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## AGENDA

Pwyllgor	PWYLLGOR SAFONAU A MOESEG
Dyddiad ac amser y cyfarfod	DYDD MAWRTH, 9 MAI 2023, 5.00 PM
Lleoliad	YB 4, NEUADD Y SIR, CYFARFOD AML-LEOLIAD
Aelodaeth	Aelodau Annibynnol: Jason Bartlett (Cadeirydd) Chrissie Nicholls, Arthur Hallett, David Mills, Rashpal Singh  Y Cynghorwyr Cowan, Cunnah a/ac Latif  Cynghorydd Cymuned Julia Charles

### 1 Ymddiheuriadau am Absenoldeb

Derbyn ymddiheuriadau am absenoldeb.

### 2 Datgan Buddiannau

I'w wneud ar ddechrau'r eitem agenda dan sylw, yn unol â Chod Ymddygiad yr Aelodau.

### 3 Cofnodion (*Tudalennau 3 - 8*)

Cymeradwyo fel cofnod cywir cofnodion y cyfarfod ar 14 Chwefror 2023.

### 4 Arweinwyr Grŵp yn Adrodd i Bwyllgor Safonau a Moeseg; a newidiadau posibl i God Ymddygiad Aelodau (Hyfforddiant Gorfodol) ac Ymrwymiad Caerdydd (*Tudalennau 9 - 52*)

Mae Atodiadau B1B, B2B, B3B a B4B o'r adroddiad wedi'u heithrio o'u cyhoeddi gan eu bod yn cynnwys gwybodaeth wedi'i heithrio o'r disgrifiad sydd ym mharagraff 12 o Ran 4 a pharagraff 21 o Ran 5 o Atodlen 12A Deddf Llywodraeth Leol 1972. Gallai'r cyhoedd fod wedi'i wahardd o'r cyfarfod drwy benderfyniad y Pwyllgor yn unol ag Adran 100A(4) Deddf Llywodraeth Leol 1972 wrth i'r eitem hon gael ei thrafod.

Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a'r Swyddog Monitro

**5 Cydbwyllgor Corfforaethol De-ddwyrain Cymru - Is-bwyllgor Safonau** (*Tudalennau 53 - 58*)

Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a'r Swyddog Monitro

**6 Ymgynghoriad Llywodraeth Cymru - ymateb i argymhellion yr Adolygiad Annibynnol o'r Fframwaith Safonau Moesegol (Adroddiad Richard Penn)** (*Tudalennau 59 - 70*)

Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a'r Swyddog Monitro

**7 Diweddariad ar Gwynion Cod Ymarfer Aelodau - Chwarter 4 2022/2023** (*Tudalennau 71 - 76*)

Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a'r Swyddog Monitro

**8 Rhaglen Waith 2023 - 2024** (*Tudalennau 77 - 82*)

Adroddiad y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a'r Swyddog Monitro

**9 Eitemau brys (os oes rhai)**

**10 Dyddiad y cyfarfod nesaf**

Bydd dyddiad cyfarfod nesaf y Pwyllgor yn cael ei gadarnhau ar ôl Cyfarfod Blyneddol y Cyngor ar 25 Mai 2023.

**Davina Fiore**

**Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol**

Dyddiad: Dydd Mercher, 3 Mai 2023

Cyswllt: Mandy Farnham,

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

STANDARDS & ETHICS COMMITTEE

14 FEBRUARY 2023

Present: Independent Members: Jason Bartlett (Chair),  
Arthur Hallett, Chrissie Nicholls, David Mills, and Rashpal Singh

Councillors Cowan, Cunnah and Latif

Community Councillor Julia Charles

The Chair welcomed Rashpal Singh, Independent Member, to his first meeting of the Standards & Ethics Committee.

30 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Arthur Hallett and Councillors Cunnah and Latif. Chrissie Nicholls advised that she would be late in attending the meeting as did Community Councillor Julia Charles.

31 : DECLARATIONS OF INTEREST

No declarations of interest were received.

32 : MINUTES

The minutes of the meeting of the 25 October 2022 were approved as a correct record and signed by the Chair.

33 : REVISION OF THE ELECTED MEMBER SURVEY

The report provided Members with the opportunity of considering proposals for the revision of questions relating to unacceptable behaviours contained in the Elected Member Survey; the issues having been raised at the last meeting of the Committee in October.

Members queried whether, in questions which are asking about the nature of the behaviour referred to with a number of tick boxes, it should be made clear that more than one may apply and the question is seeking as much information about any incident or multiple incidents and types of behaviours. Members felt that it was important that the form allows flexibility to include as much information as possible, perhaps with the addition of a free text box.

Members were advised that the survey will be for completion in a years' time, it is hoped that people will have raised any issues prior to completion of the survey. Members are encouraged to raise issues as and when they arise. Group Leaders have a new duty to try to resolve breaches of the Code of Conduct and promote and maintain high standards of conduct in their groups; they are working hard to try and achieve that.

The Committee RESOLVED to:

1. Note the draft survey questions at Appendix A; and
2. Agree the definitions to be used with the surveys; and

3. Approve the agreed questions with proposed amendments as discussed for use in an interim survey in 2024 and in the 2026 exit survey.

#### 34 : LOCAL RESOLUTION PROTOCOL AND PROCEDURE

In May 2013, the Council adopted a Local Resolution Protocol upon the recommendations of the Standards and Ethics Committee, to deal with relatively low-level 'member on member' complaints. The Protocol was reviewed by the Committee at its meeting in March 2017, certain updates were recommended, they were approved by full Council in November 2017.

The Committee was recommended to consider amending the Local Resolution Protocol and Procedure to provide that the Monitoring Officer shall not refer a complaint to the Hearings Panel unless satisfied that there is direct evidence of a breach of the Code and that it is in the public interest to do so, with the proviso that any decision to not refer an unresolved complaint to the Hearings Panel must be made with the agreement of the Chair of the Committee (or the Vice-Chair in the Chair's absence)

Members agreed that it was a sensible way of dealing with those type of minor complaints.

The Committee RESOLVED to:

1. Note the proposed changes to the Local Resolution Protocol (Appendix A) and or the Local Resolution Hearings Procedure (Appendix B); and
2. Authorise the Monitoring Officer, in consultation with the Standards & Ethics Committee Chairperson or Vice Chairperson, to make the recommended amendments to the Local Resolution Protocol (Appendix A), and report the recommendations to Council for approval; and
3. Authorise the Monitoring Officer, in consultation with the Standards and Ethics Committee or Vice Chairperson, to make the recommended corresponding amendments to the Local Resolution Hearings Procedure (Appendix B).

#### 35 : REGISTRATION OF GIFTS AND HOSPITALITY RECEIVED BY ELECTED MEMBERS

The report provides Members with the opportunity to consider the gifts and hospitality received by Members and consider the suggestion that Welsh authorities should voluntarily harmonise their thresholds for registration in the interests of consistency across Wales.

The Committee noted the number of register entries recording the approximate value of the gift / hospitality as 'unknown' and that several of those relate to tickets to public events where ticket prices will be available on websites.

The Monitoring Officer advised that all Monitoring Officers in Wales had been asked to seek the views of their Standards Committees on whether to agree a standard threshold value; noting that it currently varies between £10 and £100 across Welsh authorities at this time. In Cardiff the threshold is £25.00.

Members discussed the importance of being open and accountable and declaring any gifts and hospitality and that registering the value is not excessive and is not onerous. It can be estimated if Members are unable to locate the information.

Members considered that the £25 threshold was not unreasonable; it should capture most items if set at that level. Members, whilst content to co-ordinate with other authorities, noted that costs in the capital city may be higher than elsewhere in Wales and so a lower threshold may not be appropriate for Cardiff, so they wanted an assurance that any standardised threshold would be voluntary and there should be the option to withdraw and set our own threshold.

The Committee RESOLVED to:

1. Note the information supplied at Appendix A;
2. Agree that amendments should be made to the Guidance on Hospitality, Gifts and Other Benefits Received by Members (Appendix B) and/or the Member Registration Form (Appendix B1) to reiterate the importance of registering the approximate value of gifts/hospitality received; and authorise the Monitoring Officer to make the appropriate amendments and communicate the changes to Members; and
3. Maintain the £25 threshold for registration of gifts and hospitality and authorise the Monitoring Officer to report the Committee's views about voluntary standardisation of thresholds to the Monitoring Officers in Wales Group.

#### 36 : WHISTLEBLOWING REPORTS 2021-2022

The Committee was reminded that Appendix A of the report is exempt from publication and should there need to be any discussion about information contained therein the public and press would need to be excluded.

The report outlined information on whistleblowing reports made during the period running from 1 January 2021 until 31 March 2022; a total of 4 reports were made (3 being within the financial year 2021/22).

The Committee RESOLVED to note the information set out in the report.

#### 37 : PUBLIC SERVICES OMBUDSMAN FOR WALES - UPDATED CODE OF CONDUCT GUIDANCE AND PROCESS; AND EQUALITY AND HUMAN RIGHTS CASEBOOK 2022-23

The report provides the Committee with an opportunity to consider information provided by the Public Services Ombudsman in relation to: Updates to the Code of Conduct Guidance and process; and the Equality and Human Rights Casebook 2022/23.

The Committee were advised that the Code of Conduct guidance changes primarily relate to the new legislative duties on Group Leaders, and to that end the Group Leaders Reports will be presented at the next meeting of the Committee in May.

