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Cardiff  
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## AGENDA

<b>Committee</b>	STANDARDS & ETHICS COMMITTEE
<b>Date and Time of Meeting</b>	TUESDAY, 25 JULY 2023, 5.00 PM
<b>Venue</b>	CR 4, COUNTY HALL - MULTI LOCATION MEETING
<b>Membership</b>	Independent Members: Jason Bartlett (Chair) Chrissie Nicholls, Arthur Hallett, David Mills and Rashpal Singh  Councillors: Brown-Reckless, Cunnah and Latif  Community Councillor Julia Charles

### 1 Apologies for Absence

To receive apologies for absence.

### 2 Committee Membership

To note that the Council, at its Annual meeting on 25 May 2023, approved the appointment of Councillors Brown-Reckless, Cunnah and Latif to the Committee for the year 2023-2024.

Jason Bartlett (Chair), Chrissie Nicholls (Vice Chair), Arthur Hallett, David Mills and Rashpal Singh are the Independent Members of the Committee and Julia Charles is the Community Council Member.

### 3 Terms of Reference

To note that the Council, at its Annual meeting on 25 May 2023 approved the Terms of Reference as set out in Appendix A.

### 4 Declarations of Interest

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

### 5 Minutes (Pages 5 - 8)

To approve as a correct record the minutes of the previous meeting on 9 May

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2023.

- 6 **Amendment of the Members' code of Conduct - Attendance at Mandatory Training** *(Pages 9 - 28)*
- 7 **Welsh Government and Non-Statutory Guidance for Principals Councils in Wales (including guidance on standards of conduct)** *(Pages 29 - 32)*
- 8 **Standards Committee Forum - Wales** *(Pages 33 - 60)*
- 9 **Members' Code of Conduct Complaints Update - Quarter 1 of 2023/2024** *(Pages 61 - 64)*
- 10 **Observations of Meetings** *(Pages 65 - 74)*
- 11 **Work Programme 2023-2024** *(Pages 75 - 78)*
- 12 **Senior Officers Personal Interests Declarations** *(Pages 79 - 152)*

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

- 13 **Urgent Items (if any)**
- 14 **Date of next meeting**

The next meeting of the Committee is on Tuesday 7 November 2023 at 5.00 pm

**Davina Fiore**  
**Director Governance & Legal Services**  
Date: Wednesday, 19 July 2023  
Contact: Mandy Farnham,  
02920 872618, [Mandy.Farnham@cardiff.gov.uk](mailto:Mandy.Farnham@cardiff.gov.uk)

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STANDARDS & ETHICS COMMITTEE

9 MAY 2023

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

Councillors Cowan, Cunnah and Latif

Community Councillor Julia Charles

Also Present: Cllrs Thomas and Gunter (Group Leader and Whip, Labour  
Group)

Cllr Robson – (Group Leader Conservative Group)

Cllr Berman – (Group Leader Liberal Democrat Group)

44 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Rashpal Singh, Independent Member of the Committee.

Apologies for absence were also received from Councillors Joe Carter and Dan Naughton, Group Whips who had been invited to the meeting.

45 : DECLARATIONS OF INTEREST

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

46 : MINUTES

The minutes of the meeting of the 14 February 2023 were approved and signed by the Chair.

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

The report provided Members with information on discharge of the new statutory duties of Group Leaders relating to standards of conduct of members of their groups. It also provided information on potential changes to the Members' Code of Conduct in relation to mandatory training and the Cardiff Undertaking.

Members noted that under Part 4 of the Local Government and Elections (Wales) Act 2021, Group Leaders of political parties were required to do what they reasonably could to enforce and maintain high standards of conduct within their groups, while the Committee had a corresponding duty to monitor this. The Committee noted the reports provided by each Group Leader setting out how they had discharged this duty and thanked the Group leaders for their positive engagement with the new statutory duties and reporting arrangements. Regarding the Code of Conduct, Members noted the potential amendments which had been drafted as discussed at the Committee's previous meeting to make it a duty for Members to attend mandatory training.

The Committee discussed the timeframe and opportunities for attending mandatory training, the background and enforceability of the Undertaking, and noted the availability of a Carer's Allowance. The consensus on the timescale within which mandatory training should be completed was 6 months from the date on which it was made available, and it was agreed that the draft recommended amendments (Appendix C to the report) should be further amended accordingly.

Members noted a possible conflict of interest for Group Leaders since they were elected by the members of their group, and emphasised the importance of transparency in the Democratic Services Committee's process of determining which training was mandatory.

Members were advised that there was no specific guidance from the Public Service Ombudsman for Wales about compelling Members to undertake training, and it was clarified that Members' training requirements are set for each term of office.

The majority view was that the Cardiff Undertaking provides a useful opportunity for Members to reaffirm their commitment to high standards of conduct; and that an additional commitment, over and above the statutory duties imposed under the Code of Conduct, was to be welcomed. It was suggested that the Undertaking should be reviewed to ensure it remains up to date and fit for purpose.

The Committee RESOLVED to:

1. Note the Group Leaders' Reports on the discharge of their new statutory duties in relation to standards of conduct (Appendices B1-B4);
- 2a. Recommend to full Council the amendment of the Members' Code of Conduct to incorporate a duty to attend all mandatory training within six months from the date it is first made available, unless there is a reasonable excuse, as set out in Appendix C;
- 2b. Recommend to full Council the amendment of the Cardiff Undertaking as shown in paragraph 16 of the report; and
- 2c. 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.

#### 48 : SOUTH EAST WALES CORPORATE JOINT COMMITTEE - STANDARDS SUB-COMMITTEE

The report provided Members with background on 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.

Members agreed the importance of keeping an eye on the cost and officer capacity and reviewing the arrangement after a set period of time, such as, twelve months.

The Committee RESOLVED to:

1. 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;
  - 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 appropriate Committee meeting.

49 : WELSH GOVERNMENT CONSULTATION - RESPONSE TO THE RECOMMENDATIONS OF THE INDEPENDENT REVIEW OF THE ETHICAL STANDARDS FRAMEWORK (RICHARD PENN REPORT)

The report provided Members with information on 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 sought to agree the Committee's response.

The Committee RESOLVED 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. Approve the draft Consultation Response attached as Appendix C; and
3. Delegate authority to the Monitoring Officer, in consultation with the Chair, to finalise and submit the consultation response (Appendix C) on behalf of the Committee.

50 : MEMBERS' CODE OF CONDUCT COMPLAINTS UPDATE - QUARTER 4 OF 2022/2023

The report provided Members with an update on complaints made against Members of Cardiff Council or any of Cardiff's Community Councils alleging a breach of the Members' Code of Conduct, in particular, complaints notified to the Monitoring Officer during Quarter 4 of 2022/23 (the period running from 1st January 2023 to 31st March 2023).

The Committee RESOLVED 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.

51 : WORK PROGRAMME 2023 - 2024

The Director of Governance and Legal Services and Monitoring Officer noted that an additional item would need to go on the work programme concerning the Cardiff Undertaking, after a consultation period with the political groups.

Members queried the status of the Member Survey, which the Director of Governance and Legal Services and Monitoring Officer confirmed would come back to the Committee in due course.

The Committee RESOLVED to:

Approve the Work Programme as set out in Appendix A, with the addition of a review of the Cardiff Undertaking to be scheduled in accordance with available resources.

52 : URGENT ITEMS (IF ANY)

No urgent items were received.

53 : DATE OF NEXT MEETING

To be confirmed after the Annual Council meeting on 23<sup>rd</sup> May.

