



County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

AGENDA

- Committee** STANDARDS & ETHICS COMMITTEE
- Date and Time of Meeting** TUESDAY, 6 FEBRUARY 2024, 5.00 PM
- Venue** CR 4, COUNTY HALL - MULTI LOCATION MEETING
- Membership** Independent Members: Jason Bartlett (Chair)
Arthur Hallett, David Mills, Chrissie Nicholls and Rashpal Singh
- Councillors Catriona Brown Reckless, Stephen Cunnah and Imran Latif
- Community Councillor Julia Charles
- 1 Apologies for Absence**
To receive apologies for absence.
 - 2 Declarations of Interest**
To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.
 - 3 Minutes (Pages 3 - 10)**
To approve as a correct record the minutes of the previous meeting held on 7 November 2023
 - 4 Member's Code of Conduct Complaints Update, Quarter 3 of 2023/24; and Mandatory Training Completion (Pages 11 - 14)**
 - 5 Independent Review of the Ethical Standards Framework - Welsh Government's Summary of Consultation Responses (Pages 15 - 24)**
 - 6 National Standards Committee Chairs Forum, Wales - Update (Pages 25 - 32)**
 - 7 Work Programme 2024/2025 (Pages 33 - 38)**
 - 8 Urgent Items (if any)**
 - 9 Date of next meeting**

The date of the next meeting of the Committee is to be confirmed.

D Marles

Interim Monitoring Officer

Date: Wednesday, 31 January 2024

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

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STANDARDS & ETHICS COMMITTEE

7 NOVEMBER 2023

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

Councillors Brown Reckless and Latif

Community Councillor Julia Charles

Officers, Debbie Marles, Independent Monitoring Officer and
Kumi Ariyadasa, Solicitor, Governance and Legal Services

15 : APOLOGIES FOR ABSENCE

Apologies were received from Rashpal Singh, Independent Member, and Councillor Cunnah. Councillor Gibson, Group Leader, Plaid Cymru, Green Party, Common Ground also sent apologies.

16 : DECLARATIONS OF INTEREST

No declarations of interest were received.

17 : MINUTES

The minutes of the meeting held on 25 July 2023 were approved as a correct record and signed by the Chairperson

18 : COMMITTEE MEMBERSHIP

The Committee noted that Council on 26 October 2023 re-appointed Chrissie Nicholls, Jason Bartlett and Arthur Hallett as Independent Members of the Committee for a term of a further consecutive four-year term, expiring in each case, on 28 November 2027.

19 : WELCOME TO THE NEW INTERIM MONITORING OFFICER

The Chair welcomed the new Interim Monitoring Officer, Debbie Marles, the appointment being approved by Council on 26 October 2023.

20 : GROUP LEADER'S REPORTS TO STANDARDS & ETHICS COMMITTEE

The Chair welcomed the Group Leaders; Councillors Huw Thomas, Rodney Berman and John Lancaster to the meeting.

Members and those present at the meeting were reminded that some of the appendices to the report were confidential as they contained exempt information. It was noted that should there need to be discussion on those appendices agreement would be sought to move into closed session.

The Chair invited Debbie Marles, Interim Monitoring Officer (IMO), to introduce the item, which was to allow the Committee to receive and consider the reports from political group leaders on the discharge of their statutory duties relating to standards of conduct of members of their groups (introduced under Part 4 of the Local Government and Elections (Wales) Act 2021).

Members were advised that this was a relatively new statutory duty (as of 5 May 2022) on Group Leaders to promote and maintain high standards of conduct and on the Committee to monitor Group Leaders' compliance and also to advise and train the political group leaders in that regard.

Members noted that the Group Leaders' Proformas/Reports, completed by the leaders of each of the four political groups represented on the Council, were appended as Appendices A1- A4 (including mandatory training attendance figures for each group, with individual group members' training records attached on an Exempt basis), for the Committee's consideration. Group leaders and whips had also been invited to attend the Committee meeting to discuss their reports with the Committee.

It was reported that a considerable amount of work had been undertaken in discharging the duty imposed on the political group leaders, with mandatory training in the main having been completed across the majority of members with the assurance offered that arrangements were in hand to address the gaps.

Members were advised that in complying with the new statutory duties, political group leaders and standards committees must have regard to any guidance issued by the Welsh Ministers. The finalised statutory guidance had been issued within Part 2 of the Statutory and Non-Statutory Guidance on Democracy within Principal Councils ('also referred to as the Democracy Handbook'):

A discussion took place in which the Political Group Leaders commented that the report covered the detail of the new legislation well by way of an introduction. It was understood that the new statutory duties sought to draw out higher standards of behaviour and values which were in the main part being achieved across the Chamber and this was reflected in the number of complaints and investigations. It was felt that Members treated each other with respect and courtesy which in the main was reflected in the political arena.