There are minor changes that have been introduced to the Ombudsman's complaints notification process which means that members (and the Monitoring Officer) will only be advised about a complaint made against them when a decision has been made to either decline to investigate or decide to investigate. This is said to avoid any unnecessary concern for members complained about whilst waiting for a decision to be reached as to whether or not an investigation will take place. This will result in a slight change in the way complaints are reported to the Committee, as explained in the Complaints Update report (Agenda item 9).

The Committee noted that only the limited information about complaints relating to Code of Conduct matters in the Equality and Human Rights Casebook falls within the remit of the Standards & Ethics Committee.

The Chair queried the number of potential local resolution hearings outstanding, and was advised that one complaint had been withdrawn; it may be that that will lead to other changes. If Council agrees to the Committee's recommended changes to the Local Resolution Protocol that may also lead to changes.

The Committee RESOLVED to note the information set out in the report.

### 38 : MEMBERS' CODE OF CONDUCT, COMPLAINTS UPDATE - QUARTER 3 2022-23

The Committee were provided with information in relation to new complaints received and updated in respect of complaints reported previously. The Committee were also updated in relation to the Conduct of Conduct training undertaken by Members. Further approaches have been made to all 5 Members; 3 had undertaken training in a previous administration; and 2 are new Members. They are all now due to attend the next session.

The Committee discussed mandatory training and the action to be taken should the training not be completed. A letter would be written by the Chair of Democratic Services Committee to the Chair of this Committee should Members not be undertaking the required training. In turn the Chair of the Standards & Ethics Committee would write to Group Leaders and the individual Member privately. Whilst there was discussion about any follow up it is anticipated that the involvement of Group Leaders as a result of their new duties will assist in ensuring that Members do attend the relevant training. The Committee expressed their view that consideration be given to a recommendation from the Committee to Council to make a local variation to the Code of Conduct making the failure to complete mandatory training a breach. The Committee were advised that this could be discussed with the Group Leaders at May's meeting of the Committee with Group Leaders.

The Committee agreed that those who do not attend mandatory training should not be 'named and shamed', as there may be personal reasons why an individual Member is unable to attend training.

The Committee were reminded that Councillors as Elected Members can only be removed from office in very limited circumstances, such as receiving a term of imprisonment of over 3 months and for certain breaches of the Code of Conduct and after a hearing takes place they could be disqualified. There is nothing in the Code of Conduct requiring Members to attend mandatory training.

Committee sought clarification as to whether all Members were aware that the information about training and other issues is provided to their Group Leaders and Group Whips and were advised that Members are made aware of their group structure and that any issues may be raised with their Group Leaders and Whips; all training for each Member should appear on the website, although at the present time due to resource issues the information is not completely up to date.

The Committee RESOLVED to note the information set out in the report.

## 39 : CARDIFF UNDERTAKING

The Committee were asked to review the purpose and status of the Cardiff Undertaking and whether it should be retained and, if retained, consider the amendment outlined in the report.

The Committee were advised that all Members are obliged to sign the Acceptance of Office which includes confirmation that they are happy to be Councillors; they will put the interests of the Council first; and that they will comply with the Code of Conduct. The Cardiff Undertaking repeats some of the information included in the Code of Conduct, but is not an enforceable document, more a public statement of intent. It does not have any legal status; Members are bound by the Code of Conduct for Councillors. If Members do not sign their Acceptance of Office within 2 months of their election, they are no longer a Councillor.

Members discussed the Cardiff Undertaking and its value. Members were advised that there could only be a recommendation from the Committee, as it is contained in the council's constitution, to full Council to remove the requirement to sign the Undertaking. All political groups would get an opportunity to speak on it at that stage.

The Committee were advised that the item could be brought back to Committee at the meeting in May so that the further consultation could take place with Group Leaders.

The Committee felt that there should be further consultation before any recommendation be agreed.

The Committee RESOLVED to:

1. Agree to recommend the amendment of paragraph 4 of the Undertaking as set out in paragraph 14 of the report, if the Cardiff Undertaking is retained; and
2. Consult with group leaders about the value of retaining the Cardiff Undertaking before agreeing any further recommendation to be made to Council in this regard.

## 40 : OBSERVATION OF MEETINGS

The Committee were provided with the observation feedback prepared as a result of an attendance at a Full Council meeting on 27 October 2022. Whilst it was noted that there were no conduct or standards & ethics issues raised, there were issues raised in relation to the ability to hear proceedings and the availability of papers. Members noted that the issues have been addressed and feedback has been shared with the Lord Mayor.

The Committee RESOLVED to:

1. Note the meeting observation feedback received; and
2. Continue to observe meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

## 41 : FORWARD WORK PROGRAMME 2022-23

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

The Committee RESOLVED to:

Agree the Work Programme as set out in Appendix A of the report.

42 : URGENT ITEMS (IF ANY)

No urgent items were received

43 : DATE OF NEXT MEETING

The date of the next meeting is Tuesday 9 May 2023.

The meeting terminated at 6.35 pm





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

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**GROUP LEADERS' REPORTS TO STANDARDS AND ETHICS  
COMMITTEE; AND POTENTIAL CHANGES TO THE MEMBERS'  
CODE OF CONDUCT (MANDATORY TRAINING) AND THE CARDIFF  
UNDERTAKING**

**PART OF APPENDICES B1, B2, B3 & B4 IS NOT FOR PUBLICATION AS IT  
CONTAINS EXEMPT INFORMATION OF THE DESCRIPTION IN PARAGRAPHS  
12 & 13 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972**

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**Reason for this Report**

1. To allow the Committee to receive and consider the reports from political group leaders on the discharge of their new statutory duties relating to standards of conduct of members of their groups (introduced under Part 4 of the Local Government and Elections (Wales) Act 2021); and consult with political group leaders about potential changes to the Members' Code of Conduct (in relation to mandatory training) and the Cardiff Undertaking.

**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, including:
  - (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 line with established practice in Cardiff, the Committee meets annually with group leaders and whips to informally discuss conduct issues. The last such meeting was held on 25<sup>th</sup> October 2022, when the Committee received a report on group leaders' new statutory duties in relation to standards of conduct, considered the Welsh Government's draft statutory guidance on this issue, and approved a proforma for group leaders to report to the Standards and Ethics Committee on a biannual (every six months) basis.

## **Issues**

### Group Leaders' Reports to Standards and Ethics Committee

4. In complying with the new statutory duties, political group leaders and standards committees must have regard to any guidance issued by the Welsh Ministers. Draft statutory guidance, issued for consultation in February 2022 and considered by the Committee at its meetings in June and October 2022, is appended as **Appendix A** to this report.
5. The proforma Group Leaders' Report, developed in consultation with group leaders and whips and approved at the Committee's meeting in October 2022, has been forwarded to all group leaders for completion, return and discussion at this meeting. The Group Leaders' Reports, completed by the leaders of each of the four political groups represented on the Council, are appended as **Appendices B1-B4** (including mandatory training attendance figures for each group, with individual group members' training records attached on an Exempt basis), for the Committee's consideration. Group leaders and whips have also been invited to attend the Committee meeting to discuss their reports with the Committee.
6. The Committee should note that the new statutory provisions in relation to its annual report to Council will, in future, require an assessment of group leaders' compliance with their new statutory duties under the 2021 Act (as set out in this report) with effect from the Committee's Annual Report 2022/23, the content of which is to be considered at the Committee's next meeting.

### Requirement to Attend Mandatory Training – Potential Amendment to Members' Code of Conduct

7. At the February 2023 Committee meeting, the Committee discussed mandatory training and action which could be taken to compel Members' attendance. The Committee noted that the new statutory duties of Group Leaders would require them to take steps to address any non-attendance at mandatory training by Members of their group; and that the Chair of the Standards and Ethics Committee would be asked to write to any individual Councillors who had not attended the mandatory Code of Conduct training.
8. The Committee also asked that consideration be given to incorporating a requirement to attend mandatory training within the Members' Code of Conduct, as a permitted local variation to the statutory model Code (by law, local authorities may amend their code of conduct to incorporate other provisions, as long as they are consistent with the model Code). This could be

achieved by inserting a new paragraph 8(c) into the Members' Code of Conduct, as shown in **Appendix C**. It was agreed that this potential amendment should be discussed with Group Leaders to seek their views at the May Committee meeting.