The meeting terminated at 6.30 pm



## CYNGOR CAERDYDD CARDIFF COUNCIL

**STANDARDS & ETHICS COMMITTEE: 25 JULY 2023**

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

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#### **AMENDMENT OF THE MEMBERS' CODE OF CONDUCT - ATTENDANCE AT MANDATORY TRAINING**

##### **Reason for this Report**

1. To report back to the Committee following full Council's consideration of the recommendations made by the Committee at its last meeting in relation to amendments to the Members' Code of Conduct to require Members to attend all mandatory training.

##### **Background**

2. The conduct of elected Members is governed by the statutory Members' Code of Conduct adopted by each local authority in Wales under Part 3 of the Local Government Act 2000. The Code of Conduct must incorporate mandatory provisions of the statutory model code of conduct (issued under s.50 Local Government Act 2000, the Local Authorities (Model Code of Conduct)(Wales) Order 2008), and may include other provisions which are consistent with the model code.
3. In considering their duties under the Code of Conduct, Members must have regard to the statutory guidance issued by the Public Services Ombudsman for Wales (under section 68 of the Local Government Act 2000).
4. The Standards and Ethics Committee has responsibility 'To advise the Council on the effective implementation of the Code' and 'To recommend to Council and the Cabinet any additional guidance on issues of probity' (under its approved terms of reference, paragraphs (c) and (h)).
5. At its meetings in February 2023 and May 2023, the Committee discussed Members' attendance at training which had been designated as mandatory by the Democratic Services Committee. Following discussions with political group leaders at the meeting in May, the Committee agreed to recommend that a requirement to attend mandatory training should be incorporated as an amendment to the Members' Code of Conduct. It was agreed that a reasonable time period for Members to complete mandatory training would be 6 months from the date when the training was first made available to the Member, but there should be provision for this time period to be extended if a particular Member has a good reason for requiring an extension of time and

that Members should be excused from attendance if they can provide evidence of having already attended equivalent and up to date training. The Committee agreed to submit the recommended amendments to the Code of Conduct to full Council for approval.

## **Issues**

6. The recommended amendments to the Members' Code of Conduct to incorporate a requirement for Members to attend mandatory training were considered by full Council on 29<sup>th</sup> June 2023. The Council approved the recommended amendments, subject to the following two points:
  - (i) Retrospective effect – Members asked for clarification that the new requirements were not intended to have retrospective effect, specifically, that the 6 month period for completing mandatory training would not be calculated retrospectively. In line with the common law presumption against retrospective effect (unless this is expressly stated), it was agreed that the 6 month period would not start to run until after the date on which the new requirements were approved by Council, that is, 29<sup>th</sup> June 2023. This has been clarified by inserting a footnote to this effect in the revised Code, as shown in **Appendix A**.
  - (ii) Designation of mandatory training – It was noted that the Democratic Services Committee has responsibility for ensuring that Members are provided with appropriate training and support and may identify certain training as essential to enable Members to properly discharge their duties. However, it was agreed that if an enforceable duty to attend training was to be introduced, then the designation of mandatory training should be subject to approval by full Council. A report is to be submitted to full Council in September for confirmation of the currently designated mandatory training; and any future designations of training as mandatory will be subject to approval by full Council.
7. Following approval of amendments to the Members' Code of Conduct, the Council is required (under section 51(6) of the Local Government Act 2000), as soon as reasonably practicable, to publish a newspaper notice informing the public that the Code of Conduct has been revised and is available for inspection, make copies of the revised Code of Conduct available for public inspection and send a copy to the Public Services Ombudsman for Wales. The appropriate arrangements are in hand to comply with these statutory requirements.

## **Legal Implications**

8. Relevant legal provisions are referred to in the body of the report.

## **Financial Implications**

9. There are no direct financial implications arising from the recommendations of this report.

## **RECOMMENDATION**

The Committee is recommended to note the information set out in this report.

**Davina Fiore**

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

17 July 2023

## **Appendices**

**Appendix A**            Revised Members' Code of Conduct, approved by Council on  
29<sup>th</sup> June 2023

## Background papers

Council report, 'Amendment of the Members' Code of Conduct – Attendance at Mandatory Training',  
29<sup>th</sup> June 2023: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk/city-and-county-of-cardiff)

Standards and Ethics Committee report 'Group Leaders' Reports to Standards and Ethics Committee;  
and Potential Changes to the Members' Code of Conduct (Mandatory Training) and the Cardiff  
Undertaking, 9th May 2023: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk/city-and-county-of-cardiff)

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## PART 5 – CODES AND PROTOCOLS

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### CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS OF THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF

#### Adoption

This Code was adopted by the Authority on 15 May 2008 and last amended on 29 June 2023.

### PART I

#### Interpretation

1.1 In this code—

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who—

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

"meeting" ("*cyfarfod*") means any meeting—

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

“register of members’ interests” (“cofrestr o fuddiannau’r aelodau”) means the register established and maintained under Section 81 of the Local Government Act;

“registered society” means a society, other than a society registered as a credit union, which is—

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"relevant authority" ("*awdurdod perthnasol*") means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

## 1.2 In relation to a community council—

- (a) “proper officer” (“swyddog priodol”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and
- (b) “standards committee” (“pwyllgor safonau”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

## PART II

### General Provisions

- 2.1 Save where paragraph 3(a) applies, you must observe this code of conduct—
- (a) whenever you conduct the business, or are present at a meeting, of your authority;
  - (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
  - (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
  - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6.1(a) and 7.
- 2.2 You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.
- 3 Where you are elected, appointed or nominated by your authority to serve—
- (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
  - (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 4 You must—
- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
  - (b) show respect and consideration for others;
  - (c) not use bullying behaviour or harass any person; and
  - (c) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.
- 4.1 When using social media, you must comply with the Members' Code of Principles on Social Media Use, adopted by Cardiff Council (Annex 1 to this Code).

- 5 You must not—
- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
  - (b) prevent any person from gaining access to information to which that person is entitled by law.
- 6.1 You must—
- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
  - (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
  - (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
  - (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.
- 6.2 You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.
- 7 You must not—
- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
  - (b) use, or authorise others to use, the resources of your authority—
    - (i) imprudently;
    - (ii) in breach of your authority's requirements;
    - (iii) unlawfully;
    - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

- (v) improperly for political purposes, except in accordance with the Council's approved protocol in relation to political group meetings for the purpose of discussing Council business (Annex 2); or
- (vi) improperly for private purposes.

8 You must—

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by—
  - (i) the authority's Chief Executive;
  - (ii) the authority's Chief Finance Officer;
  - (iii) the authority's Monitoring Officer;
  - (iv) the authority's Chief Legal Officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.
- (c) undertake all training designated by your authority as mandatory to enable you to properly discharge your duties, within 6 months from the date on which the mandatory training is first made available to you<sup>1</sup>, unless:
  - (i) you can provide evidence of having attended equivalent and up to date training; or
  - (ii) you have reasonable excuse for requiring an extension of time'which, in either case, should be agreed in advance with the Head of Democratic Services.

9 You must—

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

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<sup>1</sup> Provided that the 6 month period shall not start to run before the date on which this requirement comes into effect (29<sup>th</sup> June 2023), meaning that the 6 month period shall not start until after 29<sup>th</sup> June 2023.

- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

## PART III

### INTERESTS

#### Personal Interests

- 10.1 You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- 10.2 You must regard yourself as having a personal interest in any business of your authority if—
- (a) it relates to, or is likely to affect –
    - (i) any employment or business carried on by you;
    - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
    - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
    - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
    - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
    - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
    - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
    - (viii) any body to which you have been elected, appointed or nominated by your authority;
    - (ix) Any –
      - (aa) public authority or body exercising functions of a public nature;

- (bb) company, registered society, charity, or body directed to charitable purposes;
- (cc) body whose principal purposes include the influence of public opinion or policy;
- (dd) trade union or professional association; or
- (ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(b) *[Deleted]*

(c) a decision upon it might reasonably be regarded as affecting –

- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
- (ii) any employment or business carried on by persons as described in 10.2(c)(i);
- (iii) any person who employs or has appointed such persons described in 10.2(c)(i), any firm in which they are a partner, or any company of which they are directors;
- (iv) any corporate body in which persons as described in 10.2(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- (v) any body listed in paragraphs 10.2(a)(ix)(aa) to (ee) in which persons described in 10.2(c)(i) hold a position of general control or management,

to a greater extent than the majority of –

- (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

## Disclosure of Personal Interests

- 11.1 Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- 11.2 Where you have a personal interest in any business of your authority and you make -
- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
  - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.
- 11.3 Subject to paragraph 14.1(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- 11.4 You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11.1, give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing—
- (a) details of the personal interest;
  - (b) details of the business to which the personal interest relates; and
  - (c) your signature.
- 11.5 Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16.1, your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

- 11.6 For the purposes of sub-paragraph 11.4, a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.
- 11.8 For the purposes of sub-paragraph 11.3, where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

### **Prejudicial Interests**

- 12.1 Subject to sub-paragraph 12.2 below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 12.2 Subject to sub-paragraph 12.3, you will not be regarded as having a prejudicial interest in any business where that business—
- (a) relates to—
    - (i) another relevant authority of which you are also a member;
    - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
    - (iii) a body to which you have been elected, appointed or nominated by your authority;
    - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
    - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
  - (b) relates to—
    - (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
    - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in

section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

- (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
  - (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of Local Government (Wales) Measure 2011 (1), or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989 (2);
- (c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

12.3 The exemptions in subparagraph 12.2(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

### **Overview and Scrutiny Committees**

- 13.1 You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

### **Participation in Relation to Disclosed Interests**

- 14.1 Subject to sub-paragraphs 14.2, 14.2(a) 14.3 and 14.4, where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee—
- (a) withdraw from the room, chamber or place where a meeting considering the business is being held—
    - (i) where sub-paragraph 14.2 applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event

before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

- (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
- (b) not exercise executive or board functions in relation to that business;
- (c) not seek to influence a decision about that business;
- (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
- (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

14.2 Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

- (a) Where you have a prejudicial interest in any business of your authority and submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under a statutory right or otherwise.
- (b) When submitting written representations under sub paragraph 14.2(a) you must comply with any procedure that your authority may adopt for the submission of such representations.

14.3 Sub-paragraph 14.1 does not prevent you attending and participating in a meeting if—

- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
- (b) you have the benefit of a dispensation provided that you—
  - (i) state at the meeting that you are relying on the dispensation; and
  - (ii) before or immediately after the close of the meeting give written notification to your authority containing—
    - (aa) details of the prejudicial interest;

- (bb) details of the business to which the prejudicial interest relates;
- (cc) details of, and the date on which, the dispensation was granted; and
- (dd) your signature.

14.4 Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

## **PART IV**

### **THE REGISTER OF MEMBERS' INTERESTS**

#### **Registration of Personal Interests**

- 15.1 Subject to sub-paragraph 15.4, you must, within 28 days of—
- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
  - (b) your election or appointment to office (if that is later),
- register your personal interests, where they fall within a category mentioned in paragraph 10.2(a) in your authority's register of members' interests by providing written notification to your authority's monitoring officer.
- 15.2 Subject to sub-paragraph 15.4, you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10.2(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.
- 15.3 Subject to sub-paragraphs 15.4, you must, within 28 days of becoming aware of any change to a personal interest falling within a category mentioned in paragraph 10.2(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of community council to your authority's proper officer.
- 15.4 Sub-paragraphs 15.1, 15.2 and 15.3 do not apply to sensitive information determined in accordance with paragraph 16.1.
- 15.5 Sub-paragraphs 15.1 and 15.2 do not apply if you are a member of a relevant authority which is community council when you act in your capacity as a member of such an authority.
- 15.6 You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

#### **Sensitive Information**

- 16.1 Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

- 16.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph 16.1 is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.
- 16.3 In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

### **Registration of Gifts and Hospitality**

- 17 You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

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**CARDIFF COUNCIL  
CYNGOR CAERDYDD**



**STANDARDS AND ETHICS COMMITTEE:**

**25 JULY 2023**

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

**WELSH GOVERNMENT STATUTORY AND NON-STATUTORY GUIDANCE FOR PRINCIPAL COUNCILS IN WALES (INCLUDING GUIDANCE ON STANDARDS OF CONDUCT)**

**Reason for this Report**

1. To inform the Committee of the Welsh Government's Statutory and Non-Statutory Guidance for Principal Councils in Wales (the Democracy Handbook'), issued in June 2023, which includes 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).

**Background**

2. The Local Government Act 2000, Part III (and regulations made thereunder) sets an ethical framework for the conduct of local government members. Key components of the ethical framework include the statutory Members' Code of Conduct, which sets out the duties imposed on all elected and co-opted Members; and the statutory provisions relating to Standards Committees, established to promote and maintain high standards of conduct by the members and co-opted members of the authority.
3. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), Part 4 introduced certain changes to the statutory ethical framework which took effect from 5<sup>th</sup> May 2022, and includes:
  - (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.

4. In complying with the new duties, political group leaders and standards committees must have regard to any guidance issued by the Welsh Ministers. Draft statutory guidance, issued in February 2022 for consultation, along with the Council's consultation response, was considered by the Committee at its meeting in June 2022.

## Issues

5. On 15<sup>th</sup> June 2023, the Welsh Government issued its finalised Statutory and Non-Statutory Guidance on democracy within principal councils, 'the Guidance'.
6. Part 2 of the Guidance includes:
  - 4.0 Statutory guidance on duties of leaders of political groups in relation to standards of conduct
  - 5.0 Statutory guidance on the functions of standards committees
  - 6.0 Duty of a standards committee to monitor group leaders' compliance with their duties, and provision of advice and training
  - 7.0 Duty of standards committee to make annual report
7. The finalised Guidance largely reflects the same provisions that were included within the Consultation Draft Guidance previously considered by the Committee at its meeting in June 2022, which was agreed to be helpful for understanding the scope of the new duties and how to fulfil them.
8. The Guidance, paragraph 6.4, was amended (on 4<sup>th</sup> July 2023) to read that standards committees (as opposed to standards committee chairs) should meet with group leaders at the beginning of each council year to agree a number of issues. As members will be aware, the Committee's annual meeting with group leaders and whips is well-established in Cardiff; and since the introduction of the new statutory duties on group leaders, it has been agreed that meetings will be held biannually, at the start of the year in May and then 6 months later, mid-way through the year (to be included as part of the agenda for the appropriate Committee meeting, within the Committee's scheduled calendar of meetings for the year).
9. The updated Guidance is attached as **Appendix A: [Statutory and non-statutory guidance on democracy within principal councils | GOV.WALES](#)**

The Committee will note that the Guidance, paragraph 2.34, also includes guidance on Members' home addresses and the Members Register of Interests, confirming that: '.. it is the view of the Welsh Government that while members have an obligation to declare interests and not to participate in or influence council business, there is no requirement for members to include their full primary address (or any other address) when registering beneficial interests in land in the authority's area. It would be sufficient for members to state that they own a property in

the authority's area (for example identifying the road or ward), in order to discharge their duties under paragraph 15 of the Code.' This replicates the provisions of the draft guidance considered previously by the Committee in June 2022. Members may recall from the Committee's previous consideration of this issue (in June 2022) that whilst the Welsh Government's view is that identifying the *ward* in which property is located may be sufficient to discharge a Member's duty under the Code of Conduct (to register a description of 'any land and property in the authority's area in which you have a beneficial interest (or a licence to occupy for more than 28 days)', the Ombudsman's statutory guidance on the Code of Conduct refers to the *street name* or *postcode*. The explanatory notes provided for Cardiff Councillors on this question in the Members' Register of Interests reflects the statutory guidance provided by the Ombudsman, making clear that full home addresses do not need to be provided, and that a street name or postcode will suffice.

