onto a statutory footing and provide a link to the Annual Report presented to Council.

#### Gifts and Hospitality

- To remind Members that the Committee routinely reviews the Register of Members' Gifts and Hospitality; and reiterate the importance of promptly (within 28 days of receipt) registering any gifts or hospitality with an estimated value over £25.

#### Training and Development

- To report on the training on the Code of Conduct, delivered as a mandatory session within the Member Induction Programme 2022, and the number / percentage of Members who have completed it.
- To invite Members to contact the Monitoring Officer if there are any specific conduct issues they would like further training or advice on.

#### Observation of Meetings

- To note that independent members of the Committee continue to attend meetings of Council, Cabinet, Committees and Community Councils, to observe standards of conduct and provide feedback.

#### 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 or Vice-Chair directly (and provide contact details)

6. It is proposed that the Member Briefing should be issued to all Members of Cardiff Council and Cardiff's six Community Councils after the Committee's Annual Report 2021/22 has been presented to full Council.

#### **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 and timing 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**

10<sup>th</sup> October 2022

Background papers

Standards and Ethics Committee, 'Member Briefing', Edition 6, April 2022

Standards and Ethics Committee report, Members' Code of Conduct Complaints Update – Quarter 4 of 2021/22, 22 June 2022



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

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**NATIONAL STANDARDS COMMITTEE FORUM****Reason for this Report**

1. To invite the Committee to consider proposals in relation to the establishment of a National Standards Committee Forum and its terms of reference.

**Background**

2. An independent review of the ethical standards framework for Wales, commissioned by the Welsh Government, was carried out between April and July 2021, to assess whether the Ethical Standards Framework established under Part 3 of the Local Government Act 2000 remains fit for purpose. The final report on the Independent Review of the Ethical Standards Framework in Wales ('the Independent Review Report') was published on 14th October 2021: [Local Government Ethical Standards framework: review | GOV.WALES](#)
3. The Standards and Ethics Committee considered the Independent Review Report at its meeting on 9th February 2022.

**Issues**

4. The Independent Review Report concluded that the current arrangements made under the Ethical Standards Framework remain fit for purpose. However, a number of changes were recommended, including a recommendation that there should be an All-Wales Forum for Independent Chairs of Standards Committees to encourage consistency of approach and the adoption of best practice across Wales (Independent Review Report, paragraph 5.5.4).
5. Discussions have taken place between the Monitoring Officers' Group and the Welsh Local Government Association (WLGA) and draft terms of reference for a National Standards Committee Forum have been prepared, which are attached as **Appendix A** for the Committee's information.
6. It is understood that the Chair of each Standards Committee will be invited to the Forum's first meeting and the terms of reference will be on the meeting

agenda for approval. Any comments the Committee may wish to make in relation to the proposed terms of reference may be raised by the Chair at the Forum meeting.

### **Legal Implications**

7. The proposed Forum will not have formal decision making powers, meaning that any formal decisions required will need approval by each individual Standards Committee.

### **Financial Implications**

8. The proposal is for the Committee Chairperson to be invited to attend the National Standards Committee Forum for which remuneration would be payable in accordance with the Members' Schedule of Remuneration and contained within the allocated budget.

## **RECOMMENDATION**

The Committee is recommended to note the information set out in the report and **Appendix A** and provide any appropriate comments.

**Davina Fiore**

**Director of Governance and Legal Services and Monitoring Officer**

13<sup>th</sup> October 2022

## **APPENDICES**

Appendix A National Standards Committee Forum, Terms of Reference, draft

### **Background papers**

Independent Review of the Ethical Standards Framework in Wales, Richard Penn, July 2021

[Framework \(gov.wales\)](https://gov.wales/framework)

Standards and Ethics Committee report, Review of the Ethical Framework, 9<sup>th</sup> February 2022 [CITY](#)

[AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://moderngov.co.uk)

Members' Schedule of Remuneration 2022/23: [Members' Allowances Scheme \(cardiff.gov.uk\)](#)

## **National Standards Committee Forum** **Terms of Reference (2022)**

The purpose of the Forum is to share best practice and provide a forum for problem solving across the

- 1) 22 principal councils
- 2) 3 fire and rescue authorities
- 3) 3 national park authorities

in relation to the work of Standards Committees.