9. It should be noted that if a duty to attend mandatory training is incorporated within the Members' Code of Conduct, any non-attendance at mandatory training, within a reasonable time limit, for example six months of election or the training being identified as mandatory, and without good reason, would constitute a breach of the Members' Code of Conduct. Any such breach of the Code may be the subject of a complaint under the conduct complaints process, and if upheld, the Member may become liable to sanctions.
10. The Committee will note the information about mandatory training attendance contained within, and appended to, each of the Group Leaders' Reports (**Appendices B1-B4**), as referred to in paragraph 5 above, in relation to the reporting period running from 9<sup>th</sup> May 2022 to 31<sup>st</sup> March 2023.
11. For the Committee's information, updated figures showing the total number of Members who have completed each mandatory training course as of 30<sup>th</sup> April 2023 is shown in the table below:

	<b>MANDATORY TRAINING COURSE ATTENDANCE</b>				
	<b>Code of Conduct</b>	<b>IGDP</b>	<b>Equalities and Diversity</b>	<b>Corporate Parenting</b>	<b>Safeguarding</b>
Number of Members who have completed training	78	71	71	74	73
Total number of Members	79	79	79	79	79
Percentage who have completed training	98.73%	89.87%	89.87%	93.67%	92.41%

Notes	86.08%	68 Members	have completed all modules
	6.33%	5 Members	have 1 outstanding module
	1.27%	1 Member	has 2 outstanding modules
	0.00%	0	have 3 outstanding modules
	5.06%	4 Members	have 4 outstanding modules
	1.27%	1 Member	has 5 outstanding modules
	100.00%	79	TOTAL

Cardiff Undertaking

12. The Cardiff Undertaking was adopted by Cardiff Council in 2004, on the recommendations of a Corporate Governance Commission, which had been set up to review the Council's corporate governance arrangements at that time. It provides an opportunity for Members to publicly commit to using their term of office to work for the Council, the City and its citizens, and to commit to the standards of conduct expected by the Council; and has been amended from time to time.
13. The Cardiff Undertaking is included within Part 5 of the Constitution (alongside the statutory Members' Code of Conduct) and is appended to this report as **Appendix D**.
14. At the February 2023 Committee meeting, the Committee received a report reviewing the purpose and status of the Cardiff Undertaking, and a recommended amendment if the Undertaking is to be retained. It was noted that there are no prescribed mechanisms for enforcing the Undertaking. Also, that two Members have declined to give the Undertaking. This has initiated a discussion about whether the Undertaking actually adds anything above and beyond the undertaking to comply with the Code of Conduct already given in Members' statutory declaration of acceptance of office (required under section 83 of the Local Government Act 1972). The Monitoring Officer's view is that given the Code of Conduct is enforceable and the Cardiff Undertaking is not (unless a breach of it also constitutes a breach of the Members Code of Conduct), that the Cardiff Undertaking does not add anything beyond the Code of Conduct and therefore is not necessary.
15. The Committee agreed to seek the views of Group Leaders on the value of retaining the Cardiff Undertaking before making any recommendation to full Council in this regard.
16. If the Committee considers that the Cardiff Undertaking should be retained, it is recommended that paragraph 4 of the Undertaking requires amendment in order to reflect the fact that Councillors may also have legal duties to other bodies, for example, to outside bodies to which they may be appointed by the Council. The recommended amendment is as follows:

*4. Give priority to the interests of the Council, Cardiff and of the people of Cardiff, when acting as a Cardiff Councillor, subject to any other overriding legal duties.*

## **Legal Implications**

17. Under section 51 of the Local Government Act 2000, a local authority may revise its Members' Code of Conduct, provided that the revised Code of Conduct:
  - (i) must incorporate all mandatory provisions of the statutory model code of conduct set out in the Local Authorities (Model Code of Conduct) (Wales) Order 2008; and
  - (ii) may include other provisions which are consistent with the model code.

18. As soon as reasonably practicable after revising its code of conduct, a local authority must ensure copies of the revised code are available for public inspection at a Council office at all reasonable hours; publish a newspaper notice stating that it has revised its code of conduct and specifying the office of the Council where copies of the revised code are available for public inspection at specified times (along with any other publicity measures considered appropriate); and send a copy of the revised code to the Public Services Ombudsman for Wales.
19. Any amendment to the Members' Code of Conduct and or the Cardiff Undertaking requires the approval of full Council.
20. Other relevant legal provisions are set out in the body of the report.

### **Financial Implications**

21. There are no financial implications directly arising from this report.

### **RECOMMENDATIONS**

The Committee is recommended to:

- (1) Note the Group Leaders Reports on the discharge of their new statutory duties in relation to standards of conduct (**Appendices B1-B4**), and provide any appropriate comments; and
- (2) Subject to consultation with Group Leaders and Whips, to:
  - (a) Recommend to full Council the amendment of the Members' Code of Conduct to incorporate a duty to attend all mandatory training, as shown in **Appendix C**; and
  - (b) Either:
    - (i) Recommend to full Council dispensing with the Cardiff Undertaking, on the basis that it is no longer necessary, and removing all references to the Undertaking from the Constitution; OR
    - (ii) Recommend to full Council the amendment of the Cardiff Undertaking as shown in paragraph 16 of this report; and
  - (c) Agree to receive a further report from Group Leaders on compliance with their statutory duties in relation to standards of conduct in six months time.

**Davina Fiore**  
**Director of Governance and Legal Services and Monitoring Officer**  
2 May 2023

## 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](#)

Appendices B1-B4 Group Leader's Reports to Standards and Ethics Committee (with individual Members' training records Exempt from publication)

Appendix C Members' Code of Conduct, potential amendment

Appendix D Cardiff Undertaking

## Background papers

Standards and Ethics Committee report, 'Group Leaders' Duties in Relation to Standards of Conduct', 25th October 2022: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](#)

Standards and Ethics Committee report, 'Members' Code of Conduct Complaints Update – Quarter 3 of 2022/23', 14<sup>th</sup> February 2023; and draft minutes thereof: [Item 9 Report.pdf \(moderngov.co.uk\)](#)

Standards and Ethics Committee report, 'Cardiff Undertaking', 14<sup>th</sup> February 2023 [Item 10 Report.pdf \(moderngov.co.uk\)](#)

# GROUP LEADER'S REPORT TO STANDARDS AND ETHICS COMMITTEE

## Promoting Compliance with the Code of Conduct

Report by: Councillor Huw Thomas

Group Leader

<b><i>TO BE COMPLETED BY MONITORING OFFICER'S STAFF</i></b>			
Political Group:	Labour		
No. of members:	55		
Reporting period:	09.05.22 – 31.03.23		
<b><u>NUMBER, SOURCE AND LEVEL OF COMPLAINTS</u></b>			
	<b>Informal Resolution</b>	<b>Local Resolution Hearing</b>	<b>PSOW</b>
Public	1	0	4*
Officers	0	0	0
Councillors	0	0	0
<b><u>TRAINING RECORDS</u></b>			
Code of Conduct	Number of Councillors trained:	100%	
Group members' Training Records attached?	Yes		

\* Ombudsman decided not to investigate

## **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>
Senedd member of staff	Failing to show respect by inappropriate post on social media	<i>Spoke with Member concerned who agreed to apologise. Apology duly given.</i>	Resolved
Opposition Whip	Informal concern raised at whips meeting over comments at Council	<i>Spoke with Member. No further action required.</i>	Resolved

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	Yes	
2.	Encouraging group members to attend relevant development or training on the Member Code of Conduct and equalities	Yes	
3.	Asking nominees to a committee to ensure they have attended the recommended training for that committee	Yes	
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	Yes	
5.	Promoting informal resolution procedures in the council, and working with the Standards & Ethics Committee and Monitoring Officer to achieve local resolution	Yes	
6.	Promoting a culture within the group which supports high standards of conduct and integrity	Yes	
7.	Attend a meeting of the Standards & Ethics Committee if requested to discuss Code of Conduct issues	Yes	
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	Not applicable. No instances	
9.	Work together with other group leaders, within reason, to collectively support high standards of	Yes	

	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.	Yes	
11.	Any other steps (please outline any other steps taken)		Held a Members Away Day to promote team working and enhance communication, relationship building, respect among the Group

#### HAVE ALL YOUR GROUP MEMBERS COMPLETED ALL MANDATORY TRAINING?

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

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

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

<p>13 members not completed mandatory training.</p> <p>Mitigating circumstances:</p> <ul style="list-style-type: none"> <li>1 issues with IT equipment ongoing, currently being resolved</li> <li>2 potential serious health issues, currently under consultant/hospital</li> <li>1 maternity leave</li> <li>1 suspended from Group</li> </ul> <p>8 no mitigating circumstances.</p> <p>Actions taken to date:</p> <ul style="list-style-type: none"> <li>Regular reminders at Group meetings regularly</li> <li>Emails from Chief Whip</li> <li>Text/WhatsApp reminders from Chief Whip</li> </ul>
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Chief Whip personal conversations  
Chief Whip liaised with Dem Services to make available IT and Support within County Hall

Ongoing actions:  
Inclusion on Chief Whip records for individuals not complying to go to Party.  
Leader and Chief Whip taking further steps against individuals who have not completed training

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

None

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!

Mae'r dudalen hon yn wag yn fwriadol

**LABOUR GROUP TRAINING RECORD 09.05.22 - 31.03.22**

**LABOUR GROUP TRAINING RECORD INFORMATION**

<b>Completed total</b>	55	49	51	51	50
<b>Members</b>	55	55	55	55	55
<b>Completed Percentage</b>	100.00%	89.09%	92.73%	92.73%	90.91%

Mae'r dudalen hon yn wag yn fwriadol

Yn rhinwedd paragraff (au) 12, 21 Rhan (nau) 4 a 5 o Atodlen 12A  
o Ddeddf Llywodraeth Leol 1972.