10. The Committee may also wish to note that the Welsh Government has developed a set of short videos on ethical standards and the code of conduct, which are published on YouTube and can be found here:

[Standards of behaviour for councillors in Wales - YouTube](#)  
[Advice on how to complain about a councillor in Wales - YouTube](#)  
[How councillors should behave and interact with people - YouTube](#)

[Safonau ymddygiad ar gyfer cynghorwyr yng Nghymru - YouTube](#)  
[Cyngor ar sut i gwyno am gynghorydd yng Nghymru - YouTube](#)  
[Sut dylai cynghorwyr ymddwyn ac ymwneud â phobl - YouTube](#)

11. The Welsh Government has indicated that it is working on producing the consolidated Guidance as html online and will embed the videos in relevant sections. Councils are encouraged to use the videos for their own purposes. The Monitoring Officer has shared links to these videos with the Community Council Clerks in the Cardiff area and recommended showing them at their next Council meeting if possible, as a reminder of the Code of Conduct and the complaints process.

### **Legal Implications**

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

### **Financial Implications**

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

### **RECOMMENDATIONS**

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

**Davina Fiore**  
**Director of Governance and Legal Services and Monitoring Officer**  
17 July 2023

## **Appendices**

Appendix A: Statutory and Non-Statutory Guidance for Principal Councils in Wales, June 2023: [Statutory and non-statutory guidance on democracy within principal councils | GOV.WALES](#)

### Background papers

Standards and Ethics Committee report, 'Draft Statutory Guidance on Standards of Conduct and Disclosure of Members' Home Addresses in the Members' Register of Interests', 22<sup>nd</sup> June 2022: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](#)

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

**CARDIFF COUNCIL  
CYNGOR CAERDYDD**



**STANDARDS AND ETHICS COMMITTEE:**

**25 JULY 2023**

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

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**STANDARDS COMMITTEES FORUM - WALES**

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**Reason for this Report**

1. To provide the Committee with information about the second meeting of the national Standards Committees Forum – Wales, and an opportunity to consider the issues raised.

**Background**

2. One of the recommendations made following the independent review of the ethical standards framework for Wales ('the Independent Review Report', published on 14th October 2021: Local Government Ethical Standards framework: review | GOV.WALES) was that there should be an All-Wales Forum for Independent Chairs of Standards Committees, to encourage consistency of approach and the adoption of best practice across Wales (Independent Review Report, paragraph 5.5.4).
3. The Committee received a report on the proposed establishment of a National Standards Committee Forum, comprised of the Chairs of each Standards Committee in Wales, and its terms of reference at its meeting in October 2022. The purpose of the Forum is to share best practice and provide a forum for problem solving across the:
  - 1) 22 principal councils
  - 2) 3 fire and rescue authorities
  - 3) 3 national park authorities,

in relation to the work of Standards Committees, in accordance with its terms of reference (**Appendix A** to this report).

**Issues**

4. The Standards & Ethics Committee Chair, who has been elected as the Vice-Chair of the Standards Committees Forum, Wales ('the Forum'), attended the second meeting of the Forum, which was held remotely on 30<sup>th</sup> June 2023.

The Monitoring Officer of Cardiff Council also attended the meeting as the legal advisor to the Forum. At the meeting, the Chairs confirmed their wish to share as much information as possible with their standards committees and the public and it was therefore agreed that the notes would be circulated to standards committees, provided that no individual complainant or councillor complained of could be identified. The notes of the meeting are attached as **Appendix B** to this report.

5. The Committee will note that the Forum meeting received a presentation from the Chair of the Committee on Standards in Public Life Research Advisory Board in relation to the standards regime in England; and an update from the Public Services Ombudsman for Wales on her annual report for 2022/23. The Forum also discussed various topical issues, including the new statutory duties of political group leaders and the support provided to Town and Community Councils.
6. In relation to the support provided to Town and Community Councils, the Committee may wish to note that the arrangements adopted in Cardiff to support and promote high standards of conduct include the following:
  - (i) Community Councils Charter – in line with guidance from the Welsh Government and best practice, the Council has adopted a charter with the 6 Community Councils in Cardiff, which sets out how we will seek to work together for the benefit of local communities, embracing the shared principles of openness, respect and honesty. The Charter was originally adopted in 2012 and was updated and re-affirmed in 2019, in line with the recommendations of this Committee. The Charter is enshrined within Part 5 of the Constitution, published online: [Community Councils Charter.pdf \(moderngov.co.uk\)](https://www.moderngov.co.uk/Community-Councils-Charter.pdf)
  - (ii) Member Enquiry Service – in recognition of the importance of timely, clear and relevant information and communication with Community Councils, Cardiff Council grants the Community Council Clerks with access to the Council's Member Enquiry Service (and this commitment is confirmed within the Community Councils Charter referred to in point (i) above).
  - (iii) Regular meetings between the Monitoring Officer and Community Council Clerks – the Monitoring Officer continues to hold regular meetings with the Clerks to discuss any issues of concern in relation to Member conduct and associated matters.
  - (iv) Observation of Community Council meetings – as the Committee will be aware, the Independent members of the Committee continue to attend Community Council meetings to observe standards of conduct and any associated issues and provide feedback, which is then discussed at Committee meetings. The Committee's observations and comments are shared with the Community Councils.
  - (v) Presentation for Community Councils – the Community Council member of the Committee, Community Councillor Julia Charles, in consultation with the Monitoring Officer, has developed a presentation on the role of

the Standards & Ethics Committee, explaining the principles of the Members' Code of Conduct and the statutory complaints process. The presentation is attached as **Appendix C** to this report. With the full support of the Standards and Ethics Committee Chair, Community Councillor Julia Charles will be delivering this presentation to her own Community Council, Radyr and Morganstown, at its next meeting. It is proposed that this presentation will also then be offered to the other Community Councils in Cardiff. The Chair has fully endorsed the presentation, as a proactive way to inform and educate Community Councils and their Members about the work of the Committee. The Chair has confirmed his willingness to attend any appropriate Community Council meetings when the presentation is being delivered, and wishes to encourage other Independent members to also make themselves available, as they do currently for observing meetings.

7. The Forum is to meet biannually, and its next meeting is to be scheduled for January 2024.

### **Legal Implications**

8. The Forum has no formal decision making powers, which means that any formal decisions required would need the approval of each individual Standards Committee.
9. In relation to Community Councils and their Members, the Standards and Ethics Committee has the same statutory functions as it has in relation to Cardiff Council and its Members (pursuant to section 56(1) of the Local Government Act 2000).
10. There are no other direct legal implications arising from the recommendations of this report.

### **Financial Implications**

11. There are no direct financial implications arising from this report. Any relevant payments and allowances associated with the activities of the Standards Committees Forum – Wales would be payable in accordance with the rates set by the Independent Remuneration Panel for Wales and met from the allocated budget.

## **RECOMMENDATIONS**

The Committee is recommended to note the information set out in the report and its appendices and make any appropriate comments.