The role of the forum is to share information and so any decisions will have to be made by the individual Standards Committees. There will be times when the Forum would need to make a decision about administrative matters relating to its own practices and administration of meetings.

- Membership – Chair, with the Vice-Chair to attend in the absence of the Chair
- Decision making will typically be by consensus but where a formal decision is required then there will be one vote per authority with the Chair of the Forum having the casting vote
- Election of Chair and Vice Chair – every two years to provide consistency
- Secretariat Support – the WLGA will send out agendas, prepare minutes and can prepare basic reports analysing practice across Wales. Officer support to prepare more extensive reports is dependent upon a monitoring officer from a council volunteering/agreeing to undertake the work
- Frequency of Meetings – 2 meetings per year following a meeting of the Monitoring Officers Group of Lawyers in Local Government
- Agendas items will be suggested by Monitoring Officers based on discussions with their Standards Committees and the Forum will also have a forward work plan to which members could contribute
- Each region will be asked to send 1 monitoring officer to represent the local authorities in that area, with 1 additional monitoring officer each for fire & rescue authorities and national park authorities (making 6 monitoring officers in total)

*Each meeting could have a small agenda followed by a Training Session  
Speakers from the Ombudsman's Office, Adjudication Panel for Wales and Welsh Government could address the Forum on their work*

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

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**PUBLIC SERVICES OMBUDSMAN FOR WALES – CONSULTATION ON DRAFT  
STRATEGIC PLAN 2023-26**

**Reason for this Report**

1. To invite the Committee to provide any comments in response to the public consultation on the Ombudsman's draft Strategic Plan 2023-26.

**Background**

2. The Public Services Ombudsman for Wales (the 'Ombudsman') is a statutory office with powers to investigate complaints about public services and independent care providers in Wales, as well as complaints that local Councillors have breached their authority's Code of Conduct.
3. The Ombudsman's previous Corporate Plan covered the period from 2019 to 2022.

**Issues**

4. In September 2022, the Ombudsman launched a public consultation on its Strategic Plan 2023-23: [Open consultation: Our draft Strategic Plan 2023-2026 \(ombudsman.wales\)](https://www.ombudsman.wales) – **Appendix A**.
5. The consultation indicates that the Ombudsman's proposed Strategic Aims are:
  - Delivering justice with a positive impact for people and public services
  - Increasing accessibility and inclusion
  - Expanding our proactive improvement work
  - Ensuring that we are a healthy, efficient and accountable organisation.
6. The consultation seeks views on the draft Strategic Plan, shaping the priorities of the Ombudsman's office for 2023-26, and presents a number of specific consultation questions. The deadline for consultation responses is 22<sup>nd</sup> November 2022.

## **Legal Implications**

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

## **Financial Implications**

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

## **RECOMMENDATION**

The Committee is recommended to:

1. Consider the consultation on the Ombudsman's Strategic Plan 2023-26 (**Appendix A**), and provide any comments in relation to matters within the remit of the Committee;
2. Delegate authority to the Monitoring Officer, in consultation with the Chair, to submit a response to the Ombudsman's consultation, on behalf of the Committee, reflecting the views expressed; and
3. Ask the Monitoring Officer to circulate a copy of the consultation response submitted to all Members of the Committee for information.