Mae'r ddogfen yn gyfyngedig

Mae'r dudalen hon yn wag yn fwriadol



# GROUP LEADER'S REPORT TO STANDARDS AND ETHICS COMMITTEE

## Promoting Compliance with the Code of Conduct

Report by: Councillor Adrian Robson

Group Leader

<b><i>TO BE COMPLETED BY MONITORING OFFICER'S STAFF</i></b>			
Political Group:	Conservative		
No. of members:	11		
Reporting period:	09.05.22 – 31.03.23		
<b><u>NUMBER, SOURCE AND LEVEL OF COMPLAINTS</u></b>			
	<b>Informal Resolution</b>	<b>Local Resolution Hearing</b>	<b>PSOW</b>
Public	0	0	1*
Officers	0	0	0
Councillors	0	0	0
<b><u>TRAINING RECORDS</u></b>			
Code of Conduct	Number of Councillors trained:	100%	
Group members' Training Records attached?	Yes		

\* Ombudsman decided not to investigate

## **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
Senior Officer	Failing to treat senior officer with respect in their comments made in public.	Spoke with Member who apologised in public to the officer concerned.	Resolved

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	√	1) Attended all mandatory training and some additional training/briefing sessions. 2) Group Members have been reminded of importance of attending sessions and the group expectation to attend
2.	Encouraging group members to attend relevant	√	

	development or training on the Member Code of Conduct and equalities		<p>mandatory sessions. They have also been encourage to attend non mandatory sessions and a number have.</p> <p>3) Nominees to committees have known before being appointed to them that they have to complete relevant training. More work to do for appointments committee training so that wider pool of available Councillors.</p>
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	√	<p>4) Civility and respect on my social media feeds is maintained at all times. Group members who are on social media are encouraged to follow suit.</p> <p>5) All group members are aware of the informal resolution procedure in the Council and know that if the Ombudsman refers a matter to the Council, it is the S&amp;E committee which hears it.</p> <p>6) Our group strives for high standards of conduct and integrity.</p>
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	NA	
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	NA	<p>7) NA</p> <p>8) NA</p> <p>9) I, along with other group leaders, have passed issues to our respective whips to discuss at the whips meeting. Know that can contact the other group leaders should it be needed.</p> <p>10) Not reported, but discussed concerns which have been brought to me (see first section above).</p>
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)	√	11) The Group Leader, Deputy Leader, Whip and/or Deputy Whip meet during each cycle and discussion includes (when needed) group discipline, behaviour and group member security.
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HAVE ALL YOUR GROUP MEMBERS COMPLETED ALL MANDATORY TRAINING?

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

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

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

One group member has (at the time of writing) not completed the Support Equality session, which I understand is due to work commitments. They have been advised of the importance of ensuring 100% on mandatory training, otherwise it will need to be taken further. They have informed me that they have made arrangements to complete the missing session.

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

None, but would welcome feedback if this is the type of comment you want on the Group Leaders Report.

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

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

None recently but attended the WLGA Leadership Academy in 2019

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

NA

Thank you!

Mae'r dudalen hon yn wag yn fwriadol

LABOUR GROUP TRAINING RECORD 09.05.22 - 31.03.22

CONSERVATIVE GROUP TRAINING RECORD INFORMATION

<b>Completed total</b>	11	11	10	11	11
<b>Members</b>	11	11	11	11	11
<b>Completed Percentage</b>	100.00%	100.00%	90.91%	100.00%	100.00%

Mae'r dudalen hon yn wag yn fwriadol



Yn rhinwedd paragraff (au) 12, 21 Rhan (nau) 4 a 5 o Atodlen 12A  
o Ddeddf Llywodraeth Leol 1972.

Mae'r ddogfen yn gyfyngedig

Mae'r dudalen hon yn wag yn fwriadol

# GROUP LEADER'S REPORT TO STANDARDS AND ETHICS COMMITTEE

## Promoting Compliance with the Code of Conduct

Report by: Councillor Rodney Berman

Group Leader

<b><i>TO BE COMPLETED BY MONITORING OFFICER'S STAFF</i></b>			
Political Group:	Liberal Democrat Group		
No. of members:	11		
Reporting period:	09.05.22 – 31.03.23		
<b><u>NUMBER, SOURCE AND LEVEL OF COMPLAINTS</u></b>			
	<b>Informal Resolution</b>	<b>Local Resolution Hearing</b>	<b>PSOW</b>
Public	0	0	0
Officers	0	0	0
Councillors	0	0	0
<b><u>TRAINING RECORDS</u></b>			
Code of Conduct	Number of Councillors trained:	100%	
Group members' Training Records attached?	Yes		

\* Ombudsman decided not to investigate

## **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>	<b>SUBJECT MATTER OF COMPLAINT</b>	<b>ACTION TAKEN</b>	<b>OUTCOME</b> Resolved / Ongoing
<ul style="list-style-type: none"> <li>- Monitoring Officer;</li> <li>- Group Member;</li> <li>- Member of another Group;</li> <li>- Staff member;</li> <li>- Member of the Public;</li> <li>- Other (please specify)</li> </ul>			

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	X	Training is frequently raised at group meetings by Whips, in addition to correspondence via email about training requirements. Whips will contact individual members where training has not been completed.  Where specific training is required for nomination to a particular committee, members are notified immediately.
2.	Encouraging group members to attend relevant development or training on the Member Code of Conduct and equalities	X	
3.	Asking nominees to a committee to ensure they have attended the recommended training for that committee	X	

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	X	We will regularly discuss the likely tone of a meeting or agenda item and remind members to engage with the topic, and avoid comments about individuals.  Where issues across the council have arisen with comments on social media, this is shared with members and members are reminded of the code of conduct.
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	X	
7.	Attend a meeting of the Standards & Ethics Committee if requested to discuss Code of Conduct issues	X	Group Leaders' attendance at relevant meetings and engagement with the work of the committee relating to the code of conduct, training, complaints, and reporting against the annual survey of members.
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	X	
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	Yes
Information Governance and Data Protection	No
Supporting Equality	No
Corporate Parenting	No
Safeguarding	No

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

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

4 members have not completed some of the mandatory training. This is in part due to childcare and work commitments clashing with the sessions provided.

As above, training is frequently raised at group meetings by Whips, in addition to correspondence via email about training requirements. Whips will contact individual members where training has not been completed.

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?                      NO

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

None specifically, but I have 12 years' previous experience as Liberal Democrat Group leader from 2000-2012. I also previously served as a member of the council's Corporate Governance Commission.

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

Not that I am aware of.

Thank you!

LABOUR GROUP TRAINING RECORD 09.05.22 - 31.03.22

LIBERAL DEMOCRAT GROUP TRAINING RECORD INFORMATION

<b>Completed total</b>	10	9	8	10	10
<b>Members</b>	10	10	10	10	10
<b>Completed Percentage</b>	100.00%	90.00%	80.00%	100.00%	100.00%

Mae'r dudalen hon yn wag yn fwriadol



Yn rhinwedd paragraff (au) 12, 21 Rhan (nau) 4 a 5 o Atodlen 12A  
o Ddeddf Llywodraeth Leol 1972.

Mae'r ddogfen yn gyfyngedig

Mae'r dudalen hon yn wag yn fwriadol

# GROUP LEADER'S REPORT TO STANDARDS AND ETHICS COMMITTEE

## Promoting Compliance with the Code of Conduct

Report by: Councillor Andrea Gibson

Group Leader

<b><i>TO BE COMPLETED BY MONITORING OFFICER'S STAFF</i></b>			
Political Group:	Plaid Cymru, Green Party, Common Ground Group		
No. of members:	2		
Reporting period:	09.05.22 – 31.03.23		
<b><u>NUMBER, SOURCE AND LEVEL OF COMPLAINTS</u></b>			
	<b>Informal Resolution</b>	<b>Local Resolution Hearing</b>	<b>PSOW</b>
Public	0	0	0
Officers	0	0	0
Councillors	0	0	0
<b><u>TRAINING RECORDS</u></b>			
Code of Conduct	Number of Councillors trained:	100%	
Group members' Training Records attached?	Yes		

\* Ombudsman decided not to investigate

## **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
	<b>None</b>		
<i>Example:</i> <i>Staff member</i>	<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	yes	
2.	Encouraging group members to attend relevant development or training on	yes	

	the Member Code of Conduct and equalities		
3.	Asking nominees to a committee to ensure they have attended the recommended training for that committee	yes	
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	yes	
5.	Promoting informal resolution procedures in the council, and working with the Standards & Ethics Committee and Monitoring Officer to achieve local resolution	yes	
6.	Promoting a culture within the group which supports high standards of conduct and integrity	yes	
7.	Attend a meeting of the Standards & Ethics Committee if requested to discuss Code of Conduct issues	yes	
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	yes	
9.	Work together with other group leaders, within reason, to collectively support high standards of conduct within the Council and in public life generally	yes	
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.	yes	
11.	Any other steps (please outline any other steps taken)	n/a	

HAVE ALL YOUR GROUP MEMBERS COMPLETED ALL MANDATORY TRAINING?

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

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

(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?                      NO

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

Code of Conduct Training  
Plus Social Media.

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

Thank you!

Mae'r dudalen hon yn wag yn fwriadol



LABOUR GROUP TRAINING RECORD 09.05.22 - 31.03.22

LIBERAL DEMOCRAT GROUP TRAINING RECORD INFORMATION

<b>Completed total</b>	2	2	2	2	2
<b>Members</b>	2	2	2	2	2
<b>Completed Percentage</b>	100.00%	100.00%	100.00%	100.00%	100.00%

Mae'r dudalen hon yn wag yn fwriadol

Yn rhinwedd paragraff (au) 12, 21 Rhan (nau) 4 a 5 o Atodlen 12A  
o Ddeddf Llywodraeth Leol 1972.

Mae'r ddogfen yn gyfyngedig

Mae'r dudalen hon yn wag yn fwriadol

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

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**SOUTH EAST WALES CORPORATE JOINT COMMITTEE –  
STANDARDS SUB-COMMITTEE****Reason for this Report**

1. To consider the request for Cardiff's Standards and Ethics Committee to be utilised as the Standards Sub-Committee for the South East Wales Corporate Joint Committee on an initial basis, until such time as the Corporate Joint Committee is fully operational and ready to establish its own Standards Sub-Committee.