**Davina Fiore**

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

18 July 2023

## Appendices

- Appendix A: Standards Committees Forum, Wales, Terms of Reference
- Appendix B: Standards Committees Forum – Wales, Notes of meeting held on 30th June 2023
- Appendix C: Cardiff Council Standards and Ethics Committee, Presentation by Community Councillor Julia Charles, Community Council member of the Committee, July 2023

### Background papers

Standards and Ethics Committee report, 'National Standards Committee Forum', 25<sup>th</sup> October 2022: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk/city-and-county-of-cardiff)

Cabinet report, 'Community Councils Charter', 13 December 2018 [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk/city-and-county-of-cardiff)

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

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

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

in relation to the work of Standards Committees.

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

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

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

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## Standards Committees Forum - Wales

Friday, 30<sup>th</sup> June 2023 @ 2pm, via Teams

### Notes

#### 1. Notes of previous meeting 27 January 2023.

The notes of the previous meeting on 27 January 2023 were agreed.

##### a. Circulation of the meeting notes

- The Chairs were asked whether the notes of the meetings should be circulated to members of the standards committees.
- If the notes were shared with standards committees, they would be made public.
- The Chairs wanted to share as much as possible with their standards committees and the public.
- Davina Fiore, The Director of Governance and Legal and Monitoring Officer at Cardiff Council, who was advising the Forum, advised that if the minutes were to be made public as part of the Standards Committee agenda at individual Councils, it was important that any issues raised on individual ongoing cases or potential cases to assist with the process/problem solving/best practise were anonymised to ensure that individual members and councils could not be identified. She also advised that, if necessary, it was possible for part of the minutes to be confidential and not be circulated more widely.

**AGREED: that the notes may be circulated to Standards Committees, provided no individual complainant or councillor complained of could be identified. This will be kept under review at/after each meeting.**

b. Training for Chairs

**ACTION: The WLGA to arrange a training session on chairing Standards**

## **2. Chair of the Committee on Standards in Public Life (CSPL) Research**

### **Advisory Board, Professor Mark Philp**

- Professor Mark Philp outlined his role as a member of the CSPL and provided an overview of the standards regime in England and the implementation of recommendations from the Local Government Ethical Standards Report (2019).

**ACTION: WLGA to provide a link to the CSPL report "[Leading in Practice](#)".**

## **3. Michelle Morris - Public Services Ombudsman for Wales (PSOW) – Update**

Michelle Morris updated the Forum on her annual report for 2022/23.

### Noted

- A 4% reduction in the number of complaints alleging misconduct by local authority members.
- A decrease in the number of complaints against Town and Community councillors.

- The PSOW investigated 35 cases which, although not a high number, involved a huge amount of work.
- The number of complaints involving equality and respect had increased again. Just over 60% of cases involving a breach of the code were in this category.
- 12 cases had been referred to standards committees and the adjudication panel for Wales, compared to 20 the year before.
- Since the PSOW last spoke to the Forum there had been 6 Standards Committee hearings and 1 decision from the tribunal and a further 3 were scheduled. One of which involved an interim referral.
- Of the 280 complaints made to PSOW only 35 met the public interest test. Feedback was given to standards committees and Monitoring Officers about lower-level issues that didn't require further investigation.

Open forum, comments.

- The interim intervention process needed to be shortened.
- Concern was expressed about the wellbeing of individuals who came before a standards committee given the lengthy time to complete the process.
- The public interest test had three stages i.e., was there sufficient evidence that there had been a breach of the code; if there was evidence to support

it, would it be significant enough to result or likely result in a sanction and was there wider public interest in taking forward the investigation.

**ACTION: PSOW to forward case law in respect of the public interest test to the Forum members via the WLGA.**

#### **4. Promoting high standards**

- The forum discussed the Group Leaders duty to take reasonable steps to promote and maintain high standards of conduct by members of the group and, the duty on the Standards Committee to comment on Group Leaders' compliance with that duty as part of its annual report.
- Experiences had generally been positive and encouraging.
- Leaders had shown a willingness to engage with the process and some authorities were more advanced than others.
- Typically, Standards Committees had already met with the group leaders.
- There appeared to be an anomaly with recent government guidance. It was unclear whether the leaders should meet with the Standards committee or just the chair.

**ACTION: WLGA to seek clarification on the statutory guidance and update members.**

1

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<sup>1</sup> This has already taken place. Monitoring Officers and Heads of Democratic Services received an email from Welsh Government on Tuesday 4<sup>th</sup> July at 2.37pm informing them: "We would like to draw your attention to an amendment to the consolidated statutory and non-statutory guidance for principal councils in Wales at part 2, section 6.0, paragraph 6.4. The guidance has been amended to read that the standards committee (as opposed to standards committee chairs) should meet with group leaders at the beginning of each council year to agree a number of issues. The updated guidance has been published; the links remain the same".

## **5. Supporting Town and Community Councils (T&CCs)**

### Comments

- It was difficult to identify a successful approach.
- Standards Committees were attending T&CC meetings.
- T&CCs were encouraged, in one area, to adopt a local resolution process.

Take up had been slow.

- Meetings between the Chairs and Clerks could be helpful.
- Sharing anonymous feedback after attending meetings of T&CCs including good practice.
- Support of Monitoring Officers particularly to the Clerks.
- A T&CC compact setting out what support was on offer had been developed in one area.

**ACTION Compact to be shared with members of the forum.**

## **6. Resourcing of Standards Committees.**

### Comments

- The resourcing of Standards Committees was a challenge.
- Welsh Government should provide additional funding when they placed more responsibilities on Standards Committees.
- Additional work inevitably fell on Monitoring Officers as Standards Committees workloads increased.

- Setting a budget for the committee could be difficult because the level of demand could not be anticipated in advance.
- Achieving a consistency in terms of budgets would be difficult.
- Monitoring officers may be able to provide comparative information on how much time they spent on T&CC work and what their budgets were.

**ACTION Chair and Davina Fiore to discuss the possibility of raising the issue of budgets with the Monitoring Officer group.**

#### **7. Richard Penn Review update**

- The closing date for responses to the consultation on the Richard Penn report was 23 June 2023.
- The responses were being analysed and the results would be published during the autumn.
- Depending on what the results were, it may require secondary legislation followed by a 12-week consultation period.
- It must also fit in with the legislative programme which was unlikely during the current Senedd term.

**9. Minimum value for gifts and hospitality**

- £25 was the minimum value for most councils.
- Monitoring Officers were seeking to introduce it as a consistent amount across Wales.
- It could be difficult to place a value on hospitality e.g., invitations to sporting events.

**10. Consideration of agenda items for future meetings**

The following items would be considered at the next meeting.

- Local resolution protocols.
- Corporate Joint Committees (CJCs) and Joint Standards Committees

**11. Date of next meeting.**

To be confirmed, January 2024.

