

STANDARDS & ETHICS COMMITTEE

21 October 2014

Present: Independent Members: James Downe, Hollie Edwards-Davies,
Richard Tebboth and Hugh Thomas

Councillors: Kate Lloyd, Georgina Phillips and Dianne Rees

Community Councillor John Hughes

Apologies: Lizz Roe

S12: ELECTION OF CHAIRPERSON AND VICE-CHAIR

It was necessary to elect a new Chairperson following the end of the previous Chair's term of office. The Monitoring Officer invited nominations for this position. Richard Tebboth, Vice-Chair, was nominated by Councillor Rees and Community Councillor Hughes and was duly elected as Chairperson of the Committee.

As the position of Vice-Chair was now vacant, the Monitoring Officer invited nominations for this position. James Downe was nominated by Hugh Thomas and Community Councillor Hughes and was duly elected as Vice-Chair of the Committee.

S13: WELCOME TO NEW MEMBERS OF THE COMMITTEE

The Chairperson welcomed the newly-appointed Independent members of the Committee, Hollie-Edwards Davies, Hugh Thomas and Lizz Roe (in her absence).

S14: DECLARATIONS OF INTEREST

The Chairperson reminded Members of their responsibilities under Part III of the Members' Code of Conduct, to declare any interests in general terms and complete 'personal interest' forms at the start of the meeting and then, prior to the commencement of the discussion of the item in question, specify whether it is a personal or prejudicial interest. If the interest is prejudicial Members would be asked to leave the meeting, and if the interest is personal, but not prejudicial, Members would be invited to stay, speak and vote. The following declarations were made:

<i>Councillor</i>	<i>Item</i>	<i>Interest</i>
Community Councillor Hughes	Item 8 – Community Councils Charter	Personal: Community Councillor Hughes is a member of a community

council.

Dianne Rees	Item 8 – Community Councils Charter	Personal: Councillor Rees is a member of a community council and was present at a meeting referred to in a letter sent to the Committee on 14 August 2014 by Councillor Adrian Robson.
Georgina Phillips	Item 8 – Community Councils Charter	Councillor Phillips' husband is a member of a community council and Councillor Phillips was present at a meeting referred to in a letter sent to the Committee on 14 August 2014 by Councillor Adrian Robson.

S15: MINUTES

The minutes of the meeting of the Standards and Ethics Committee held on 23 July 2014 were approved as a correct record and signed by the Chairperson.

S16: REPORT ON OFFICERS' PERSONAL INTERESTS AND SECONDARY EMPLOYMENT POLICY

The purpose of this report was to enable the Committee to consider and give its views on a draft policy on officers' personal interests and secondary employment.

The statutory Code of Conduct for Local Government Employees requires employees to ensure that their private interests do not conflict with their public duties and to comply with the Council's rules on the declaration of interests. It is important that the Council has clear rules on this so that conflicts of interest can be avoided and to ensure that staff do not use Council time or resources in any secondary employment and that an employee's secondary employment does not adversely affect performance in their main employment with the local authority.

The draft policy consists of a relatively simple set of rules that put the burden on employees to notify their employer of any secondary employment or potentially conflicting personal interests. Unions and managers have been

consulted. The advice to employees will be to always disclose if there is any uncertainty. There are specific requirements when it comes to the obligations of senior officers to disclose personal interests or secondary employment.

The Council's Senior Management Team (SMT) have been consulted on the draft policy and are content with it, subject to some minor amendments, for example, regarding its application to agency workers. Consultation has now been completed and, subject to any comments from this Committee, the draft policy will go to Cabinet for approval.

The Chairperson invited questions and comments and the following points were noted:

- The Introduction to the policy should say more on its objectives, specifically with regard to the Nolan principles of public life.
- It is important that staff know that before taking up any other employment, they should discuss this with their manager.
- Once the policy has been adopted the Committee would like an update report, to include a communications and training plan to ensure that all staff fully understand their obligations under the new policy.
- A number of drafting improvements to the draft policy were also suggested.

RESOLVED –

- 1) That, subject to the amendments suggested by the Committee and following staff and Trade Union consultation, the draft Officers' Personal Interests & Secondary Employment Policy attached as Appendix A to the report, be recommended to the Cabinet for adoption; and
- 2) That the Monitoring Officer be instructed to develop and implement a communications and training plan once the Officers' Personal Interests & Secondary Employment Policy is adopted.

S17: COMMUNITY COUNCILS CHARTER

The purpose of this report was to enable the Committee to consider the Community Councils Charter and concerns about its effectiveness.

