

STANDARDS & ETHICS COMMITTEE

25 JULY 2023

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

Councillors Brown-Reckless, Cunnah and Latif

Community Councillor Julia Charles

1 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Rashpal Singh.

The Committee noted that Davina Fiore, Director of Governance and Legal Services was in attendance at the meeting remotely, however because of technical problems with the sound it was not possible to hear what she was saying.

2 : COMMITTEE MEMBERSHIP

RESOLVED:

- To note that Council, at its Annual meeting on 25 May 2023, approved the appointment of Councillors Brown-Reckless, Cunnah and Latif to the Committee.
- To note that that Jason Bartlett (Chair), Chrissie Nicholls (Vice-Chair), Arthur Hallett, David Mills and Rashpal Singh are the Independent Members of the Committee.
- To note that Julia Charles is the Community Councils representative on the Committee.

The Chair welcomed Councillor Brown-Reckless to her first meeting of the Committee.

3 : TERMS OF REFERENCE

RESOLVED:

To note that the Council, at its Annual meeting on 25th May, approved the Committee's terms of reference (with no amendments).

4 : DECLARATIONS OF INTEREST

Community Councillor Julia Charles declared a personal interest in Item 10 on the agenda, Observations of Meetings as she is a Community Councillor for Radyr and Morganstown Community Council, to which the observation feedback relates.

Davina Fiore, Director of Governance and Legal Services and Monitoring Officer declared a personal and prejudicial interest in Item 12 on the agenda, Senior Officers' Personal Interests Declarations, as she is a Senior Officer and said she would leave the meeting for consideration of that item.

5 : MINUTES

The minutes of the meeting on 9th May 2023 were approved as a correct record of the meeting and signed by the Chair.

6 : AMENDMENT OF THE MEMBERS' CODE OF CONDUCT - ATTENDANCE AT MANDATORY TRAINING

At its previous meeting, the Committee had agreed to recommend to full Council that a requirement to attend mandatory training should be incorporated as an amendment to the Members' Code of Conduct. It had been agreed that a reasonable time period for Members to complete the mandatory training would be 6 months , but that there should be provision for this time period to be extended if a Member had a good reason for requiring an extension of time, or if they could provide evidence of having already attended equivalent and up to date training.

Full Council, at its meeting on 29 June 2023 had considered the report and approved the recommended amendments subject to two points; clarification that the new requirements were not intended to have retrospective effect; and, that, if an enforceable duty to attend mandatory training was to be introduced, the designation of mandatory training should be subject to approval by full Council.

The Committee noted that it was agreed that the new requirements were not intended to have retrospective effect and that this has been clarified by inserting a footnote to that effect in the revised Code; and that a report is due to be submitted to full Council in September for confirmation of the currently designated mandatory training and that any future designations will be subject to approval by full Council.

Members sought clarification as to who would be responsible for determining whether a Member's explanation for not have completed mandatory training was reasonable. Officers advised that it had been agreed that if Members could provide evidence of having attended equivalent and up to date training or had a reasonable explanation for needing an extension, such as illness, then those would be taken into account and agreed in advance with the Head of Democratic Services.

The Committee RESOLVED to:

1. Note the information set out in the report, including the revised Members' Code of Conduct approved by Council on 29th June 2023 (Appendix A to the report).

7 : WELSH GOVERNMENT STATUTORY AND NON-STATUTORY GUIDANCE FOR PRINCIPALS COUNCILS IN WALES (INCLUDING GUIDANCE ON STANDARDS OF CONDUCT)

The report presented the Welsh Government's Statutory and Non-Statutory Guidance for Principal Councils in Wales (the Democracy Handbook'), issued in June 2023, which included finalised guidance on the new duties of political group leaders in relation to standards of conduct and corresponding new duties placed on standards committees (introduced by Part 4 of the Local Government and Elections (Wales) Act 2021).

Members note that it was a consolidated set of guidance which covered a number of other democracy-related issues, most of which were outside the remit of the Committee. Another issue which was within the Committee's remit was the publication of Members' home addresses in their Register of Interests. It was noted that the guidance stated the Welsh Government's view (confirmed in the Ombudsman's statutory guidance on the Code) that Members' Registers of Interests did not need to include their full home addresses, and just a street name or postcode would suffice. One member submitted that they had a different legal view and had raised this in email correspondence with the Monitoring Officer.

The Committee RESOLVED to:

1. Note the information set out in the report and the Appendix (the Welsh Government's statutory guidance).

8 : STANDARDS COMMITTEE FORUM - WALES

The Committee were provided with information about the second meeting of the national Standards Committees Forum – Wales; the group having been set up in response to a recommendation made following the independent review of the ethical standards framework for Wales, namely that there should be an All-Wales Forum for Independent Chairs of Standards Committees, to encourage consistency of approach and the adoption of best practice.