**Background**

2. Part 5 of the Local Government and Elections (Wales) Act 2021 establishes a new framework to support and encourage greater collaboration between local authorities. The new framework aims to enable a "more coherent, consistent, simplified and democratically controlled mechanism" for regional working, which is to be achieved, in the main, by new Corporate Joint Committees.
3. Corporate Joint Committees ('CJCs') are regional corporate bodies, with broadly similar powers and duties to local authorities. They also have similar governance and administrative structures, with a level of discretion on constitutional and operational arrangements.
4. CJCs can employ staff directly, hold assets and manage finances in the same way as a local authority. They are required by law to appoint a Chief Executive, a Finance Officer and a Monitoring Officer.
5. CJCs are made up of the local authorities named in the Regulations that establish them ('the constituent authorities'), and membership is made up of the executive leaders (the elected Council leaders) of the local authorities and representatives of any National Park Authority within that region. However, in order to fulfil their responsibilities and duties effectively, CJCs will need to, and be expected to, actively involve others in their work, for example by appointing Co-Opted Members, who may be suitable representatives or individuals either from within the constituent authorities or outside of them.

6. In April 2021, the South East Wales Corporate Joint Committee (“SEWCJC”) was formally constituted, comprised of the leaders of Cardiff County Council, Monmouthshire County Council, Blaenau Gwent County Borough Council, Bridgend County Borough Council, Caerphilly County Borough Council, Merthyr Tydfil County Borough Council, Newport County Borough Council, Rhondda Cynon Taff County Borough Council, Torfaen County Borough Council, the Vale of Glamorgan County Borough Council, and a representative of the Brecon Beacons National Park Authority.
7. The SEWCJC is the successor body to the City Deal Joint Committee and is responsible for strategic development planning, regional transport planning and promoting the economic well-being of their area:
  - (a) Strategic Development Plans - Welsh planning law establishes a framework for local planning authorities to bring forward Strategic Development Plans (SDPs). The aim being to deal more effectively with regional cross-boundary issues such as housing and transport, and provide a strategic approach to planning at a greater scale than individual local development plans (LDPs). CJsCs are responsible for preparing the SDPs. Local planning authorities will still prepare LDPs, but these will be more focused in nature.
  - (b) Transport functions - CJsCs are also responsible for developing Regional Transport Plans. These plans will replace local transport plans previously prepared by individual authorities.
  - (c) The economic well-being function - CJsCs have the power to promote and improve the economic well-being of their areas. The power may be exercised for the benefit of the whole or part of the CJsCs area, or all or any persons resident in the area. It is anticipated that City or Regional Growth Deals will be subsumed by CJsCs, although some aspects of this are still to be worked out.
8. Since January 2022 the SEWCJC has operated on what it has referred to as a ‘bare minimum’ basis. In practice this has meant that the focus has primarily been on achieving legislative compliance, whilst waiting for changes in legislation in relation to VAT status and access to the Local Government Pension Scheme. The SEWCJC is currently in what it refers to as its ‘Transition Phase’, where it is building upon its established governance structures in preparation to becoming fully active from April 2024, when it also plans to assume the functions of the Cardiff Capital Region City Deal Joint Committee.

## Issues

9. The Ethical Framework established under Part III of the Local Government Act 2000 has been extended to apply to CJsCs and their members and co-opted members in the same way as it applies to local authorities.
10. Statutory guidance on Corporate Joint Committees (**Appendix A: [WG44355 \(gov.wales\)](#)**), specifically on the constitutional and operational arrangements to be adopted, includes guidance on the application of the Ethical Standards Framework to CJsCs in section 12 of the guidance.

11. The Committee will note that a CJC is required to:

- (i) adopt its own code of conduct for its members and co-opted members, based on the statutory model Code of Conduct set out in the Local Authorities (Model Code of Conduct) (Wales) Order 2008. Accordingly, it is proposed that the SEWCJC will adopt the model Code of Conduct at its next meeting, scheduled for 22<sup>nd</sup> May 2022.
- (ii) appoint a Monitoring Officer. The Deputy Monitoring Officer of Cardiff Council has been appointed as the Interim Monitoring Officer for the SEWCJC;
- (iii) maintain a register of interests, to be established by the Monitoring Officer, for its members and co-opted members. As the SEWCJC covers a different geographical area to its individual constituent councils, it is necessary for a separate register of interests to be maintained to cover the functions and geographic area of the CJC (and in relation to relevant matters outside the areas to which CJsCs may influence and to which members may benefit); and
- (iv) appoint a standards sub-committee (as a CJC is a committee, this is referred to as a standards sub-committee), with the statutory functions set out in section 54 of the Local Government Act 2000 in relation to the promotion and maintenance of high standards of conduct within the CJC and providing advice and training in relation to the CJC's code of conduct.

#### Standards Sub-Committee for the CJC

12. The statutory guidance indicates that the way in which the requirement to appoint a standards sub-committee is satisfied is for the CJC to determine, and that the options in this regard include:

- (i) utilising an existing standards committee of one of its constituent councils;
- (ii) establishing its own standards sub-committee, populated in line with the principles set out in the Standards Committee (Wales) Regulations 2001 but by members of the standards committees of the constituent councils; or
- (iii) establishing a standards sub-committee in line with the Standards Committee (Wales) Regulations 2001.

13. The CJC has indicated that it is not minded to establish its own separate standards sub-committee at this early stage in its development and it is therefore looking to utilise an existing standards committee of one of its constituent authorities.

14. As the Monitoring Officer for the CJC is Cardiff Council's Deputy Monitoring Officer, Cardiff has been approached to ask whether Cardiff's Standards and Ethics Committee would be willing to take on the role of standards sub-committee for the SEWCJC.

15. The political group leaders and members of this Committee have been informally consulted about this request from the SEWCJC. The group leaders have indicated that they have no objection to Cardiff's Standards and Ethics Committee acting as the standards sub-committee for the SEWCJC on an interim basis, provided that there is no cost to Cardiff Council and the arrangement is reviewed after 12 months. The members of this Committee have agreed to receive this report to consider this matter.
16. If agreed, Cardiff's Standards and Ethics Committee would take on responsibility for the standards functions of the CJC and its members, in so far as they relate to the CJC. Where a matter relates to a member's conduct in general, and not specifically to CJC activities, then the Standards Committee of that member's own council would have responsibility.
17. It is recommended that any such arrangement, if agreed, should be subject to a Service Level Agreement, making clear that any additional costs or liabilities incurred by Cardiff Council in relation to taking on this function, are to be paid for by the SEWCJC and including provision for review after 12 months and termination of the arrangements.

### **Legal Implications**

18. Under section 53 of the Local Government Act 2000 (the LGA 2000'), a CJC must establish a standards committee or a joint standards committee with the statutory functions conferred under section 54 of the LGA 2000 (set out in paragraph 22 below). A CJC must establish its first standards sub-committee within 90 days from the day on which Regulations under section 53(11) which apply to CJsCs come into force. However, no regulations applying to CJsCs have yet been issued under section 53(11). This means the duty to establish a standards committee is in effect, but there is no statutory deadline as yet.
19. Under Regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, specifically, the Corporate Joint Committees (General) (No.2) (Wales) Regulations, Regulation 13, a CJC may arrange for the discharge of any of its functions by any county or county borough council in Wales (amongst other options); and a county or county borough council authorised to discharge functions under Regulation 13 may arrange for those functions to be discharged by a committee of that council (amongst other options).
20. In addition to the statutory functions of a standards committee conferred under section 54 of the LGA 2000 (please see paragraph 22 below), a local authority may arrange for its standards committee to exercise such other functions as it considers appropriate.
21. If the Standards and Ethics Committee is willing to undertake the role of standards sub-committee for the SEWCJC, further decisions will be required as follows:
  - (i) the SEWCJC to designate Cardiff's Standards and Ethics Committee as its standards sub-committee (pursuant to section 53(1) of the Local Government Act 2000), and to delegate the SEWCJC standards sub-



committee functions (under Part 3 of the Local Government Act 2000) to Cardiff Council, subject to agreement by Cardiff Council; and

- (ii) Cardiff Council to resolve, subject to the SEWCJC decision referred to in point (i) above, to accept the delegation of functions from the SEWCJC; delegate those functions to its Standards and Ethics Committee; and amend the Committee's terms of reference to cover the statutory functions of the standards sub-committee in relation to the SEWCJC and its members.

22. Subject to approval of the decisions set out in paragraph 21 above, the Standards and Ethics Committee's revised terms of reference would incorporate the statutory functions in relation to the SEWCJC (pursuant to sections 54 and 56B of the Local Government Act 2000), by inserting an additional paragraph as follows:

'(l) In relation to the South East Wales Corporate Joint Committee ('the CJC'), to:

- (i) Promote and maintain high standards of conduct by its members and co-opted members;
- (ii) Assist its members and co-opted members to observe the CJC's code of conduct;
- (iii) Advise the CJC on the adoption and revision of a code of conduct;
- (iv) Monitor the operation of the CJC's code of conduct;
- (v) Advise, train or arrange to train its members and co-opted members on matters relating to the CJC's code of conduct; and
- (vi) Make an annual report to the CJC describing how its functions have been discharged during the financial year.'