**Davina Fiore**

**Director of Governance and Legal Services and Monitoring Officer**

13<sup>th</sup> October 2022

## **APPENDICES**

Appendix A Public Services Ombudsman for Wales, Open Consultation: Our draft Strategic Plan 2023-26 [Open consultation: Our draft Strategic Plan 2023-2026 \(ombudsman.wales\)](#)



**STANDARDS AND ETHICS COMMITTEE:**

**25 OCTOBER 2022**

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

**WORK PROGRAMME 2022 - 23**

**Reason for this Report**

1. To consider the Committee's Work Programme and agree the items for consideration by the Standards and Ethics Committee in 2022/23

**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 programme.

**Issues**

4. Attached **as Appendix A** is the draft Work Programme for 2022/23 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 under the Local Government Act 2000 (section 54) set out below, which should be considered alongside its terms of reference when setting the Work Programme:

## 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.*

(2A) *A standards committee of a county council or county borough council in Wales also has the specific functions of—*  
(a) *monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and*  
(b) *advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.*

6. The Committee has the same general and specific statutory functions (set out under section 54(1) and (2) above) 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 the report. The work programme would need to be delivered with the resources available within the allocated budget.

## RECOMMENDATION

The Committee is recommended to consider the Work Programme 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**  
**17<sup>th</sup> October 2022**

### Appendix

Appendix A

Background Papers

Work Programme 2022 - 23

Standards & Ethics Committee report, Work Programme 2022/23 – June 2022



**STANDARDS AND ETHICS COMMITTEE – WORK PROGRAMME – 2022/23**

**APPENDIX A**

<b>TOPIC</b>	<b>OBJECTIVE/OUTCOME</b>	<b>WHO IS RESPONSIBLE?</b>	<b>PRIORITY</b>	<b>STATUS</b>	<b>REPORT TO COMMITTEE</b>
(1) Gifts and Hospitality	To monitor and review the acceptance of gifts and hospitality by Members (annually).	Monitoring Officer	Medium	Scheduled	Early 2023
(2) Code of Conduct Complaints	To receive information on complaints made against Members of the Council alleging breaches of the Code of Conduct (quarterly).	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) 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
(5) Whistleblowing Policy	(1) To monitor reports made under the whistleblowing policy and consider any ethical issues arising; and (2) To review the Whistleblowing Policy to ensure it remains fit for purpose.	Monitoring Officer	Medium	Scheduled	Early 2023

<b>TOPIC</b>	<b>OBJECTIVE/OUTCOME</b>	<b>WHO IS RESPONSIBLE?</b>	<b>PRIORITY</b>	<b>STATUS</b>	<b>REPORT TO COMMITTEE</b>
(6) Officers Personal Interests	To receive a report on Senior Officers Personal Interests Declarations (annually)	Monitoring Officer / HR	Medium	Scheduled	ON AGENDA
(7) Meeting with Group Leaders and Whips	To facilitate ongoing engagement with representatives from all political groups; to consider group leaders' new duties in relation to Members' conduct and relevant training	Elected Members	Medium	Scheduled	ON AGENDA & May 2023
(8) Annual Report 2021/22	Prepare Annual Report 2020/21	Committee Chair/ Monitoring Officer	Medium	Scheduled	ON AGENDA
(9) Local Resolution Protocol	To review the Local Resolution Protocol and procedure	Monitoring Officer	Medium	Scheduled	Early 2023
(10) Cardiff Undertaking	To review the Undertaking, its purpose and status	Monitoring Officer	Medium	Scheduled	Early 2023

# CYNGOR CAERDYDD CARDIFF COUNCIL



**STANDARDS AND ETHICS COMMITTEE:**

**25 OCTOBER 2022**

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## REPORT OF THE DEPUTY MONITORING OFFICER

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### SENIOR OFFICERS' PERSONAL INTERESTS DECLARATIONS

*APPENDIX B TO THIS REPORT IS EXEMPT FROM PUBLICATION PURSUANT TO THE LOCAL GOVERNMENT ACT 1972, SCHEDULE 12A, PART 4, PARAGRAPH 12*

#### Reason for this Report

1. To enable the Committee to review the personal interests declarations made by Senior Officers of the Council, in line with the requirements of the Council's Policy on Officers' Personal Interests and Secondary Employment.