Members asked whether it was a statutory duty and legal obligation to complete the proforma. The IMO responded that, within the statutory and non-statutory guidance issued, a series of areas had been set out which had been identified by the Welsh Government as areas which Standards & Ethics Committees and also Political Group Leaders should have regard to when exercising their duties under the 2021 Act. The proforma had been drafted in line with that guidance. This was a practice that had been adopted across Wales as a means by which the Standards & Ethics Committee could assess compliance with the Group Leaders' duty. It was a statutory duty for the Standards Committee to assess that conduct and to then report back on this in its Annual Report. So the proforma was intended to assist group leaders and also the Standards and Ethics Committee in discharging their duties.

In response to further questions, the IMO clarified that part of the guidance was statutory and part of it was non-statutory, but the elements under consideration here were statutory, so there was a duty to 'have regard to the guidance'. There were various means by which Group Leaders could demonstrate compliance with their new duties. The proforma was an

administrative means of compiling the data the committee had deemed appropriate. The committee had endorsed the proforma and the Political Group Leaders had embraced it and completed it. This was also in line with approaches that have been adopted elsewhere and a means by which the data could be shared. However, completion of the proforma was not an explicit statutory obligation. One member expressed the concern that the statutory guidance was, perhaps inadvertently, imposing additional obligations which negatively impacted on opposition groups' ability to form an opposition. Two Group Leaders confirmed they were content to continue completing the proforma if it assisted the Committee to discharge its functions.

A discussion took place around information contained in the proforma which listed open standards actions against councillors, which Group Leaders may not be aware of due to confidentiality of the Ombudsman's complaints process and asked if that information was in the public domain. Members were advised that the particular section was shaded grey and was not in the public domain. The IMO offered to revisit the form and cross check to see what information had historically been put in the public domain and consider any necessary amendments to the proforma.

Members were advised that within the finalised guidance there had been clarification that the political group leaders should meet with the Standards Committee at the beginning of every municipal year and that 12 months appeared to be the norm across Wales. Members suggested the frequency of meetings in Cardiff Council should be every 12 months, unless there was a need to meet earlier by exception.

In relation to the duty of the Standards & Ethics Committee to provide training on Group Leaders' duties, it was noted that the previous Director of Governance and Legal Services and Monitoring Officer, had included training about this within the Code of Conduct training offered to all Members following the local government elections. However, since then the finalised WG guidance had been produced and the Interim Monitoring Officer agreed to share the key points of the guidance with Political Group Leaders and asked them to advise her if they required any further guidance or training.

Members were informed that the All Wales Monitoring Officer group was carrying out work in relation to the criteria or threshold by which assessment was made by the Standards and Ethics Committee and the Interim Monitoring Officer would feedback the outcomes in due course.

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 A1-A4);
- 2) Delegate authority to the Interim MO to review the proforma, having regard to comments made, and make any necessary minor amendments; and
- 3) Agree to receive a further report from Group Leaders in around June 2024 and thereafter every twelve months.

21 : MEMBERS' CODE OF CONDUCT COMPLAINTS UPDATE - QUARTER 2 OF 2023/24; AND OMBUDSMAN ANNUAL LETTER 2022/23

The Committee was provided 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 2 of 2023/24 (the period running from 1 July 2023 to 30 September 2023) and The Public Services Ombudsman for Wales ('PSOW') Annual Letter 2022/23 for Cardiff Council and Quarterly Newsletter, to allow the Committee to consider its contents in relation to Code of Conduct complaints.

Members were advised that during Quarter 2 of 2023/24, a total of 6 complaints alleging a breach of the Members' Code of Conduct were notified to the Monitoring Officer by the Ombudsman, 5 of which were not progressed.

Members asked questions and sought clarification on the following:

- A Member asked if on receipt of the data the Interim Monitoring Officer advised the Political Group Leaders. Since being in post the Interim Monitoring Officer had not received any feedback from the Ombudsman or any further complaints but with regards practice operated previously, she would feed that information back to the Committee.
- If the Political Group Leaders were advised of a complaint in their group, were they encouraged to update their group members. The Interim Monitoring Officer explained that at the point the Ombudsman determined that a complaint would not be investigated, that information may be shared with the Group Leader to help to inform understanding of what matters would be below the threshold for triggering an investigation. However, whilst the complaint is still under investigation the matter is confidential.
- A Member sought clarification, in a case where there was an allegation against a councillor and the Monitoring Officer or Ombudsman determined it was not being taken forwards, whether the nature of the allegation entered the public domain. It was clarified that the information may be shared with the political group leaders, but it would not be shared more widely.
- Members were advised in relation to the Ombudsman Annual Letter, that there had been a correction by the Ombudsman which was appended to the report – an updated Appendix E, which clarified that in all 11 cases considered during the year, the Ombudsman's decision was not to investigate in each case.