23. Other relevant legal provisions are set out in the body of the report.

### **Financial Implications**

24. The report recommends that the proposal, if agreed, should be subject to a Service Level Agreement, making clear that any additional costs or liabilities incurred by Cardiff Council are to be covered by the SEWCJC and including provision for review and termination of the arrangements.

### **RECOMMENDATION**

1. To agree, in principle, to the request for Cardiff's Standards and Ethics Committee to assume responsibility for the statutory functions of the standards sub-committee of the South East Wales Corporate Joint Committee ('SEWCJC'), subject to:
  - (a) Confirmation of its designation and delegation of functions by SEWCJC;
  - (b) Acceptance and delegation by Cardiff Council, including approval of the necessary amendments to the Standards and Ethics Committee's terms of reference; and
  - (c) A Service Level Agreement to be concluded between Cardiff Council and SEWCJC to provide that any additional costs and liabilities incurred are to

be paid for by SEWCJC and including provision for review after 12 months and termination of the arrangements,

As set out in the report; and

2. Note that an update report on this matter will be brought back to the next Committee meeting.

**Davina Fiore**

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

27 April 2023

## **Appendices**

Appendix A – Welsh Government’s Statutory Guidance on Corporate Joint Committees: [WG44355 \(gov.wales\)](#)

### Background Papers

South East Wales Corporate Joint Committee report, ‘Transition Plan – South East Wales CJC Statutory Sub-Committees’, 27<sup>th</sup> March 2023: [item-4-sub-committees.pdf \(cardiffcapitalregion.wales\)](#)

Email correspondence with Standards and Ethics Committee Chair and Committee members and Political Group Leaders regarding ‘Request for Cardiff Standards Committee to act as the Standards Committee for the CJC’, February 2023

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

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**WELSH GOVERNMENT CONSULTATION – RESPONSE TO THE  
RECOMMENDATIONS OF THE INDEPENDENT REVIEW OF THE ETHICAL  
STANDARDS FRAMEWORK (RICHARD PENN REPORT)****Reason for this Report**

1. To inform the Committee of the Welsh Government consultation on the response to the recommendations of the independent review of the ethical standards framework for Wales (the Penn Report, issued in October 2021) and to agree the Committee's response to the consultation.

**Background**

2. The Ethical Standards Framework for Wales was established by Part 3 of the Local Government Act 2000, to promote and maintain high standards of ethical conduct by members and officers of relevant authorities in Wales. A 'relevant authority' is a county or county borough council ("a principal council"), a community council, a corporate joint committee, a fire and rescue authority and a National Park authority in Wales.
3. The Framework consists of ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'). These are included in the Conduct of Members (Principles) (Wales) Order 2001. Further, the Local Authorities (Model Code of Conduct) (Wales) Order 2008 ("Model Code of Conduct") provides for a set of enforceable minimum standards for the way in which Members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity. It also includes provisions relating to the declaration and registration of interests. The Framework has remained largely unchanged, though there have been a number of small amendments to improve the operation of the Framework over the last twenty years.
4. In March 2021, the Welsh Government commissioned an independent review of the ethical standards framework for Wales to assess whether the Framework remains fit for purpose. The review was undertaken between April and July 2021 and took into account the new legislative requirements introduced by the

Local Government and Elections (Wales) Act 2021, as well as the Well-being of Future Generations (Wales) Act 2015 and the Equality Act 2010.

5. As part of the investigation undertaken for the review, the former Chair of the Standards and Ethics Committee and the Monitoring Officer for Cardiff Council were amongst the wide range of stakeholders who were interviewed to share their experiences and views about the operation of the ethical standards framework in Wales.
6. The final report on the Independent Review of the Ethical Standards Framework in Wales ('the Independent Review Report') was published on 14th October 2021, and was considered by the Standards and Ethics Committee at its meeting on 9th February 2022.

## Issues

7. The Independent Review Report (**Appendix A**) concluded that the current Framework is 'fit for purpose' and works well in practice. However, it recommended a few amendments could lead to a greater emphasis in the Framework on prevention of complaints, improve the handling of complaints and result in already high ethical standards being further enhanced.
8. The Welsh Government has now issued its response to the twelve recommendations of the Independent Review Report: [Consultation on the recommendations of the Independent Review of the Ethical Standards Framework \(Richard Penn report\) \[HTML\] | GOV.WALES](#), (**Appendix B**), following engagement with stakeholders, including monitoring officers, the Public Services Ombudsman for Wales (PSOW), the Welsh Local Government Association (WLGA) and One Voice Wales (a member organisation for Community Councils in Wales).
9. In relation to the Welsh Government's response, the Committee may wish to note, in particular, the following:
  - (a) Gifts and Hospitality, threshold for registration (Recommendation 1 of the Independent Review Report) – the wide variation in the thresholds adopted by different Councils across Wales is acknowledged, but the Welsh Government's view is that a standard threshold may not be appropriate for Councils of different sizes, constitution and local circumstances. No amendment of the Code is proposed. However, it is suggested that individual councils should regularly review their thresholds and that this issue should be included within the standards committee's annual report to the council. Members may be aware that at the first National Standards Forum a discussion took place among Standards Committee Chairs about whether to agree to standardise the registration threshold. At this Committee's last meeting, this Committee had expressed a willingness to agree a national threshold, although there were reservations about lowering Cardiff's current threshold, and the Committee wanted assurance that any standardised threshold would be voluntary, meaning that Cardiff could set a different threshold if it was considered to be in Cardiff's interests to do so.
  - (b) Members' home addresses (Recommendation 2 of the Independent Review Report) – the Welsh Government's view is that the model Code of Conduct

does not specifically require the disclosure of Members' home addresses in their Register of Interests. It notes the updated guidance published by the Public Services Ombudsman for Wales advises Members that it is sufficient to provide only the street name or postcode of the property. (The Committee will be aware that this is the approach taken in Cardiff.) On this basis, the Welsh Government states that the issue has now been resolved and no further action is proposed.

- (c) Equality duties (Recommendation 4 of the Independent Review Report) – the recommendation that the duty to treat all people equally (paragraph 4a of the Members' Code of Conduct) should include reference to all nine protected characteristics under the Equality Act 2010 is accepted. The Welsh Government proposes to amend the Model Code of Conduct (and the Principles of Conduct Order) to align with the definition of protected characteristics set out in the Equality Act 2010. The consultation seeks views on whether this change is supported.
- (d) Social media (Recommendation 5 of the Independent Review Report) – the Welsh Government's view is that training is more effective in addressing concerns, rather than including specific provision about social media within the Model Code of Conduct. The Welsh Government proposes to promote training as the most appropriate way of preventing inappropriate behaviour through the medium of social media. The Committee will recall that Cardiff has, in any event, incorporated specific guidance about social media use within its Code of Conduct, as a permitted local variation to the Model Code.
- (e) Reporting criminal behaviour (Recommendation 6 of the Independent Review Report) - the Welsh Government has not accepted the recommendation that the Code should be amended to include an obligation on Members to report their own criminal conduct. It is suggested that this is a legally complex area, requiring consideration of the principles of natural justice and the interface with the Members' disqualification regime. The Welsh Government's view is that the principles set out in the Principles of Conduct Order are strong enough to rely upon a member self-reporting any action they may have taken which is potentially in breach of the principles and the related Code.
- (f) Mandatory training on the Code of Conduct (Recommendation 7 of the Independent Review Report) – the Welsh Government has not accepted the recommendation to include a commitment to undertaking the necessary training in the Declaration of Acceptance of Office that all elected Members are required to sign. It states that *'The requirement for and the provision of mandatory training on the code of conduct has wide ranging implications for prospective members, members and councils in terms of time commitment and cost. It would also potentially require primary legislation. We have therefore explored this issue further as part of the recent consultation on electoral administration and reform.'* It also suggests that inclusion of reference to the Code of Conduct in the Declaration of Acceptance of Office arguably makes training mandatory, so no amendments to the Declaration are proposed at this time. However, Welsh Government will continue to work with Councils, the WLGA and One Voice Wales to promote the importance of training and its take-up amongst councillors; and also to monitor the extent to which non-attendance at training may be a

contributory factor in complaints of poor behaviour. The Committee will note that in Cardiff it is mandatory for elected members to carry out Code of Conduct training in each term of office, and that only one Cardiff member has not done so to date.