#### Background

2. All Council employees are obliged, under the Employees' Code of Conduct, to ensure that their private interests do not conflict with their public duties, and to comply with the Council's rules on the registration and declaration of financial and non-financial interests (paragraph 8(1) of the Code).
3. The Standards and Ethics Committee has responsibility to advise the Council on this issue, pursuant to paragraph (c) of its approved terms of reference:
 

“(c) To advise the Council on the effective implementation of [its Ethical] Code including such matters as the training of Members and employees on the Code's application.”
4. The Council's policy on Officers' Personal Interests and Secondary Employment (“the Policy”), **Appendix A**, adopted in February 2015, says the Monitoring Officer is responsible for reviewing the policy, in consultation with the Standards and Ethics Committee, to ensure it is effective.
5. At its meeting in March 2019, the Committee reviewed the Council's rules and resolved to recommend publication of a Register of Senior Officers' Outside Business Interests with effect from April 2019. This recommendation has been implemented. The information can be found on the Council's Register page of its Website: <https://www.cardiff.gov.uk/ENG/Your-Council/Councillors-and-meetings/registers/Pages/default.aspx>

6. The Committee also gave detailed consideration to the disclosure rules for Senior Officers and, in September 2020, the Committee concluded that no changes should be made to the policy, but agreed to annually review Senior Officers' Personal Interests Declaration Forms (save for any information relating to a Senior Officer's Trade Union membership status and home address, which would be redacted).
7. The Committee last reviewed Senior Officers Personal Interests Declarations at its meeting in July 2021.

### Issues

8. The Council should not interfere unnecessarily with the private lives of its staff, but it needs to have effective arrangements in place to ensure Council staff carry out their duties in a fair and unbiased way, without being influenced by their own personal interests.
9. The Council's Policy on Officers' Personal Interests and Secondary Employment ('the Policy', **Appendix A**) aims to provide rules and guidance to help protect the Council and its staff from criticism, misunderstanding and allegations of impropriety; and to ensure that any conflicts of interest are managed effectively and transparently.
10. Under the Policy, Senior Officers (defined as Chief Officers, Assistant Directors and above, in keeping with the definition of Chief Officers under the Localism Act 2011 and reflected in the Council's Pay Policy) are subject to additional disclosure requirements in the interests of transparency and accountability. They are required to disclose any:
  - a) Outside business interests – this requirement is imposed in employment contracts and, in accordance with the Information Commissioner's Office model Publication Scheme and the recommendations of the Standards and Ethics Committee (please see paragraph 5 above), a register of such interests is published on the Council's website;
  - b) Conflicts of interest between their personal interests and duties to the Council – this duty is imposed in the statutory Employees Code of Conduct (paragraph 8);
  - c) Financial interests in a Council contract (existing or proposed) – this is a statutory requirement imposed by section 117 of the Local Government Act 1972; and
  - d) Details of any company or body owned or controlled by the Senior Officer or their spouse or partner or any of their children or dependents (this is an audit requirement) in relation to 'related party' disclosures for the Council's Statement of Accounts, imposed by the CIPFA Code of Practice and section 21(2) of the Local Government Act 2003.
11. Senior Officers' Personal Interests Declaration Forms are held by the Monitoring Officer and officers are asked to update their declarations annually. The Senior Officers' Personal Interests Declarations for 2022 are attached as **Appendix B (Exempt from publication)**.