The Committee RESOLVED to note the contents of the report and Appendices A and B

22 : ANNUAL REPORT 2022/23

The Chair invited Debbie Marles, IMO, to introduce the item, which was to consider the content of its Annual Report 2022/23 and approve arrangements for the report to be finalised and presented to full Council.

Members noted that in order to maintain the profile of the Standards & Ethics Committee and awareness of the importance of high standards of Member conduct, the Committee had a long-established practice of presenting an annual report to full Council on the work it

had undertaken during the municipal year and it was something that had now become a statutory requirement

The various headings of the Annual Report were highlighted to Members and also that part of the report would require an assessment from the Committee with regards Political Group Leaders' compliance with their new statutory duty.

Members were directed to Paragraphs 10 and onwards of the report which set out the structure for the annual report and suggestions for the different categories and areas to be covered. Members were asked for comments on the headings and the Interim Monitoring Officer requested delegated authority in consultation with the Chair to draft and finalise the report to take to full Council in November 2023.

Members expressed their satisfaction with the contents of the draft report.

The Committee RESOLVED to:

- 1) Agree the proposed contents and structure of the Committee's Annual Report 2022/23
- 2) Delegate authority to the Interim Monitoring Officer, in consultation with the Chair, to draft and finalise the Annual Report, having regard to comments provided by Members of the Committee;
- 3) Ask the Chair to present the Committee's Annual Report 2022/23 to the next suitable meeting of full Council; and
- 4) Ask the Monitoring Officer to send the Committee's Annual Report 2022/23 to each of the Community Councils in Cardiff, and a copy to the Public Services Ombudsman for Wales.

23 : OBSERVATION OF MEETINGS

Members discussed the feedback provided by a Committee member following observation of a meeting of St Fagans Community Council and were pleased to note the feedback in relation to standards of conduct was positive.

Members asked for the distribution of a list of forthcoming meetings which would allow for visits to be coordinated between Members; and Officers advised that this would be facilitated.

The Committee RESOLVED:

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

24 : SOUTH EAST WALES CORPORATE JOINT COMMITTEE - STANDARDS SUB-COMMITTEE UPDATE

The Chair invited Debbie Marles, Interim Monitoring Officer, to introduce the item which provided Members with an update on the arrangements being made 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 (CJC) was fully operational and ready to establish its own Standards Sub-Committee.

Members were advised that the proposal for Cardiff's Standards and Ethics Committee to be appointed as the Standards Sub-Committee for the SEWCJC, on a temporary initial basis, had now been formally approved by the CJC (CJC resolution dated 31st July 2023) and Cardiff Council (Council resolution dated 21st September 2023).

Members noted that officers were in the process of finalising a Service Level Agreement (SLA) with the CJC which had reached an advanced stage. Once terms were agreed, the SLA would be signed off by each party under the approved officer delegated authority; and the Committee's terms of reference would be amended (in accordance with the Council's September decision) to cover the statutory functions in relation to the CJC by inserting an additional paragraph as follows:

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

The Committee RESOLVED to note the information set out in the report and receive a further report at the next suitable Committee meeting.

25 : WORK PROGRAMME 2023/24

The Chair invited Debbie Marles, IMO to introduce the item which was to discuss the Committee's Work Programme and agree the items for consideration by the Standards and Ethics Committee in 2023/24.

A Member asked for a review of the implementation of the Democracy Handbook to be included in the Work Programme. The Interim Monitoring Officer explained that a significant part of the Handbook falls outside the terms of reference of this Committee, but agreed that the Committee could consider the Handbook in so far as it relates to Standards Committees and Group Leaders' duties.

It was also suggested that the Committee should give further consideration to the sections of the Members' Survey which fall within the remit of the Committee and this should be added to the Work Plan.

The Committee RESOLVED to note and agree the Work Programme 2022/23 as set out in Appendix A, with the addition of the two matters noted above.

26 : URGENT ITEMS (IF ANY)

No urgent items were received

27 : DATE OF NEXT MEETING

The next meeting of the Committee is on Tuesday 6 February 2024 at 5.00 pm

The meeting terminated at 6.15 pm

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REPORT OF THE INTERIM MONITORING OFFICER

MEMBERS' CODE OF CONDUCT COMPLAINTS UPDATE – QUARTER 3 OF 2023/24; AND MANDATORY TRAINING COMPLETION**Reason for Report**

1. To provide the Committee with an update on (i) 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 3 of 2023/24 (the period running from 1st October 2023 to 31st December 2023); and (ii) Members' mandatory training attendance completion figures.