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# Cardiff Council Standards & Ethic Committee

**Cllr Julia Charles, Radyr & Morganstown Community Cllr & Community Council Representative on Cardiff Council Standards & Ethics Committee**

**July 2023**



**#GweithioDrosGaerdydd  
#GweithioDrosochChi**

**#WorkingForCardiff  
#WorkingForYou**

# Terms of Reference of Standards Committee



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**Monitor, Scrutinise and Report**

**Recommend**

**Advise on its ethical code**

**Hear and determine**

**Consider and Determine outcomes**

**Monitor compliance**

**Consider ethical issues**

**Advise and arrange training**

**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, that is to deal with complaints referred to the Standards Committee by the Public Services Ombudsman for Wales**



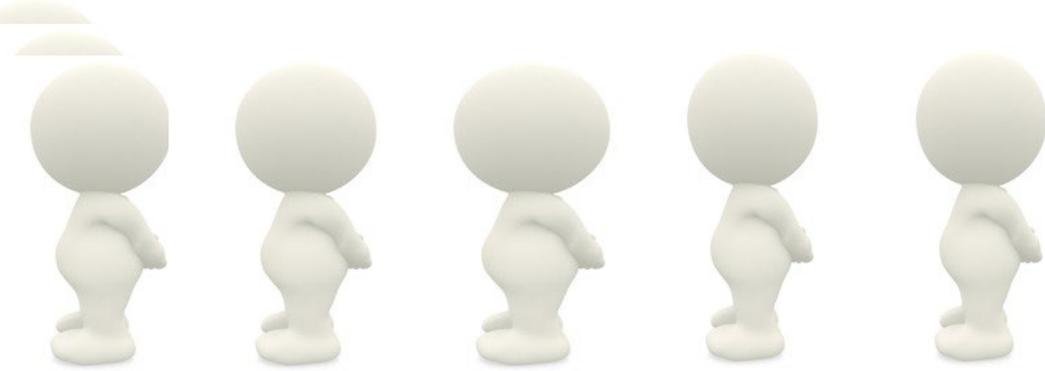
# Membership of Standards Committee



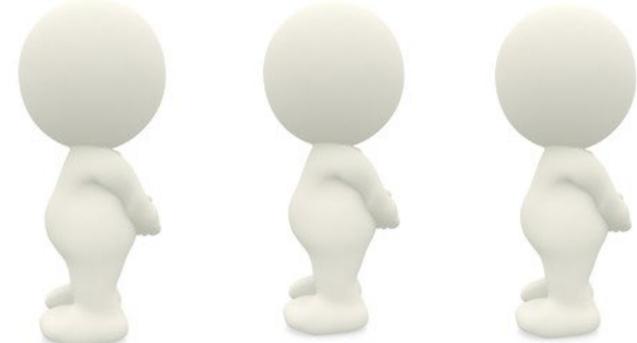
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Page 49



**5 Independent members**



**3 Councillors**



**One Community Councillor**



**#GweithioDrosGaerdydd  
#GweithioDrosochChi**

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#WorkingForYou**

# Standards Committee Engagement with Community Councils

Page 50



Attendance at meetings



Observe and Feedback



Set up a hearing panel



#GweithioDrosGaerdydd  
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# Code of Conduct- Principles of Public Life



**STRONGER  
FAIRER  
GREENER**



**Selflessness**

**Honesty**

**Integrity and  
propriety**

**Duty to uphold  
the law**

**Stewardship**

**Objectivity**

**Equality and  
respect**

**Accountability**

**Openness**

**Leadership**



# Why should we comply with the Code of Conduct?



It's the LAW



Public confidence matters



Breaches could result in suspension

# Code of Conduct Applies:

**Acting / claim to be acting as a Councillor**

Page 53  
**Any time: Any Capacity**

**Use your position to  
gain advantage**

**Conduct brings your office  
into disrepute**

**Misuse Council resources**



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# We must: ✓



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**Have regard and promote  
equalities**

**Show respect and  
consideration for others**

**Report criminal behaviour**

**Report a breach of the  
Code**

**Comply with an investigation**



# We must not:



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Make vexatious malicious or frivolous complaints against other members

Bully or harass

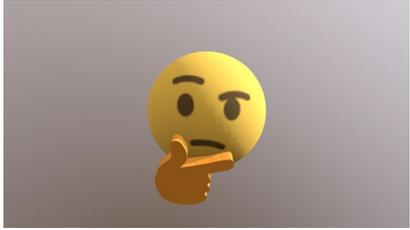
Compromise impartiality

Disclose confidential information

Prevent access to information

Accept gifts or hospitality that would place you under an obligation





# Also Remember....



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Page 56

**Register and declare  
an interest**

**Personal interest in  
any Council business**

**If you have a personal  
or prejudicial  
interest...**

**Avoid bias and pre-  
determination**

**What about gifts and hospitality?**

**What about Social Media?**



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WLGA Social Media A guide for Cllrs:

<http://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=344>

Page 57

WLGA : Cllrs Guide to Handling Online Abuse:

<http://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=1504>



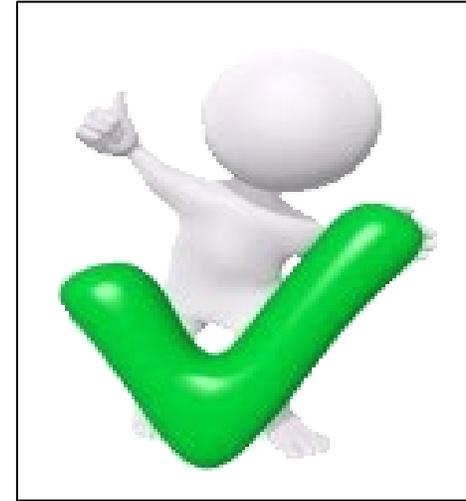


***“What happens if  
there is a complaint  
about me?”***



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## Public Services Ombudsman for Wales – Guidance on the Code of Conduct

<https://www.ombudsman.wales/wp-content/uploads/2021/05/Code-of-Conduct-Guidance-Community-Councils.pdf>



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# Contact



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**STANDARDS & ETHICS COMMITTEE:**

**25 JULY 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 1 OF  
2023/24**

**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 1 of 2023/24 (the period running from 1<sup>st</sup> April 2023 to 30<sup>th</sup> June 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 4 of 2022/23 were reported to the Committee meeting on 9th May 2023.

## Issues

5. During Quarter 1 of 2023/24, covering the period running from 1<sup>st</sup> April 2023 to 30th June 2023, a total of 2 complaints alleging a breach of the Members' Code of Conduct were notified to the Monitoring Officer; one by the Ombudsman and the other under the Local Resolution Protocol.
6. In the complaint notified by the Ombudsman, the Ombudsman has decided to investigate part of a previous complaint, following a review of her earlier decision not to investigate. The complaint was about a Community Councillor. Pending the outcome of the Ombudsman's investigation, the details of this complaint must be kept confidential.
7. The other complaint, made under the Local Resolution Protocol, was submitted by a Member about comments made about them by another Member, which were considered to be unfair and misleading to the public. The Monitoring Officer sought to resolve the matter informally by discussing it with the Member complained about, who clarified that the comments were made in a private message to an individual and could not therefore be removed or taken down. It was also noted that the comments related to matters of public record and may be regarded as 'political comments'. On this basis, the Monitoring Officer's view was that there was no direct evidence of a breach of the Code of Conduct and therefore it would not be in the public interest to investigate; and in consultation with the Standards & Ethics Committee Chair, it was agreed that the complaint should not be referred to the Hearings Panel (in accordance with paragraph 3.5 of the Local Resolution Protocol).
8. The table below shows the number and type of complaint received during Quarter 1 of 2023/24 alongside comparative figures for previous quarters:

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

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

### Type of Complaint

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

### 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. The current position 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 that, in line with its recommendations, the Local Resolution Protocol has been revised 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 Monitoring Officer is considering the four unresolved complaints referred to in paragraph 8 above, to determine whether or not a referral to the Hearings Panel is appropriate.

### Code of Conduct Training

11. As reported at the last meeting of the Committee, 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 completed the mandatory Code of Conduct training. In line with the Committee's decision, the Chair wrote to the individual Member who had not completed the training to urge them to do so, and arrangements have now been made for the Member to complete this training.

### **Legal Implications**

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

### **Financial Implications**

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

### **Recommendation**

The Committee is recommended to note the contents of the report.