12. Members may also wish to note that an electronic system has been developed for recording officers' personal interests and secondary employment, in keeping with the Council's principle of digitalisation of processes, and recommendations made by Internal Audit following a review of this area. This digitalisation of the current paper based process will improve the efficiency and effectiveness of the existing administrative arrangements for recording declarations of interests and make compliance information available for managers. The new system will apply to all Council officers, including Senior Officers, although the declaration form and process for Senior Officers will reflect the additional disclosure requirements which apply to those officers under the Council's Policy. Minor amendments will be made to the Policy (under the Monitoring Officer's delegated authority) to refer to the digital system; and the new digital system is to be trialled in Governance and Legal Services initially, before being rolled out across the Council in early 2023.

### **Legal Implications**

13. As the Monitoring Officer is one of the Council's Senior Officers, she has a conflict of interest in this matter, so this report and the legal advice have been provided by the Deputy Monitoring Officer.
14. The information contained within Senior Officers' Personal Interests Declaration Forms is 'exempt information' as defined by Paragraph 12 of Schedule 12A, Part 4 of the Local Government Act 1972, ie. 'information relating to a particular individual.' Information relating to individuals is exempt from publication, if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Statute requires a register of Members' personal interests to be published online (the Local Government Act 2000, section 81), but there is no similar requirement for officers. Given that the Council's Policy already provides for the oversight of Senior Officer's interests by the Monitoring Officer, who has a statutory duty to uphold high standards of conduct, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The Deputy Monitoring Officer therefore advises that the public should be excluded when this information is brought to Committee.
15. Data Protection laws (the General Data Protection Regulation 2016, 'GDPR', and Data Protection Act 2018) control the use of personal information (any information about living identifiable individuals). Information about officers' home addresses and membership of other organisations is 'personal data' – meaning it may only be processed for specified purposes, if there is a lawful basis for the Council to do so. Trade union membership is classed as 'special category' personal data under Data Protection laws, meaning that there are more stringent restrictions on processing such information.
16. Where there is a statutory requirement for officers to disclose certain personal interests (eg. interests in Council contracts and 'related party disclosures' required under audit rules), the legal obligation provides the GDPR lawful basis for the Council's processing of this information. GDPR also allows the Council to

process certain personal information about its staff (home address, next of kin, bank details etc) in order to discharge its employment rights and duties under its contracts of employment. However, this information may not be used for other purposes unless the Council can demonstrate it has a lawful basis to do so.

17. The information set out in the Senior Officers' Personal Interests Declarations (**Appendix B**) is being reported to the Committee, with the consent of Senior Officers, for the Committee to satisfy itself in relation to the effectiveness of the Council's rules on the registration and declaration of financial and non-financial interests (paragraph 8(1) of the Employees' Code of Conduct) and to discharge the Committee's responsibilities under its approved terms of reference. This information must not be disclosed to third parties or used for any other purpose.
18. Other relevant legal provisions are set out in the body of the report.

### **Financial Implications**

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

### **RECOMMENDATIONS**

The Committee is recommended to note the information contained within the Senior Officers' Personal Interests Declarations attached as **Appendix B** and make any comments, as appropriate.

**James Williams**

**Operational Manager, Litigation & Deputy Monitoring Officer**

10<sup>th</sup> October 2022

### **Appendices**

Appendix A Officers' Personal Interests and Secondary Employment Policy

Appendix B Senior Officers Personal Interests Declaration Forms 2022 (this Appendix is exempt from publication pursuant to the Local Government Act 1972, Schedule 12A, Part 4, Paragraph 12)

### **Background Papers**

Standards and Ethics Committee report 'Senior Officers' Personal Interests Declarations', July 2021



# OFFICERS' PERSONAL INTERESTS & SECONDARY EMPLOYMENT POLICY

<b>APPROVED BY</b>	Cabinet
<b>APPROVAL DATE</b>	19/02/2015
<b>DOCUMENT OWNER</b>	Monitoring Officer

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## INTRODUCTION

1. The public is entitled to expect the highest standards of conduct from all Council staff. In performing their duties, staff must act with integrity, honesty, impartiality and objectivity, as set out in the Nolan principles of public life.
2. The Council is committed to undertaking its work in a fair and professional way. Whilst the Council does not wish to interfere unnecessarily with its staff's private lives or activities outside of their contracted hours, it is essential that staff do not allow any private or personal interests, including interests arising from any other employment or business outside of the Council, to conflict with their duties to the Council.