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 a complaint is formally referred to the Committee for a decision.
4. Complaints received during Quarter 2 of 2023/24 were reported to the Committee meeting on 7th November 2023.

Issues

5. During Quarter 3 of 2023/24, covering the period running from 1st October 2023 to 31st December 2023, a total of 1 complaint alleging a breach of the Members' Code of Conduct was notified to the Monitoring Officer by the Ombudsman.
6. The table below shows the number and type of complaint notified to the Monitoring Officer during Quarter 3 of 2023/24, alongside comparative figures for previous quarters:

| | Q3 Oct – Dec 2022 | Q4 Jan – Mar 2023 | Q1 Apr – Jun 2023 | Q2 Jul – Sept 2023 | Q3 Oct – Dec 2023 |
|------------------|-------------------------|----------------------------|-------------------------|--------------------------|-------------------------|
| Local Resolution | 0 | 0 | 1 | 0 | 0 |
| Ombudsman* | 2 | 1 | 1 | 6 | 1 |
| Total | 2 | 1 | 2 | 6 | 1 |

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

Type of Complaint

| | Q3 Oct – Dec 2022 | Q4 Jan – Mar 2023 | Q1 Apr – Jun 2023 | Q2 Jul – Sept 2023 | Q3 Oct – Dec 2023 |
|-----------------------|----------------------------|-------------------------|-------------------------|-----------------------------|-------------------------|
| Member on Member | 0 | 0 | 1 | 0 | 0 |
| Public on Member | 2 | 1 | 0 | 4 | 1 |
| Officer on Member | 0 | 0 | 0 | 0 | 0 |
| Community Councillors | 0 | 0 | 1 | 2 | 0 |
| Total | 2 | 1 | 2 | 6 | 1 |

7. The single complaint notified to the Monitoring Officer during Quarter 2 was submitted to the Ombudsman by a member of the public alleging that a Member had failed to acknowledge or respond to their correspondence. The Ombudsman applied the 2-stage test to decide whether to investigate the complaint and decided that the complaint should not be investigated, because the first stage of the test was whether there is evidence to suggest

that there have been breaches of the Code. In considering this, the Ombudsman found that *'It is for the Member to decide what correspondence and contact from members of the public they wish to respond to. While the complainant may consider it rude and discourteous that the Member ignored her and did not respond to her correspondence or requests, a failure to respond to correspondence would not be so serious as to amount to a breach of the Code. Issues such as the Member's engagement with constituents would be for the local electorate to determine at the ballot box.'* Accordingly, the conduct complained about was found not to meet the first stage of the test. Although there was no need, therefore, to consider the second stage of the test, the Ombudsman found that *'even if a failure to respond to correspondence could be considered to amount to a breach of the Code, any such breach of the Code would not be sufficiently serious to warrant investigation in the public interest.'*

8. The Committee may wish to note that if a complainant is dissatisfied with an Ombudsman's decision to not investigate a complaint, they may ask the Ombudsman for a review. If the Ombudsman agrees to re-open a case following a review, the Monitoring Officer is informed.

Update on Complaints reported previously

9. The report to the last Committee meeting included reference to 2 complaints which were being considered by the Ombudsman, one reported during Quarter 1 of 2023/24 and the other reported during Quarter 2 of 2023/24. The Monitoring Officer has not yet been notified of the Ombudsman's decision on either case, so the details of both complaints must be kept confidential at this stage. The outcomes of both complaints will be reported to the Committee in due course.

Mandatory training completion

10. The Committee will recall that, upon the recommendations of this Committee, the Members' Code of Conduct for Cardiff Councillors now includes a duty to attend all training designated by the authority as mandatory within 6 months from the date on which the training is made available, but not starting until the new duty was introduced by virtue of the Council decision of 29th June 2023. This means that the deadline for completion of mandatory training offered as part of the 2022 Member Induction Programme was 29th December 2023. Under the revised Code of Conduct, an extension of time may be agreed with the Head of Democratic Services if there is a reasonable excuse for requiring more time.
11. Completion of mandatory training has been ongoing and the completion figures to date are shown in the table below:

| Mandatory Training | Attendance | |
|--|------------|---------|
| | Actual | % |
| What Councillors need to Know (including Members' Code of Conduct) | 79 | 100.00% |
| Information Governance and Data Protection | 79 | 100.00% |
| Supporting Equality in Cardiff's Diverse Communities | 79 | 100.00% |
| Corporate Parenting | 79 | 100.00% |
| Safeguarding | 79 | 100.00% |

12. The Committee will be pleased to note that all Councillors have now completed all mandatory training.

Legal Implications

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

Financial Implications

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

Recommendation

The Committee is recommended to note the contents of the report and make any appropriate observations and comments.