On 8 March 2012, the then Executive adopted a Community Councils Charter following consultation with relevant stakeholders, including the six Community Councils within the Council's area and with the Standards and Ethics Committee. The aim of the Charter is to support structured, regular engagement and

communication between the County Council and the six Community Councils in Cardiff. The Charter provides that the Standards and Ethics Committee will review progress made in achieving the measures and actions set out in the Charter and Charter Action Plan.

At various previous meetings of the Standards and Ethics Committee, the Community Council member of the Committee has expressed concerns about the implementation of the Charter; and in August 2014 the Committee received a letter from a Planning Committee member, Councillor Robson, reiterating the view that the Charter is not working effectively.

The Committee discussed the Charter and the concerns raised. During discussion, the following points were made:

- It was noted that the Charter gives Community Councillors additional rights in relation to attending site visits of the Planning Committee.
- The six Community Councils are very critical about the implementation of the Charter.
- It was suggested that the County Council has very little understanding of the way Community Councils operate and there has been very little consultation. It does not carry out fair consultations with the Community Councils and One Voice Wales has written on behalf of them to complain about the lack of implementation of the Charter.
- It may be helpful to arrange a task and finish group to look at the issues and report back to the Committee at its meeting in January 2015.
- Relevant officers, in particular, from the Planning service should be asked to provide information and advice to inform the Committee's consideration of this issue.
- The Charter may need to be refreshed so that roles and responsibilities are clarified.
- If the Charter is to be revised it will have to be in consultation with the appropriate Cabinet Member.

RESOLVED – That a task and finish group, including the Community Councillor representative on the Committee, be formed to consider this matter further and report back to the Committee.

S18: REVIEW OF HEARINGS PANEL PROCEDURE

The purpose of this report was to notify the Committee of the Hearings Panel's decision on a complaint dealt with under the Local Resolution Protocol and to allow the Committee to consider whether its procedures require any amendment.

On 30 July, 8 September and 1 October 2014, the Hearings Panel met to consider a complaint referred to the Panel under the Local Resolution Protocol. The Hearings Panel's decision, dated 3 October 2014, was appended as Appendix A to this report, for the Committee's information.

During discussion, the following points were made:

- Holding the hearing in private, but publishing the decision of the Panel was felt to be the right general approach.
- It is important that the set process for hearings is adhered to. For example, when making complaints against another member, councillors should be asked to provide a succinct formulation of their complaint. The complainant should focus on where it is felt that the Code of Conduct has been broken.
- Hearings Panels will bring the Committee into more frequent contact with councillors, and it is important for Independent members of the Committee to attend other council meetings, such as meetings of the Planning Committee, so that they can become more familiar with the way the council works.

RESOLVED – That the Committee notes the decision of the Hearings Panel appended at Appendix A; and makes no changes to the Hearings Panel's procedures.

S19: STANDARDS AND ETHICS ALL-WALES CONFERENCE 2015

The Standards and Ethics All-Wales Conference 2015 is to be hosted by Cardiff Council. The Monitoring Officer requested the support of the Committee in planning for this event and suggested that the Committee form a task group to consider who might be invited to speak at the conference and that the Committee may wish to host sessions during the conference.

RESOLVED – That a conference planning task group be formed in January 2015.

S20: REPORT ON MEMBER CODE OF CONDUCT COMPLAINTS 2014/15

The purpose of this report was to provide Members of the Committee with a brief update on complaints made against Members alleging breaches of the Code of Conduct.

The Monitoring Officer informed the Committee that the figures on complaints have been affected by the high number of complaints (27 complaints) that were received following the Deputy Lord Mayor's speech at a rally in Newport. However, even if those 27 complaints are not counted, there is a rising trend of Member on Member complaints, although most of these have been resolved locally and quickly.

RESOLVED – That the report be noted.

S21: FORWARD PLAN 2014/15

The purpose of this report was to allow Members to consider the Forward Plan of matters for consideration by the Standards and Ethics Committee in 2014/15.

The Monitoring Officer informed the Committee that priorities for the plan include the Community Councils Charter and a piece of work to be done on politically restricted posts. The Monitoring officer also felt it would be helpful if Independent members could attend one or two meetings of the Planning Committee.

RESOLVED – That the Forward Plan 2014/15 be noted.

S22: DATE OF NEXT MEETING

The next meeting is to be held on 27 January 2015

The meeting closed at 6pm.

Signed _____
Chairperson

Date _____