### Aim of this Policy

3. The aim of this Policy is to provide rules and guidance that will help to protect the Council and its staff from criticism, misunderstanding and any allegations of impropriety.
4. The Policy aims to ensure that all conflicts of interest are managed transparently, and that an officer's secondary employment does not undermine the performance of their Council duties in any way.

### Scope - Who is covered by this Policy?

5. This Policy applies to all Council staff (including interim staff and school based employees other than teachers), irrespective of their employment status or grade.
6. Agency workers must comply with the requirements for disclosing conflicts of interests (paragraphs 16 to 24 of this Policy), but do not need to disclose any other work, unless that work also presents a conflict of interest.
7. The Policy is also commended to School Governing Bodies.

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## RULES and REQUIREMENTS

### Key Requirements

8. All Council staff are required under this Policy to disclose:
- i) any personal interest which conflicts, or may conflict, with their duties to the Council;
  - ii) any secondary employment; and
  - iii) any financial interest in a contract with the Council.

Guidance on these requirements is set out below.

### The Law

9. All Council employees are required to comply with the statutory Code of Conduct for Local Government Employees, which is embedded within the Council's Constitution and published on the Council's website (except teachers, who have their own Code of Conduct).
10. Under paragraph 8 of the Employees Code of Conduct, employees are under a duty not to allow private interests to conflict with their public duties and to comply with the Council rules on declarations and registration of interests.
11. The Code of Conduct is incorporated by law into the employment contracts of all Council employees, and failure to comply with the Code may result in disciplinary action.
12. Employees' contracts of employment also impose legal obligations in respect of any other employment (see paragraph 26 (i) and paragraph 27 below.
13. Council officers have a statutory duty (under the Local Government Act 1972, section 117) to give written notice of

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any financial interest they may have in a Council contract (any contract which has been, or is to be, entered into by the Council). Failure to do so is a criminal offence.

14. The Council has a duty of care under the Working Time Regulations to monitor the number of hours worked by its staff.
15. Senior Officers (Chief Officers and above) are subject to additional disclosure obligations in respect of their outside business interests, to meet the legal requirements of the Council's annual Statement of Accounts (see paragraph 28 below).

### Conflicts of Interest

16. You must not:
  - i) allow your private interests or beliefs to conflict with your professional duty; or
  - ii) misuse your position within the Council or information acquired in the course of your job to advance your personal interests or the interests of others.
17. In order to protect the reputation of the Council and its employees, you are required to formally disclose all potential conflicts of interest (as well as actual conflicts) – this means you must disclose any interest which may, or may be seen to, conflict with your Council duties, using **Form 1** (or for Senior Officers, Form 2). If you are unsure about a possible conflict of interest, you should seek advice from your line manager.
18. Private and personal interests include those of your close family and friends (that is, anyone with whom you have a close personal association), as well as those arising through business and financial interests and membership of clubs, societies or other organisations.
19. It is impossible to list every situation in which a conflict of interest may arise, as this will depend on the particular circumstances of each case, but guidance is given below.

20. You must formally disclose any links you may have (including, but not limited to, as a director, company secretary, trustee, partner, shareholder, owner, contractor or employee) with an outside organisation which may:
- i) receive (or be applying for) grants or other benefits from the Council, IF you are involved in the grant allocation process
  - ii) work for the Council, or supply goods and services to it (or tendering for such work or preparing to do so)
  - iii) campaign, lobby or seek to influence the Council's policies
21. You must formally disclose:
- i) any regulatory applications made to the Council by yourself or any person or body with which you are associated, IF you have any connection or personal relationship with a member of staff within the relevant section dealing with the application
  - ii) any personal interest you may have in a matter being dealt with at the Council by yourself or a member of staff with whom you have any connection or personal relationship.
22. You must ensure that if you enter into a personal relationship with an Officer or a Councillor, who is able to apply influence to your benefit, you declare this to your line manager, to avoid accusations of favouritism and bias.
23. You must avoid:
- i) Involvement in any appointment decision or other decision relating to discipline, promotion, pay and conditions for any other employee (or prospective employee) to whom you are related or with whom you have a close personal relationship outside work. This includes appointments to, and employees of, Cardiff