Debbie Marles
Interim Monitoring Officer
30 January 2024

Background papers

Standards & Ethics Committee report, 'Members' Code of Conduct Complaints Update – Quarter 2 of 2023/24; and Ombudsman's Annual Letter 2022/23 and Quarterly Newsletter', 7 November 2023 [Item 7 Report.pdf \(modern.gov.co.uk\)](#)

Council report, 'Amendment of the Members' Code of Conduct – Attendance at Mandatory Training', 29th June 2023: [CITY AND COUNTY OF CARDIFF \(modern.gov.co.uk\)](#)

Monitoring Officer's correspondence in relation to complaints (various)
Democratic Services records of Members' training attendance

REPORT OF THE INTERIM MONITORING OFFICER

**INDEPENDENT REVIEW OF THE ETHICAL STANDARDS FRAMEWORK -
SUMMARY OF CONSULTATION RESPONSES PUBLISHED BY WELSH
GOVERNMENT****Reason for this Report**

1. To inform the Committee of the Welsh Government's published Summary of Consultation Responses following the consultation issued in March 2023 on the Welsh Government's response to the recommendations of the independent review of the ethical standards framework for Wales (the Penn Report, issued in October 2021).

Background

2. The Ethical Standards Framework for Wales was established by Part 3 of the Local Government Act 2000, to promote and maintain high standards of ethical conduct by members and officers of relevant authorities in Wales. A 'relevant authority' is a county or county borough council ("a principal council"), a community council, a corporate joint committee, a fire and rescue authority and a National Park authority in Wales.
3. The Framework consists of ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'). These are included in the Conduct of Members (Principles) (Wales) Order 2001. Further, the Local Authorities (Model Code of Conduct) (Wales) Order 2008 ("Model Code of Conduct") provides for a set of enforceable minimum standards for the way in which Members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity. It also includes provisions relating to the declaration and registration of interests. The Framework has remained largely unchanged, though there have been a number of small amendments to improve the operation of the Framework over the last twenty years.
4. In March 2021, the Welsh Government commissioned an independent review of the ethical standards framework for Wales to assess whether the Framework remains fit for purpose. The review was undertaken between April and July 2021 and took into account the new legislative requirements introduced by the Local Government and Elections (Wales) Act 2021, as well as the Well-being of Future Generations (Wales) Act 2015 and the Equality Act 2010. The final report on the Independent Review of the Ethical Standards Framework in

Wales ('the Independent Review Report') was published on 14th October 2021, and was considered by the Standards and Ethics Committee at its meeting on 9th February 2022.

5. In March 2023, the Welsh Government published a consultation on its response to the recommendations of the Independent Review Report. The consultation was considered by the Standards & Ethics Committee at its meeting on 9th May 2023 and a consultation response was approved and duly submitted. A copy of the consultation response submitted on behalf of the Committee is attached as **Appendix A**.

Issues

6. On 14 November 2023, the Welsh Government published a summary of the consultation responses submitted during the consultation on its response to the recommendations of the Independent Review Report. The Summary of Consultation Responses is attached as **Appendix B**: https://www.gov.wales/recommendations-independent-review-ethical-standards-framework-richard-penn-report?_ga=2.51299689.1582720622.1698664231-743706020.1698250125&_gl=1%2Ah13cww%2A_ga%2ANzQzNzA2MDIwLjE2OTgyNTAxMjU.%2A_ga_L1471V4N02%2AMTY5ODY2NDIzMC4xLjEuMTY5ODY2NDMyNS4wLjAuMA.
7. The Committee will note that the Summary of Responses indicates that many other local authorities share the views submitted on behalf of Cardiff in relation to the issues raised in the specific consultation questions, suggesting there is a broad consensus on these issues across Wales. However, the Welsh Government has not yet published any proposals in relation to these matters. Any relevant proposals which may be brought forward in due course will be reported to a future meeting of this Committee.