- (g) Increased use of local resolution (Recommendation 8 of the Independent Review Report) – the Welsh Government has not accepted the recommendation that the Model Code of Conduct should be amended to require all complaints to be considered for local resolution before referral to the Public Services Ombudsman for Wales. Its view is that only ‘lower level’ complaints, usually involving an alleged failure to show respect and consideration, are suitable for local resolution. The Committee will recall raising concerns that this recommendation, if implemented, would result in a significant increase in the number of complaints to be dealt with by the Monitoring Officer and the Standards and Ethics Committee, with associated resource implications. The Welsh Government does indicate that the local resolution process should be visible and transparent to the public and therefore its statutory guidance will require standards committees to report on the operation of local resolution within its annual report. The Committee will note that local resolution is already included as a standard section within its annual report to Council.
- (h) Adjudication Panel for Wales (‘APW’), powers and procedures (Recommendation 10 of the Independent Review Report) – the Welsh Government is seeking views on whether the APW should have power to: (i) make Restricted Reporting Orders, to impose a restriction on press reporting of cases where the fairness of the tribunal or the safety of witnesses, panel members or staff may be compromised; (ii) protect the anonymity of witnesses; (iii) summon witnesses to attend an Appeal Tribunal; and (iv) recommend a different sanction be imposed by a standards committee (should it retain its existing power in this regard). Views are also being sought on the changes to Case Tribunal procedures which have been proposed by the President of the APW, intended to make the Case Tribunal procedure more efficient and fairer to witnesses; and on the range of sanctions which may be imposed by the APW (currently, a suspension of up to 12 months or a disqualification for up to 5 years). A number of questions are included within the consultation seeking views on these issues.
- (i) Additional Powers for Standards Committees (Recommendation 11 of the Independent Review Report) – the Welsh Government does not agree that further legislation is required for Standards Committees to be able to require the necessary training of Members or to require an apology to be given to a complainant, because it considers that these are matters which may be incorporated into local Codes and protocols without the need for further legislation.
- (j) Public accessibility of the Ethical Standards Framework (Recommendation 12 of the Independent Review Report) – the Welsh Government agrees that public awareness of the Ethical Standards Framework is important for maintaining public confidence in local democracy and is seeking views on how awareness raising might be taken forward in an inclusive manner.

(k) Independent members of Standards Committees – the Welsh Government is also seeking views on whether the requirement to advertise vacancies in newspapers should be removed; and also on the rules in relation to disqualification of former Council employees and former Councillors.

10. The Welsh Government is seeking responses to the twenty-one questions set out within its consultation document, to be submitted by 23<sup>rd</sup> June 2023. A draft consultation response for the Committee's consideration is attached as **Appendix C**.

### **Legal Implications**

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

### **Financial Implications**

12. The body of the report refers to the resource implications associated with an increased use of local resolution, which is a recommendation from the independent review that the Welsh Government has not accepted. An appropriate source of funding would need to be identified for any additional resources that may be required. The removal of a requirement to advertise vacancies of Independent Member of Standards Committees in local newspapers could provide a reduction in costs.

## **RECOMMENDATION**

The Committee is recommended to:

1. Note the information set out in the report and the Welsh Government's Consultation on the Response to the Independent Review of the Ethical Standards Framework (**Appendix B**);
2. Note the draft Consultation Response attached as **Appendix C**, and provide any appropriate comments; and
3. Delegate authority to the Monitoring Officer, in consultation with the Chair, to finalise and submit a consultation response on behalf of the Committee, taking account of all comments made by the Committee.

**Davina Fiore**

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

28 April 2023

## **Appendices**

Appendix A – Independent Review of the Ethical Standards Framework in Wales, [Local Government Ethical Standards framework: review | GOV.WALES](#)

Appendix B – Consultation on the recommendations of the Independent Review of the Ethical Standards Framework (Richard Penn report): [Consultation on the recommendations of the Independent Review of the Ethical Standards Framework \(Richard Penn report\) \[HTML\] | GOV.WALES](#)

Appendix C – Consultation response, draft

## **Background papers**

Standards and Ethics Committee report, 'Review of the Ethical Standards Framework', 9<sup>th</sup> February 2022: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](#)



## Consultation response form: WG47012

Your name: DAVINA FIORE, DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER

Organisation (if applicable): CARDIFF COUNCIL

email/telephone number: DAVINA.FIORE@CARDIFF.GOV.UK

Your address: COUNTY HALL, ROOM 477, ATLANTIC WHARF, CARDIFF BAY, CARDIFF CF10 4UW

### Consultation Questions

We are not seeking specific responses on all the Recommendations. This is because taking into account discussions held with stakeholders and key partners Welsh Ministers' responses to the Recommendations include a number of suggestions for legislative change, highlights some actions which have subsequently been addressed without the need for legislation since the Report was published, some suggestions for non-legislative action and further suggestions for improvement which have been identified in discussion with stakeholders since the Report's publication.

However, there is a general question at the end of the consultation questions where you can add your comments on the Recommendations that do not have a specific question below, or where you wish to make any other comments on the consultation document.

#### Recommendation 4

Q1. Do you agree the relevant regulations relating to the Ethical Standards Framework should be amended to align with the definitions relating to protected characteristics in the Equality Act 2010, and that we should amend the definition of equality and respect in section 7 of The Conduct of Members (Principles) (Wales) Order 2001 ([legislation.gov.uk](http://legislation.gov.uk))?

Yes

Comment: (Optional)

The Committee welcomes the proposal to include reference within the Code of Conduct to all of the groups sharing protected characteristics under equalities law, which clarifies and reinforces the expectation that councillors should promote and maintain the highest standards of conduct in this regard.

#### Recommendation 10

Q2. Should the Adjudication Panel Wales (APW) be able to issue Restricted Reporting Orders?

Yes

Comment: (Optional)

Q3. Should there be express legal provision to enable the APW to protect the anonymity of witnesses?

Yes

Comment: (Optional)

Q4. Do you support the proposed changes to the permission to appeal procedure outlined in this recommendation. If not, what alternatives would you suggest?

In part

Comment: (Optional)

The Committee accepts that the 'clock' should stop if the APW President requests further information in order to make a decision, and that the PSOW should have the opportunity make submissions and for the APW to hold a preliminary hearing if necessary, with an extension of time allowed for this purpose. However, a deadline for the APW decisions should be retained to ensure a timely conclusion of matters in the interests of all concerned.

Q5. Should there be an express power for the APW to summon witnesses to appeal tribunals?

Yes

Comment: (Optional)

Q6. Should there be any changes in the procedure for referring appeals decisions back to standards committees?

No:

Comment: (Optional)

The Committee is content that the Committee may reflect on the APW's recommendation in its decision on sanctions and that it retains its authority in this regard.

Q7. Do you agree there should be an express provision to enable part or all of tribunal hearings to be held in private?

Yes

Comment: (Optional)

Q8. Do you agree that the requirement to provide not less than seven days' notice of the postponement of a hearing should be retained?

Yes

Comment: (Optional)

Q9. Should there be a wider range of sanctions available to the APW, and if so, what should they be?

Yes

Comment: (Optional)

The Committee would support a wider range of sanctions, similar those previously available to the Adjudication Panel for England, to include, for example:

- a) Censure
- b) Restriction of access to Council premises and or resources
- c) Requirement to submit a written apology in a specified form
- d) Requirement to undertake training
- e) Suspension (partial / full) for up to 12 months or until an apology is received / training undertaken / participation in conciliation

Q10a. Do you support the proposed amendments to the process for interim case tribunals outlined in this recommendation? If not, could you please explain.

Yes

Comment: (Optional)

The Committee supports the need to simplify the process and the proposals seem reasonable.

Q10b. If you do support the changes to the process for interim case tribunals, do you agree that an intermediate arrangement should be put in place i.e., by shortening and streamlining the process for interim case tribunals in The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001?

If yes, do you have any suggestions as to how this process could be streamlined within the regulations?

Yes

Comment: (Optional)

Q11. Do you have any further views on the recommendations made in relation to the operation of the APW?

No:

### **Recommendation 12**

Q12. Do you have any suggestions as to how work might be taken forward to raise awareness of the Ethical Standards Framework, in particular for people with protected characteristics as described in the Equality Act 2010?

Comment: (Optional)

The Public Services Ombudsman for Wales may be given responsibility for this, and asked to engage with relevant equalities groups.

### **Other related matters outside of the Review Report**

Q13. Advertising for independent members of standards committees: Do you agree the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed?

Yes

Comment: (Optional)

The Committee agrees that the cost of newspaper advertisements may be disproportionate and that other forms of publicising vacancies may be more effective.

Q14a. Former council employees sitting as independent members on standards committees: Do you agree that the lifelong ban on former council employees being independent members of their previous employer's standards committee should be removed?

No

Q14b. If yes, what do you think would be a suitable period of grace between employment and appointment to a standards committee, and should this be the same for all council employees, or longer for those who previously holding statutory or politically restricted posts?

N/A

Q15. Former councillors sitting as independent members on standards committees:

Do you agree that the lifelong ban on serving as an independent member on the standards committee of the council to which a councillor was elected should be removed? If yes, what do you think would be a suitable period of grace?

No:

Comment (Optional):

Former councillors may not be perceived as truly independent of political allegiance, which is an important requirement for independent members of the standards committee.

Q16. Standards committees' summoning witnesses and sanctions: Should standards committees have the power to summon witnesses?

Yes

Comment: (Optional)

Q17. Do you agree that the sanctions a standards committee can impose should be changed or added to?

Yes

If yes, what sanctions would you suggest?

In addition to the current sanctions available (to censure, suspend or partially suspend a member for a period of up to 6 months), a standards committee should also be able to impose a:

- (a) Requirement to submit a written apology in a specified form; and
- (b) Requirement to undertake training.

### **Welsh language**

We would like to know your views on the effects that the above changes to the Framework and Model Code of Conduct would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

Q18. What effects do you think there would be?

None

Q19. How could positive effects be increased, or negative effects be mitigated?

N/A

Q20. Please also explain how you believe the proposed amendments could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

N/A

Q21. Do you have any other comments you wish to make on the matters raised in this consultation, including for those Report Recommendations where no specific question has been posed?

Yes

Comment: (Optional)

The Committee welcomes the Welsh Government's confirmation that the Model Code simply sets out the minimum legal requirements for inclusion in the code of conduct a council adopts; and notes that Cardiff has made local variations to its Code in relation to issues such as social media and use of Council IT equipment for political group meetings, and is also considering introducing a requirement in relation to mandatory training.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Thank you for taking time to respond to this consultation. A summary of responses will be published in due course.