**Davina Fiore**

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

18 July 2023

### Background papers

- Standards & Ethics Committee report, 'Members' Code of Conduct Complaints Update – Quarter 4 of 2022/23', 9 May 2023: [Item 7 Report.pdf \(modern.gov.co.uk\)](#)
- Correspondence between Standards and Ethics Committee Chair and Cllr X regarding attendance at mandatory Code of Conduct training, May 2023 – July 2023

**STANDARDS AND ETHICS COMMITTEE:**

**25 JULY 2023**

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

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**OBSERVATION OF MEETINGS**

**Reason for this Report**

1. To allow the Committee to consider the feedback provided by Committee members following observation of meetings of the Council and Community Councils.

**Background**

2. The Committee has agreed that observation of Council, Committee and Community Council meetings is helpful for members, in particular the Independent Members of the Committee, to gain experience of the Council and Committee processes, and to provide opportunities for first hand feedback to the Committee of any issues relating to standards and conduct.
3. The Committee has approved a feedback proforma for use by the Members of the Committee when observing meetings. Members have been asked to complete a form for each meeting they attend and submit it for consideration at the next appropriate Committee meeting.
4. At its meeting on 14<sup>th</sup> February 2023, the Committee considered feedback provided in respect of observation of the October 2022 Council meeting.

**Issues**

5. Meeting observation feedback has been received in respect of the following meetings:
  - (i) Annual Council meeting of Cardiff Council held on 25<sup>th</sup> May 2023 (**Appendix A**);
  - (ii) Radyr and Morganstown Community Council meeting held on 22<sup>nd</sup> June 2023 (**Appendix B**); and
  - (iii) Old St Mellons Community Council meeting held on 13<sup>th</sup> July 2023 (**Appendix C**).
6. Members will be pleased to note that the feedback is all positive, and that no conduct or standards and ethics issues were noted.

7. In relation to the observation noted (in **Appendix C**) in respect of 'Agenda and reports availability', that: 'Agenda and Minutes provided prior to the meeting, although no reports available', the Committee may wish to note the legal requirements for Community Councils are to publish electronically the agenda and minutes of the proceedings of the council's meetings and, 'in so far as reasonably practicable, any documents relating to the business to be transacted at the meeting' (sections 55 and 57 of the Local Government and Democracy (Wales) Act 2013).
8. The feedback has been shared with the respective Chairs for each meeting that was observed.
9. Details of all forthcoming Council, Committee and Cabinet meetings are listed in the calendar of meetings, which is regularly circulated to Standards and Ethics Committee members and is published on the Council's website, here: [Monthly meetings calendar - July 2023 : Cardiff Council \(moderngov.co.uk\)](#) Independent members, and in particular, newly appointed members, are encouraged to observe a full Council meeting and a Committee meeting.
10. Details of forthcoming Community Council meetings are published on the respective Councils' websites. Members are similarly encouraged to observe a Community Council meeting. Members are advised to contact the Clerk to confirm the meeting is going ahead and to check arrangements for attending. Community Council website links and Clerks contact details are accessible here: [Community councils contact details : Cardiff Council \(moderngov.co.uk\)](#)

## Legal Implications

11. Relevant legal provisions are set out in the body of the report. There are no direct legal implications arising from the recommendations of this report.

## Financial Implications

12. There are no direct financial implications arising from this report. Any relevant payments and allowances associated with observing meetings would be payable in accordance with the rates set by the Independent Remuneration Panel for Wales, and met from the allocated budget.

## RECOMMENDATION

The Committee is recommended to:

- (1) Note the meeting observation feedback received, as set out in **Appendix A**, **Appendix B** and **Appendix C** to the report and make any comments considered appropriate; and
- (2) Continue to observe meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

**Davina Fiore**  
**Director of Governance and Legal Services and Monitoring Officer**  
17 July 2023

Appendix

- Appendix A Meeting Observation Feedback Form for full Council meeting held on 25<sup>th</sup> May 2023 (CN)
- Appendix B Meeting Observation Feedback Form for Radyr and Morganstown Community Council meeting held on 22<sup>nd</sup> June 2023 (DM)
- Appendix C Meeting Observation Feedback Form for Old St Mellons Community Council meeting held on 13<sup>th</sup> July 2023 (AH)

Background papers

[Standards and Ethics Committee report, 'Observation of Meetings', 14<sup>th</sup> February 2023: CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](#)

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STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	Annual Meeting of Council
Date:	25.05.23

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Council Chamber
Name plates/ identification of Committee; Witness and Officers:	Details provided on screen online for each speaker.
Ability to hear proceedings:	Yes.
Agenda and reports availability:	Documents were available online.
Management of meeting:	Well managed and clear
Clarity of decision making:	Clear

Possible Code of Conduct/ Standards and Ethics Issues:
NA

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

Name:	C. Nicholls
Date:	02.06.23

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## STANDARDS AND ETHICS COMMITTEE

### FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	Radyr & Morganstown Community Council
Date:	22 <sup>nd</sup> June 2023

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Boardroom style with audio-visual set up at one end to enable remote access
Name plates/identification of Committee; Witnesses and Officers:	Name plates were not used for attendees in person. Suggest these are used for the benefit of any members of the public and other attendees.
Ability to hear proceedings:	No issues noted.
Agenda and Reports availability:	Papers were made available on request with no issues.
Management of Meeting:	Good. I was given the opportunity to introduce myself and provide the reasons for the observation of meetings by Standards & Ethics committee members. There was an appropriate level of discussion of items on the agenda and the Chair ensured that actions were agreed to move some specific matters forward. Members of the Committee also gave me a brief background to some of the items they were discussing which was appreciated.
Clarity of decision making:	Good.

Possible Code of Conduct/Standards and Ethics Issues:
No areas of concern noted.

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

Name:	David Mills
Date:	25 <sup>th</sup> June 2023

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## STANDARDS AND ETHICS COMMITTEE

### FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	OLD ST MELLONS COMMUNITY COUNCIL
Date:	13 <sup>th</sup> July 2023

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Meeting held virtually (Zoom)
Name plates/ identification of Committee; Witnesses and Officers:	All members could be identified online
Ability to hear proceedings:	The quality of sound was very good, so able to hear without a problem
Agenda and reports availability:	Agenda and Minutes provided prior to the meeting, although no reports available
Management of meeting:	The Chair progressed the meeting agenda robustly
Clarity of decision making:	Decisions were clear and agreed by all members

Possible Code of Conduct/ Standards and Ethics Issues:
There were no Code of Conduct/Standards and Ethics issues that need to be considered in relation to this meeting.  Declarations of interest were made and the relevant people left the meeting when their issues were being discussed and decided upon

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

Name:	ARTHUR HALLETT
Date:	14 <sup>th</sup> July 2023

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**STANDARDS AND ETHICS COMMITTEE:**

**25 July 2023**

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

**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**  
**11 July 2023**

Appendix

Appendix A                      Work Programme 2023 – 24

Background Papers            [Standards & Ethics Committee Work Programme 2023 – 2024 May 2023](#)