Legal Implications

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

Financial Implications

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

RECOMMENDATION

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

Debbie Marles
Interim Monitoring Officer
30 January 2024

Appendices

Appendix A - Cardiff's response to the Welsh Government's Consultation on its response to the Independent Review of the Ethical Standards Framework (Penn Report), June 2023

Appendix B - Welsh Government Summary of Consultation Responses: Written Statement: Responses to the consultation on the review of the Local Government Ethical Standards Framework (14 November 2023) | GOV.WALES

Background papers

Standards and Ethics Committee report, 'Welsh Government Consultation – Response to the Recommendations of the Independent Review of the Ethical Standards Framework (Richard Penn Report)', 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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Consultation response form: WG47012

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

Organisation (if applicable): CARDIFF COUNCIL

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

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

Consultation Questions

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

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

Recommendation 4

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

Yes

Comment: (Optional)

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

Recommendation 10

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

Yes

Comment: (Optional)

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

Yes

Comment: (Optional)

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

In part

Comment: (Optional)

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

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

Yes

Comment: (Optional)

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

No:

Comment: (Optional)

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

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

Yes

Comment: (Optional)

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

Yes

Comment: (Optional)

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

Yes

Comment: (Optional)

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

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

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

Yes

Comment: (Optional)

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

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

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

Yes

Comment: (Optional)

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

No:

Recommendation 12

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

Comment: (Optional)

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

Other related matters outside of the Review Report

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

Yes

Comment: (Optional)

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

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

No

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

N/A

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

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

No:

Comment (Optional):

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

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

Yes

Comment: (Optional)

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

Yes

If yes, what sanctions would you suggest?

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

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

Welsh language

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

Q18. What effects do you think there would be?

None

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

N/A

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

N/A

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

Yes

Comment: (Optional)

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

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

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

**STANDARDS AND ETHICS COMMITTEE: 6TH FEBRUARY 2024****REPORT OF THE INTERIM MONITORING OFFICER**

**NATIONAL STANDARDS COMMITTEE CHAIRS FORUM, WALES -
UPDATE**

Reason for this Report

1. To provide the Committee with information about the January 2024 meeting of the National Standards Committee Chairs 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. A National Standards Committee Forum, comprised of the Chairs of each Standards Committee in Wales, has accordingly been set up, with the terms of reference set out in **Appendix A** to this report, which were approved at the Committee's meeting in October 2022. The purpose of the Forum is to share best practice and provide a forum for problem solving across the 22 principal councils; 3 fire and rescue authorities; and 3 national park authorities, in relation to the work of Standards Committees. It has no formal decision making powers.
4. The Committee considered a report following the second meeting of the National Standards Committee Chairs Forum at its meeting on 25th July 2023

Issues

5. The National Standards Committee Chairs Forum ('the Forum') met on 29th January 2024 to discuss the matters set out in the agenda attached as **Appendix B**. The Chair of this Committee, Jason Bartlett, who has been elected as the Vice-Chair of the Forum, attended the meeting, which was held remotely, and will be invited to provide verbal feedback at the meeting.
6. In relation to the matters discussed, the Committee may wish to note the following:
 - (i) The Welsh Government's Summary of Consultation Responses to its consultation on the Independent Review of the Ethical Standards Framework is reported under the Committee's separate agenda item 5 for this Committee meeting.
 - (ii) Corporate Joint Committees (CJCs) and Joint Standards Committees (Forum agenda item 5) – Members will recall that Cardiff has agreed for this Standards & Ethics Committee to act as the standards sub-committee for the South East Wales Corporate Joint Committee (SEWCJC) on a temporary initial basis until the SEWCJC is ready to establish its own standards sub-committee, subject to costs recovery and review after 12 months, with the arrangements to be agreed and set out in a Service Level Agreement (SLA). The terms of the SLA are still being prepared, but once agreed, the Committee will receive a report from the Interim Monitoring Officer for the SEWCJC setting out issues for consideration and determination. The Committee may be interested to hear the Chair's feedback on other authorities' experiences and views in relation to joint standards committees for CJCs.
 - (iii) Remuneration for Independent Members (Forum agenda item 6b) – as Members may be aware, the Independent Remuneration Panel for Wales (IRPW) has statutory responsibility for prescribing Members' remuneration, including for co-opted members such as independent members of standards committees. The IRPW sets out its determinations within its Annual Report for each year. The draft IRPW Annual Report 2024/25 <https://www.gov.wales/independent-remuneration-panel-wales-draft-annual-report-2024-2025> makes no changes to the half / full day rates currently provided, but notes that an hourly rate may sometimes be more cost effective and fairer than the current full / half day rates, taking account of changes to working practices, and proposes that local authorities should be given local flexibility to decide when it will be more appropriate to apply a full/ half day or hourly rate, for example, when it may be sensible to aggregate a few short meetings. The IRPW proposals were considered by the Democratic Services Committee in November 2023 and the Committee agreed the importance of appropriate remuneration for recruitment and retention purposes. The proposed changes, if finalised by the IRPW, will take effect from 1st April 2024 and the Head of Democratic Services will consult with all relevant parties in developing guidelines for determining appropriate rates, within the IRPW's permitted local flexibility, for inclusion in Cardiff Council's Schedule of Members' Remuneration.