Works. If you have any such relationship, you must disclose it to your manager and HR.

- ii) Acting as a professional representative on behalf of a friend, partner or relative in their dealings with the Council, except in relation to disciplinary or grievance proceedings so long as this does not conflict with your normal duties to the Council.

24. It is a fundamental principle that no related people should be employed in Council jobs where one is involved in the ordering of goods and services and the other passes the invoices for payment.

### **Private or Other Work, Business or Employment**

25. You must not engage in any other work if there is a conflict of interest with the Council. Before you take up any other work, whether it is paid or unpaid, for yourself, other organisations or other parts of the Council, there are some rules which you must follow to ensure that this does not conflict with the interests of the Council or affect your ability and credibility to do your job.

26. You must:

- i) Formally disclose any other employment (whether inside or outside the Council) – this is a requirement of your contract of employment with the Council. You should note that the Council reserves the right to advise you that you may not carry out any additional employment, IF this may create a conflict of interest or health and safety / duty of care implications.
- ii) Ensure that any other work is done in your own time and not:
  - a) During Council time (or the contracted hours for that job)
  - b) Use Council property (including information which belongs to the Council), premises or equipment (other than for the job for which it has been supplied)

- c) When you are on sick leave (unless your manager has given written consent or you can demonstrate to the Council's satisfaction that this is reasonable)
  - d) When it may adversely affect performance of your Council duties (or your main job within the Council)
  - e) When it may be seen to be against the interests of the Council or reduce public confidence in the Council
- iii) Ensure there is no conflict of interest (please see paragraphs 16 to 24 above).
  - iv) Get formal written permission from your manager before you take up any (paid or unpaid) private work for any person or organisation that supplies, or is tendering to supply, goods or services to or from the Council or its contractors and suppliers.
  - v) Declare in writing to your manager any fees paid to you from outside bodies for any work you do in the course of your job and on behalf of the Council (for example, fees for a lecture). You should be entitled to retain any fees paid for work done during your own time.
27. Senior officers (Chief Officers, Assistant Directors and above), must obtain consent from the Council before engaging in any other business or taking up any other appointment – This requirement is imposed in their contracts of employment.
28. Senior officers (Chief Officers, Assistant Directors and above) must also disclose any companies or other bodies in which they, or a close member of their family, have control or ownership – This is an audit requirement for the Council's annual Statement of Accounts (and further advice on these audit requirements is available from the Technical Accountancy Team in Financial Services).

## ROLES and RESPONSIBILITIES

29. It is important that everyone clearly understands their roles and responsibilities within this process.

### Staff Responsibilities

30. All staff must:
- i) Consider whether their private and personal interests conflict, or have the potential to conflict, with their official duties; and avoid such conflicts wherever possible
  - ii) Formally disclose all actual or potential conflicts of interest
  - iii) Formally disclose all secondary employment
  - iv) Disclose any relevant changes as and when they occur.

### Management Responsibilities

31. Managers must:
- i) Comply with the policy in respect of your own conflicts and potential conflicts of interest and any secondary employment.
  - ii) Facilitate compliance by your staff by being aware of the risks inherent in the type of work they do and monitoring the work of staff and the risks to which they are exposed.
  - iii) Forward any Form 1 completed by staff to your Operational Manager
  - iv) Report breaches of this Policy to your Operational Manager or next level of management (if appropriate), HR People Services and external agencies where appropriate.