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

**APPENDIX A**

<b>TOPIC</b>	<b>OBJECTIVE/OUTCOME</b>	<b>WHO IS RESPONSIBLE?</b>	<b>PRIORITY</b>	<b>STATUS</b>	<b>REPORT TO COMMITTEE</b>
(1) Gifts and Hospitality	To monitor and review the acceptance of gifts and hospitality by Members (annually).	Monitoring Officer	Medium	Scheduled	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	Winter 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	ON AGENDA
(5) Whistleblowing Policy	(1) To monitor reports made under the whistleblowing policy and consider any ethical issues arising; and (2) To review the Whistleblowing Policy to ensure it remains fit for purpose.	Monitoring Officer	Medium	Scheduled	Autumn 2023
(6) Officers Personal Interests	To receive a report on Senior Officers Personal Interests Declarations (annually)	Monitoring Officer / HR	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>
(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	Winter 2023 & Spring 2024
(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, to ensure it remains up to date and fit for purpose	Monitoring Officer	Medium	Scheduled	Spring / Summer 2024
(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 Statutory Guidance	To note the finalised statutory guidance issued by the Welsh Government	Monitoring Officer	Medium	Scheduled	ON AGENDA
(12) South East Wales Corporate Joint Committee – Standards Sub-Committee Functions	To receive an update on proposals for Cardiff's Standards and Ethics Committee to discharge standards committee functions for the Corporate Joint Committee	Monitoring Officer	Medium	Scheduled	Autumn 2023

# CYNGOR CAERDYDD CARDIFF COUNCIL



**STANDARDS AND ETHICS COMMITTEE:**

**25 JULY 2023**

## REPORT OF THE DEPUTY MONITORING OFFICER

### SENIOR OFFICERS' PERSONAL INTERESTS DECLARATIONS

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

#### Reason for this Report

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

#### Background

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

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

6. The Committee also gave detailed consideration to the disclosure rules for Senior Officers and, in September 2020, the Committee concluded that no changes should be made to the policy, but agreed to annually review Senior Officers' Personal Interests Declaration Forms (save for any information relating to a Senior Officer's Trade Union membership status and home address, which would be redacted).
7. The Committee last reviewed Senior Officers Personal Interests Declarations at its meeting in October 2022.

### **Issues**

8. The Council should not interfere unnecessarily with the private lives of its staff, but it needs to have effective arrangements in place to ensure Council staff carry out their duties in a fair and unbiased way, without being influenced by their own personal interests.
9. The Council's Policy on Officers' Personal Interests and Secondary Employment ('the Policy', **Appendix A**) aims to provide rules and guidance to help protect the Council and its staff from criticism, misunderstanding and allegations of impropriety; and to ensure that any conflicts of interest are managed effectively and transparently.
10. Under the Policy, Senior Officers (defined as Chief Officers, Assistant Directors and above, in keeping with the definition of Chief Officers under the Localism Act 2011 and reflected in the Council's Pay Policy) are subject to additional disclosure requirements in the interests of transparency and accountability. They are required to disclose any:
  - a) Outside business interests – this requirement is imposed in employment contracts and, in accordance with the Information Commissioner's Office model Publication Scheme and the recommendations of the Standards and Ethics Committee (please see paragraph 5 above), a register of such interests is published on the Council's website;
  - b) Conflicts of interest between their personal interests and duties to the Council – this duty is imposed in the statutory Employees Code of Conduct (paragraph 8);
  - c) Financial interests in a Council contract (existing or proposed) – this is a statutory requirement imposed by section 117 of the Local Government Act 1972; and
  - d) Details of any company or body owned or controlled by the Senior Officer or their spouse or partner or any of their children or dependents (this is an audit requirement) in relation to 'related party' disclosures for the Council's Statement of Accounts, imposed by the CIPFA Code of Practice and section 21(2) of the Local Government Act 2003.
11. Senior Officers' Personal Interests Declaration Forms are held by the Monitoring Officer and officers are asked to update their declarations annually. The Senior Officers' Personal Interests Declarations for 2023 are attached as **Appendix B (Exempt from publication)**.

12. Members may also wish to note that an electronic system has been developed for recording officers' personal interests and secondary employment, in keeping with the Council's principle of digitalisation of processes, and recommendations made by Internal Audit following a review of this area. This digitalisation of the current paper based process will improve the efficiency and effectiveness of the existing administrative arrangements for recording declarations of interests and make compliance information available for managers. The new system will apply to all Council officers, including Senior Officers, although the declaration form and process for Senior Officers will reflect the additional disclosure requirements which apply to those officers under the Council's Policy. Minor amendments will be made to the Policy (under the Monitoring Officer's delegated authority) to refer to the digital system; and the new digital system is to be trialled in Governance and Legal Services initially, before being rolled out across the Council. The launch of the new system has, unfortunately, been delayed due to other work priorities, but is planned to go live later in 2023/24.

### **Legal Implications**

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

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

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

### **Financial Implications**

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

### **RECOMMENDATIONS**

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

**James Williams**

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

17 July 2023

### **Appendices**

Appendix A Officers' Personal Interests and Secondary Employment Policy

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

### **Background Papers**

Standards and Ethics Committee report 'Senior Officers' Personal Interests Declarations', October 2022



# OFFICERS' PERSONAL INTERESTS & SECONDARY EMPLOYMENT POLICY

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

## Contents

<b>SECTION</b>	<b>CONTENT</b>	<b>PAGE NUMBER</b>
<b>Introduction</b>	<b>Aims and Scope of Policy</b>	<b>3</b>
<b>Rules and Requirements</b>	<b>Key Requirements and the Law</b>	<b>4</b>
	<b>Conflicts of Interest</b>	<b>5</b>
	<b>Private or Other Work, Business or Employment</b>	<b>7</b>
<b>Roles and Responsibilities</b>	<b>Staff Responsibilities</b>	<b>8</b>
	<b>Management Responsibilities</b>	<b>9</b>
	<b>Monitoring Officer Responsibilities</b>	<b>9</b>
	<b>HR People Services Responsibilities</b>	<b>10</b>
<b>Procedure</b>	<b>What do I need to do?</b>	<b>10</b>
<b>Appeals</b>	<b>Appeals procedure</b>	<b>11</b>
<b>Other General Provisions</b>	<b>Data Protection</b>	<b>12</b>
<b>Related Documents</b>		<b>12</b>

## INTRODUCTION

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

### Aim of this Policy

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

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

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

Ref:	Issue: 1	Date: May 2017	Process Owner: Monitoring Officer	Authoriser: Cabinet	Page 3 of 13
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## RULES and REQUIREMENTS

### Key Requirements

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

Guidance on these requirements is set out below.

### The Law

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

Ref:	Issue: 1	Date: May 2017	Process Owner : Monitoring Officer Page 86	Authoriser: Cabinet	Page 4 of 13
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any financial interest they may have in a Council contract (any contract which has been, or is to be, entered into by the Council). Failure to do so is a criminal offence.

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

### Conflicts of Interest

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

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

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

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

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

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

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

26. You must:

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

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

## ROLES and RESPONSIBILITIES

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

### Staff Responsibilities

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

### Management Responsibilities

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

Ref:	Issue: 1	Date: May 2017	Process Owner: Monitoring Office	Authoriser: Cabinet	Page 9 of 13
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32. Operational Managers and above – You must:
- a) Consider, determine and manage conflicts of interest and secondary employment of your staff
  - b) Ensure that records of disclosures under this Policy are kept, regularly reviewed and kept up to date.

### **Monitoring Officer Responsibilities**

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

### **HR People Services Responsibilities**

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

## PROCEDURE

### What do I need to do?

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

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

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

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

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

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

Ref:	Issue: 1	Date: May 2017	Process Owner: Monitoring Officer	Authoriser: Cabinet	Page 11 of 13
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will be notified within 10 working days from the Decision Notification (“the Conflict Notification”) and given the opportunity to appeal against this decision – see paragraphs 40 to 46, ‘Appeal Rights’ below.

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

## APPEALS

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

## OTHER GENERAL PROVISIONS

### Data Protection

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

## RELATED DOCUMENTS

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

Employee Code of Conduct

Code of Guidance Working Time Regulations

Disciplinary Policy

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By virtue of paragraph(s) 12, 13 of Part(s) 4 and 5 of Schedule 12A of the Local Government Act 1972.

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