- (iv) Local Resolution Protocol (Forum agenda item 7) – the Committee will note that Cardiff's Local Resolution Protocol appears to be working well, with a significant proportion of complaints being informally resolved by the Monitoring Officer under the Protocol, as noted in the Committee's quarterly Member Conduct Complaints Update report. The Committee may recall that, in response to concerns about the significant resource involved in arranging a formal hearing, the Protocol was amended in 2023 to provide that complaints 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. No complaints have been referred to the Hearings Panel since January 2022. The Committee will also recall that Community Councils in Cardiff have been encouraged to adopt their own local resolution protocols, based on the model protocol developed by One Voice Wales in consultation with the Ombudsman.
 - (v) Group Leaders new statutory duties and membership of standards committees (Forum agenda item 8a) – the Committee will note the concerns raised by the Monitoring Officers Group about potential conflicts of interest arising from the role of standards committees to monitor compliance with Group Leaders' new statutory duties. No Group Leaders in Cardiff currently sit on the Standards and Ethics Committee.
 - (vi) Gifts and Hospitality Registration Threshold – the Committee will be aware that the threshold adopted by Cardiff in October 2007 is £25, which reflects the proposed common national threshold of £25.
 - (vii) Social media guidance – Committee will recall that Cardiff has adopted a Social Media Code [Annex 1 - Members Social Media Code of Principles.pdf \(moderngov.co.uk\)](#) which has been incorporated, on the recommendations of this Committee, within the Members' Code of Conduct, to provide guidance for Members' use of social media.
 - (viii) Town and Community Councils, Civility and Respect Pledge <https://www.slcc.co.uk/news-publications/civility-respect-pledge/> – the Committee may wish to note that this is an initiative introduced by a partnership of organisations working on behalf of Town and Community Councils, the SLCC (Society of Local Council Clerks), NALC (National Association of Local Councils) and OVW (One Voice Wales), inviting Community Councils to sign the Pledge to publicly commit that it will treat councillors, clerks, employees, members of the public, and representatives of partner organisations and volunteers with civility and respect in their roles, with a number of specific supporting commitments. The Committee may wish to consider encouraging the 6 Community Councils in Cardiff to sign up to the Pledge if they have not already done so, as part of its remit to promote and encourage high standards of conduct within the Community Councils in Cardiff.
7. The Forum is to meet biannually, and its next meeting is to be held on 24th June 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. There are no direct legal implications arising from the recommendations of this report.

Financial Implications

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

RECOMMENDATIONS

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

Debbie Marles
Interim Monitoring Officer
30 January 2024

Appendices

- Appendix A: Standards Committee Chairs Forum, Wales, Terms of Reference
[Appendix A.pdf \(moderngov.co.uk\)](#)
- Appendix B: National Standards Committee Chairs Forum, Wales, Agenda for meeting on Monday 29th January 2024

Background papers

Standards and Ethics Committee report, 'Standards Committees Forum - Wales', 25th July 2023:

[CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](#)

Standards and Ethics Committee reports – 'South East Wales Corporate Joint Committee – Standards Sub-Committee, Update', 7 November 2023 [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](#); and 'Registration of Gifts and Hospitality Received by Members', 14 February 2023 [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](#)

Democratic Services Committee report, 'Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2024-25', 13 November 2023 [CARDIFF COUNCIL \(moderngov.co.uk\)](#)

Council report, 'Social Media Codes', 21 October 2021 [Ag Item 10 - Social Media Codes Report.pdf \(moderngov.co.uk\)](#)

National Standards Committee Chairs Forum - Wales

Monday 29th January 2024 @ 2pm, via Teams

Agenda

1. Apologies for absence.
2. Chairs Announcements
 - a. Welcome new Panel Advisor, Justine Cass, Deputy Monitoring Officer and Solicitor, Legal Services, Torfaen County Borough Council.

3. Notes of the previous meeting 30 June 2023.

NOTE 7 Richard Penn Review update.

The responses were being analysed and the results would be published during the autumn.

https://www.gov.wales/sites/default/files/consultations/2023-11/wg48234-summary-reponses_0.pdf

<https://www.gov.wales/written-statement-responses-consultation-review-local-government-ethical-standards-framework>

4. Michelle Morris - Public Services Ombudsman for Wales – Update.
5. Corporate Joint Committees (CJCs) and Joint Standards Committees. Presentation by Iwan Gwilym Evans, Gwynedd.