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32. Operational Managers and above – You must:
- a) Consider, determine and manage conflicts of interest and secondary employment of your staff
  - b) Ensure that records of disclosures under this Policy are kept, regularly reviewed and kept up to date.

### **Monitoring Officer Responsibilities**

33. The Monitoring Officer will:
- i) Establish a system for managing conflicts of interest in the form of a clear policy for all staff to follow
  - ii) Review the Policy, in consultation with the Standards and Ethics Committee, and have authority to make any minor amendments, to ensure that it is effective
  - iii) Advise on any specific queries regarding the implementation of the Policy, as necessary
  - iv) Maintain a register of personal interests disclosed by Senior Officers.

### **HR People Services Responsibilities**

34. HR People Services will advise on any employment or staffing issues arising from the operation of this Policy, for example, disciplinary action in the event of a breach.



## PROCEDURE

### What do I need to do?

35. You must complete Form 1\* to disclose:
- (i) Any actual or potential conflict of interest – please note, you only need to disclose a personal interest if it conflicts, or may conflict, with your duties to the Council;
  - (ii) any secondary employment – all secondary employment must be disclosed, inside or outside of the Council; and
  - (iii) any changes in the above information, which must be notified within 28 days of the change.

You do not need to complete Form 1 in any other case.

[\*Senior Officers, that is, Assistant Directors and above, must complete Form 2.]

36. The Operational Manager (or next level of management, where appropriate), in consultation with the staff member, will determine whether:
- i) a personal interest exists; and
  - ii) the personal interest (if one exists) is such that there is a conflict with the staff member's duties,

And will notify the staff member of their decision within 10 working days from receipt of the Form (“the Decision Notification”).

37. If it is determined that a conflict does exist, the Operational Manager (or next level of management, where appropriate) will need to assess whether there can be an adjustment of duties, or any other action should be taken, to avoid the conflict.
38. If it is not possible for management to readjust work duties or take other precautions to avoid the conflict, the staff member

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will be notified within 10 working days from the Decision Notification (“the Conflict Notification”) and given the opportunity to appeal against this decision – see paragraphs 40 to 46, ‘Appeal Rights’ below.

39. Where a staff member declines to cease the activity pending the appeal, the Manager shall consider whether it is possible to agree a temporary reallocation of tasks to remove the conflict, failing which, the Manager may instigate a disciplinary investigation in accordance with the Council’s Disciplinary Policy, and will consider whether the staff member should be suspended from duty.

## APPEALS

40. Where the Operational Manager (or next level of management, where appropriate) has confirmed that there is a conflict, the staff member shall have a right of appeal.
41. The staff member must indicate the grounds for their appeal e.g. that there is no personal interest or there is no conflict, and explain the reasons for their view.
42. The appeal must be submitted within 10 working days from the Conflict Notification (see paragraph 38 above).
43. The appeal will be considered by the next level of management within the Directorate, or by another Director, as appropriate.
44. The staff member will be contacted with the outcome of the appeal within 10 working days from submission.
45. If the appeal is not upheld and the conflict is still considered to exist, then the staff member will have the option of immediate cessation of the activity or resignation from their post within the Council.
46. If the staff member chooses to remain employed by the Council and it is found that the activity has not ceased then a Disciplinary Investigation will be instigated in accordance with the Council’s Disciplinary procedure.

## OTHER GENERAL PROVISIONS

### Data Protection

47. Information held in relation to this Policy will be managed in accordance with data protection law.

## RELATED DOCUMENTS

Form 1 Declaration of Personal Interests and Secondary Employment  
Form 2 Senior Officers' Personal Interests Declaration Form

Employee Code of Conduct

Code of Guidance Working Time Regulations

Disciplinary Policy

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By virtue of paragraph(s) 12, 21 of Part(s) 4 and 5 of Schedule 12A of the Local Government Act 1972.

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