The Chair of this Committee had been elected Vice-Chair of the Forum, and attended its second meeting on 30th June 2023 together with the Monitoring Officer of Cardiff Council who had been asked to provide legal advice for the Forum.

It was noted that one of the topics discussed at the Forum was the support provided to Town and Community Councils, and that Cardiff had developed various different arrangements for engaging with its Community Councils in this regard. As part of the arrangements in Cardiff, the Committee were informed that a presentation for Community Councils outlining the work of the Standards & Ethics Committee had been prepared by the Community Council Member of the Committee, together with the Monitoring Officer. The presentation, which had been delivered to Radyr and Morganstown Community Council and was to be offered to the other community councils also, was outlined to the Committee by Community Councillor Julia Charles.

The Committee RESOLVED to:

1. Note the information set out in the report and its appendices.

9 : MEMBERS' CODE OF CONDUCT COMPLAINTS UPDATE - QUARTER 1 OF 2023/2024

The report provided 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 1 of 2023/24 (the period running from 1st April 2023 to 30th June 2023). Two complaints alleging a breach had been notified to the Monitoring Officer in this period, one by the Ombudsman and the other under the Local Resolution Protocol.

The Committee was pleased to note that all 79 Cardiff Councillors had now completed the mandatory Code of Conduct training.

It was observed that two of the complaints made under the local resolution protocol and reported previously were effectively two years old and no progress appears to have been made by the Monitoring Officer. Members were advised that the Monitoring Officer had been unable to resolve these informally, and would be discussing these with the Chair to decide whether or not there is sufficient evidence of a breach of the Code and a public interest in referring the complaints to a Hearings Panel.

The Committee RESOLVED to:

1. Note the contents of the report.

10 : OBSERVATIONS OF MEETINGS

The Committee was provided with feedback in relation to observation of the Annual meeting of Council on the 25 May 2023, Radyr and Morganstown Community Council meeting on 22 June 2023 and the Old St Mellons Community Council meeting on 13 July 2023. It was noted that the feedback had been shared with the respective Chairs for each meeting that was observed.

Community Councillor Julia Charles declared a personal, non-prejudicial interest in relation to the feedback on the Radyr and Morganstown Community Council meeting, in view of her being a member of that council.

In relation to the feedback on the community council meetings, it was suggested that the Committee should recognise the important work done by those who represented community councils and take care not to over-professionalise a system that relies on attracting volunteers committed to public service. It was also suggested that a matrix or checklist of best practice may be helpful for community councils, however, it may not be possible to list everything and the Council needs to prioritise use of its limited resources.

The Committee RESOLVED to:

1. Note the meeting observation feedback received, as set out in Appendices A, B and C; and
2. Continue to observe meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

11 : WORK PROGRAMME 2023-2024

The report considered the Committee's updated Work Programme and sought to agree the items for consideration by the Standards and Ethics Committee in 2023/24.

The Committee RESOLVED to:

1. Note and agree the content of the Work Programme 2023/24

12 : SENIOR OFFICERS' PERSONAL INTERESTS DECLARATIONS

Davina Fiore, Director of Governance and Legal Services and Monitoring Officer, declared a personal and prejudicial interest in this item as she is a Senior Officer of the Council, and withdrew during discussion of this item.

The report enabled the Committee to review the personal interests declarations made by Senior Officers of the Council, in line with the requirements of the Council's Policy on Officers' Personal Interests and Secondary Employment. The Committee had made a number of recommendations in 2019 concerning the publication of interests and annual reviews, and these had now been implemented. It was noted that declarations are reviewed by Finance officers (specifically, any declarations made in Section B of the form in relation to 'Related Party' disclosure requirements for the Council's Statement of Accounts) and the Monitoring Officer; and further enquiries may be made as necessary. Further, that the new digital system being introduced would provide assurance that all declarations are reviewed by the Senior Officers' line managers.

The Committee RESOLVED to:

1. Exclude the public to discuss certain personal information contained within the appended declarations of interests (pursuant to the Local Government Act 1972, Schedule 12A, paragraphs 12 and 13); and
2. Note the information contained within the Senior Officers' Personal Interests Declarations attached in the appendices.

13 : URGENT ITEMS (IF ANY)

There were none.

14 : DATE OF NEXT MEETING

The next meeting of the Committee is on Tuesday 7th November 2023.

The meeting terminated at 6.10 pm