6. Resourcing of Standards Committees, Action 6 of previous meeting notes.

Specifically,

a. Resourcing of Standards Committees. Chair and Davina Fiore to discuss the possibility of raising the issue of budgets with the Monitoring Officer group.

b. payments to Co-opted Members.

c. <https://www.gov.wales/independent-remuneration-panel-wales-draft-annual-report-2024-2025> This is linked to the discussions at the previous meeting on workloads and item 6b on the agenda.

Chairs may wish to discuss report -

- i. in the context of the changes proposed (e.g. hourly rate) and non-changes (i.e. no increase in rates for independent members).
 - ii. The general application of the guidance and are they being applied consistently to Standards Committee members i.e., how the guidelines on remuneration are applied.
- Whether the Chairs have input into future IRPW reports e.g. could a representative from the IRPW be invited to a future meeting.

7. Local resolution protocols, how do they operate in your area and are they effective. Reflections. – All
8. Items raised by the Monitoring Officers Group.
 - a. Whether, in light of the duty to report on the performance of the Group Leader's duty, authorities allow group leaders to sit on their Standards Committee and, if so, how they manage any perceived conflict of interest between a group leader assessing their own performance and the performance of their political opponents.
 - b. Progress on adopting the agreed common threshold of £25 for the registration of gifts and hospitality.
 - c. Do authorities have any guidance on the use of social media over and above that published by the WLGA.
 - d. Whether authorities encourage their town & community councils to sign the civility and respect pledge - <https://www.slcc.co.uk/news-publications/civility-respect-pledge/> . If they do not whether they would consider doing so.
9. Training for Standards Committee Chairs.
10. Any other business.
11. Date of next meeting 24th June 2024.

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STANDARDS AND ETHICS COMMITTEE:

6 February 2024

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

WORK PROGRAMME 2024 - 25

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 2024/25

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 2024/25 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 Interim Monitoring Officer any amendments and how it wishes to progress the various items or topics contained therein.

Debbie Marles
Interim Monitoring Officer
24 January 2024

Appendix

Appendix A

Work Programme 2024 – 25

Background

[Standards & Ethics Committee Work Programme November 2023](#)

STANDARDS AND ETHICS COMMITTEE – WORK PROGRAMME – 2024/25

APPENDIX A

| TOPIC | OBJECTIVE/OUTCOME | WHO IS RESPONSIBLE? | PRIORITY | STATUS | REPORT TO COMMITTEE |
|---|---|--------------------------------------|-----------------|---------------|----------------------------|
| (1) Gifts and Hospitality | To monitor and review the acceptance of gifts and hospitality by Members (annually). | Monitoring Officer | Medium | Scheduled | Spring / Summer 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 | Spring 2024 |
| (4) Feedback from Observation of Council & Committee meetings | Independent Members to attend Council, Committee and Community Council meetings to become more acquainted with the work of the Councils; and report feedback for consideration by the Committee | Independent Members of the Committee | Medium | Ongoing | As and when received |
| (5) Whistleblowing Policy | (1) To review the Whistleblowing Policy to ensure it remains fit for purpose; and (2) Monitor reports made under the whistleblowing policy and consider any ethical issues arising | Monitoring Officer | Medium | Scheduled | Spring 2024 |

| TOPIC | OBJECTIVE/OUTCOME | WHO IS RESPONSIBLE? | PRIORITY | STATUS | REPORT TO COMMITTEE |
|---|--|---|-----------------|---------------|-------------------------------------|
| (6) Officers Personal Interests | To receive a report on Senior Officers Personal Interests Declarations (annually) | Monitoring Officer / HR | Medium | Scheduled | Spring / Summer 2024 |
| (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 | Spring 2024 and annually thereafter |
| (8) Annual Report 2023/24 | Prepare Annual Report 2023/24 | Committee Chair/ Monitoring Officer | Medium | Scheduled | Summer 2024 |
| (9) Cardiff Undertaking | To review the Undertaking, to ensure it remains up to date and fit for purpose | Monitoring Officer | Medium | Scheduled | Autumn 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 2024 |
| (11) South East Wales Corporate Joint Committee – Standards Sub-Committee Functions | To receive a report on discharge of standards committee functions for the Corporate Joint Committee | Monitoring Officer | Medium | Scheduled | Spring / Summer 2024 |

| TOPIC | OBJECTIVE/OUTCOME | WHO IS RESPONSIBLE? | PRIORITY | STATUS | REPORT TO COMMITTEE |
|---------------------|---|-----------------------------|----------|-----------|---------------------|
| (12) Members Survey | To consider outcomes of an Interim Survey in relation to Members conduct and behaviours | Head of Democratic Services | Medium | Scheduled | Summer 2024 |

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