**STANDARDS & ETHICS COMMITTEE:**

**9 MAY 2023**

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

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**MEMBERS' CODE OF CONDUCT COMPLAINTS UPDATE – QUARTER 4 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 notified to the Monitoring Officer during Quarter 4 of 2022/23 (the period running from 1<sup>st</sup> January 2023 to 31<sup>st</sup> March 2023).

**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 3 of 2022/23 were reported to the Committee meeting on 14<sup>th</sup> February 2023.

## Issues

5. During Quarter 4 of 2022/23, covering the period running from 1<sup>st</sup> January 2023 to 31<sup>st</sup> March 2023, a total of 1 complaint alleging a breach of the Members' Code of Conduct was notified to the Monitoring Officer by the Ombudsman.
6. In summary of the complaint, a member of the public had complained to the Ombudsman that a Member had treated him poorly, told the complainant that they didn't care about the difficulties he had experienced, bragged about how long they had been a member of the Council and failed to respond to correspondence. The Ombudsman decided there was insufficient evidence to suggest a breach of the Code of Conduct, so the complaint would not be investigated. In relation to the Member's alleged failure to respond to correspondence, the Committee may wish to note the Ombudsman's view, as included within the Ombudsman's decision letter, as follows:

*'While Members are there to represent the constituency, it is not always possible for them to represent every individual, and it is open to them to decide how best to use their resources. Failing to respond to correspondence could be considered rude but it is unlikely to amount to a breach of the Code of Conduct. If the Complainant remains unhappy with the service they have received from their elected member, it is open to them to choose a different candidate for election going forward.'*

7. The Committee will recall from the Complaints Update report to its previous meeting, in February 2023, that the Ombudsman's office has changed their notification procedures. The Ombudsman now only notifies all parties about a complaint when a decision has been made on whether the matter will be investigated. This change is reflected in the Committee's quarterly update report as follows:
  - (a) Complaints submitted to the Monitoring Officer under the Local Resolution Protocol, continue to be reported on the basis of the *date on which the complaint is made*, allowing comparisons to be made with the number of complaints received in previous quarters and any emerging patterns or concerns; and
  - (b) Complaints notified to the Monitoring Officer by the Ombudsman, are now reported to Committee on the basis of the *date upon which they are*



*notified to the Monitoring Officer*, including as much information about the dates of relevant incidents as is provided by the Ombudsman.

8. The table below shows the number and type of complaint received during Quarter 4 of 2022/23 alongside comparative figures for previous quarters:

	Q4 Jan – Mar 2022	Q1 Apr – Jun 2022	Q2 Jul – Sept 2022	Q3 Oct – Dec 2022	Q4 Jan – Mar 2023
Local Resolution	1	0	1	0	0
Ombudsman*	2	2	1	2	1
<b>Total</b>	3	2	2	2	1

\* Reported on the basis of the date upon which the complaint is notified to the Monitoring Officer.

#### Type of Complaint

Member on Member	1	0	0	0	0
Public on Member	1	2	2	2	1
Officer on Member	0	0	0	0	0
Community Councillors	1	0	0	0	0
<b>Total</b>	3	2	2	2	1

#### 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. 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.
  - 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. 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, and Cllr B made a counter-complaint against the

complainant (Cllr A). The counter-complaint was resolved informally, with Cllr B withdrawing the complaint and offering an apology to the complainant (Cllr A) for any upset caused by their comments. Cllr A has also been asked to apologise and consider withdrawing the complaint, but to date has not done so.

- iii. A Member (the same Cllr A referred to in sub-paragraph (ii) above), complained about misleading information, which misrepresented 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.
  - iv. A Member (the same Cllr A referred to in sub-paragraphs (ii) and (iii) above) complained that another Member had posted untrue and misleading information about the complainant on social media. It has not been possible to resolve this complaint by informal resolution.
10. The Committee will recall, at its last meeting in February 2023, recommending changes be made to the Local Resolution Protocol to provide that an unresolved complaint shall not be referred to the Hearings Panel unless the Monitoring Officer is satisfied that there is direct evidence of a breach of the Code and that it is in the public interest to do so, with the proviso that any decision to not refer an unresolved complaint to the Hearings Panel must be made with the agreement of the Chair of the Standards and Ethics Committee (or Vice-Chair, in the absence of the Chair). The Committee will be pleased to note that these changes to the Local Resolution Protocol were subsequently approved by full Council on 30<sup>th</sup> March 2023, so are now in effect. The Monitoring Officer will be considering the four unresolved complaints referred to in paragraph 9 above under the revised provisions of the Local Resolution Protocol, to determine whether or not a referral to the Hearings Panel is appropriate.

#### Quarter 3 of 2021/22

11. One of the complaints reported during this quarter was made 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 decided, following an investigation, that there was no evidence of a breach of the Code. The complainant requested a review of the Ombudsman's decision. Following this review, the Ombudsman confirmed their original decision that there was no evidence of a breach of the Code.

#### Code of Conduct Training

12. The Committee is invited to note that, following a number of repeat training sessions on the Code of Conduct, offered both in person and remotely, as part of the Member Induction Programme, 78 out of the 79 Cardiff Councillors (99% of all Cardiff Councillors) have now completed this mandatory training. The Monitoring Officer has contacted the remaining member, who has carried out online Code of Conduct training during a previous Council administration, and he has confirmed his intention to carry

out all the outstanding mandatory training which he has not yet completed. If he does not do so within a reasonable time period, the Chair of this committee will write to him with a reminder.

13. At the Committee's last meeting, in February 2023, the Committee discussed what action could be taken in relation to Members' non-attendance at this mandatory training. It was noted that Group Whips and Leaders are informed of any Members from their group who have not attended mandatory training and Group Leaders are asked what action they have taken in this regard as part of the Group Leaders' Report to Standards and Ethics Committee. The Committee agreed to consider potential amendments to the Code of Conduct to include a requirement to attend all mandatory training – this is addressed under the Group Leaders' Reports to Standards and Ethics Committee, Agenda item 4 for this meeting. It was also agreed that the Chair should write to any individual Members who have not attended mandatory training to emphasise the importance of attending such training and urge them to do so.

### **Legal Implications**

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

### **Financial Implications**

15. There are no financial implications arising directly from this report.

### **Recommendation**

The Committee is recommended to:

1. Note the contents of the report; and
2. Ask the Chair to write to the individual Member who has not yet attended the mandatory Code of Conduct training, if this training is not completed within a reasonable time period, to urge them to do so.

**Davina Fiore**

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

25 April 2023

#### Background papers

- [Standards and Ethics Committee report, 'Member Code of Conduct Complaints Update – Quarter 3 of 2022/23, 14<sup>th</sup> February 2023](#)
- Monitoring Officer's Code of Conduct Complaints Records and Correspondence
- Democratic Services, Members' Training Records
- [Standards and Ethics Committee report, 'Group Leaders' Duties in Relation to Standards of Conduct', 25<sup>th</sup> October 2022](#)

Mae'r dudalen hon yn wag yn fwriadol

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

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**WORK PROGRAMME 2023 - 24**

**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 2023/24

**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 2023/24 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**  
**27 APRIL 2023**

Appendix

Appendix A                      Work Programme 2023 – 24

Background Papers            [STANDARDS AND ETHICS COMMITTEE – WORK PROGRAMME – 2022/23 – Feb 2023](#)

**STANDARDS AND ETHICS COMMITTEE – WORK PROGRAMME – 2023/24**

**APPENDIX A**

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<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	Spring 2024
(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	Autumn 2023
(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	As and when received
(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	(1) Spring 2024 (2) Summer 2023

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
(6) Officers Personal Interests	To receive a report on Senior Officers Personal Interests Declarations (annually)	Monitoring Officer / HR	Medium	Scheduled	Summer 2023
(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	Political Group Leaders for complying with their new duty to promote high standards of conduct, and the Standards Committee for monitoring this	Medium	Scheduled	ON AGENDA & Winter 2023/24
(8) Annual Report 2022/23	Prepare Annual Report 2022/23	Committee Chair/ Monitoring Officer	Medium	Scheduled	Autumn 2023
(9) Cardiff Undertaking	To review the Undertaking, its purpose and status	Monitoring Officer	Medium	Scheduled	ON AGENDA
(10) Members' Use of Council IT for Political Group Meetings	To receive an information report on the adoption and implementation of the new Protocol agreed by Council on the recommendation of this Committee	Monitoring Officer	Low	Scheduled	Autumn 2023
(11) Welsh Government Response to the Independent Review of the Ethical Standards Framework	To consider the Welsh Government's response to the Independent Review Report and provide a response by the deadline of 23 <sup>rd</sup> June 2023	Monitoring Officer	Medium	Scheduled	ON AGENDA



<b>TOPIC</b>	<b>OBJECTIVE/OUTCOME</b>	<b>WHO IS RESPONSIBLE?</b>	<b>PRIORITY</b>	<b>STATUS</b>	<b>REPORT TO COMMITTEE</b>
(12) South East Wales Corporate Joint Committee – Standards Sub-Committee Functions	To consider proposals for Cardiff's Standards and Ethics Committee to discharge standards committee functions for the Corporate Joint Committee	Monitoring Officer	Low	Scheduled	ON AGENDA & Summer 2023 (If there is agreement to progress this)

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