

STANDARDS & ETHICS COMMITTEE
20 JULY 2016

Present: Independent Members: Richard Tebboth (Chair):
James Downe, Hollie Edwards-Davies and Lizz Roe (Independent
Members).

Councillors Cowan, Margaret Jones and Phillips

Community Councillor John Hughes

1 : APOLOGIES FOR ABSENCE

Apologies were received from Hugh Thomas (Independent Member)

2 : DECLARATIONS OF INTEREST

The following declarations of interest were declared: -

<u>Member</u>	<u>Item</u>	<u>Interest</u>
Councillor Cowan	Item 8	Personal Interest as might be required to attendance conferences on behalf of the Council.
Councillor Margaret Jones	Item 8	Personal Interest as might be required to attendance conferences on behalf of the Council.
Councillor Phillips	Item 8	Personal Interest as might be required to attendance conferences on behalf of the Council.
James Downe	Item 8	Personal interest as attended a Council run Conference on Ethics
Hollie Edwards-Davies	Item 8	Personal Interest as might be required to attendance conferences on behalf of the Council.
Lizz Roe	Item 8	Personal Interest as might be required to attendance conferences on behalf of the Council.
Community Councillor John Hughes	Item 4	Personal Interest Planning Committee Protocol
	Item 8	Personal interest as attended a Council run Conference on Ethics

3 : MINUTES

The minutes of the meeting 22 March 2016 were approved and signed as a correct record.

4 : PLANNING COMMITTEE PROTOCOL

The Committee received a report on the development of a draft Planning Committee Protocol by the Welsh Local Government Association (WLGA).

The Chair welcomed Simon Gilbert, Operational Manager, and Strategic Planning to the meeting.

The WLGA had working with representatives from a number of authorities sought to establish a more consistent approach to planning across Wales drafted a voluntary committee protocol which had been subject to consultation. The aim of the Protocol was to ensure that in the planning process there were no grounds for suggesting biased; or partiality or not well founded decisions and was intended to complement any national or local codes on Member Conduct, as well as the general arrangements around the governance of meetings.

The Operational Manager gave an updated on the response to the Protocol made by the Planning Committee and advised that to date no feedback had been received back from the WLGA on the consultation process which closed on 20 May 2016. Unfortunately the opportunity for feedback on the ethical standards; probity matters and issues of Members Code of conduct by this Committee had been missed.

The Chair invited contribution from the Committee. A number of comments and observations were made: -

Committee Governance matters

- Concerns on the issue of quorum for the Standards and Ethics Committee which resulted in the cancellation of the May meeting of the Committee which would have allowed discussion on the Protocol and a response to be included prior to the deadline, which had been extended to 31 May.
- Concerns that Cardiff was not represented on the WLGA drafting Group.
- Noted that One Voice Wales had responded on behalf of Community Councils before the deadline.

Protocol

- It was recognised that Cardiff has a unique planning/ spatial planning perspective and deals with a large volume of complex planning matters
- The Committee was keen that the new protocol did not lose any of the current guidance.
- Cardiff required a bespoke approach to protocols around site visits; rights to speak at Committee; and delegations to Chair and Officers;
- Members welcomed the reinforcement of principles relating to Conduct and removal of bias to protect the reputation of the Council; the Planning Committee & Members.
- The Committee was keen that the principles and protocol formed part of the Member Learning & Development programme;
- Members asked if WLGA had or could be invited to observe Planning Committee and give feedback.

Community Council Charter

- Concerns were raised that a commitment from the Cabinet Member at Council in June to resolve the issues of the Community Council Charter had not been progressed in particular around the Community Council's involvement in Community Infrastructure Levy (CIL) and Section 106 Planning obligation decisions.

- The Committee welcomed the updated from the Operational Manager that following on from a report to Cabinet on CIL and the draft charging schedule a schedule training and consultation events would be arrange for August and September 2016. This would raise awareness of key principles and what can and can't be achieved.

RESOLVED – That

1. the re-establishment of dialogue between the Council and Community Council be established to move forward on the Community Council Charter;
2. the Committee welcomed the arrangements being made for Councillor and Community Councillor Workshops;
3. noted that no feedback had been received from the WLGA on the consultation on the Planning Committee Protocol

5 : SOCIAL MEDIA GUIDANCE - REVIEW

The Committee was given an opportunity to review the guidance provided to Members on the use of Social Media to see if any amendments or further action was required.

Members made the following comments and observations:

- Noted that there was no routine monitoring undertaken on Councillors using social media only when a complaint or issue is brought to the attention of the Monitoring Officer.
- Members considered it was the role of the Committee to be proactive looking at matters around Councillors use of Social Media so that they can consider whether the guidance was being adhered to;
- The Committee felt that when training is given that it would be useful for examples or poor practice be given an indication of when lines are crossed what the consequences are.
- Members discussed again the issue between the role of a Member as a Councillor and their personal capacity and for the boundaries to be used.

RESOLVED – That

1. Members be reminded of their responsibilities in relation to social media and the guidance as part of the All Member Brief from the Standards and Ethics Committee;
2. No changes are made to the current Social Media Guidance adopted in July 2014.

6 : OBSERVATION OF COUNCIL MEETINGS

The Committee received feedback from Members on observations from their attendance at other Council and Committee meetings.

Hollie Edwards Davies had participated in the Democratic Services Committee on 18 July 2016 which had received initial feedback on the Members Survey; Member Learning and Development Programme 2016/17; Induction Programme for May 2017 and work to be completed; issues around Peer mentoring; roles and responsibilities for all Councillors; Code of Conduct training; the need for a Training Needs assessment for new Members.

Feedback was received on Planning Committee and the need for better communications on Section 106 Obligations and the allocation of funding.

Councillors raised concerns around behaviour and respect of individuals during Full Council meetings and in particular an incident at the June Council meeting between a Councillor and a member of the public in attendance in the public gallery.

There were some concerns that had been discussed at Whips on the disengagement of Members in the Scrutiny process; and participation in briefing and learning opportunities. It was felt that a 5 year term was too long for one administration.

RESOLVED – That the observations be noted and issues feedback to the relevant officers.

7 : STANDARDS AND ETHICS COMMITTEE ANNUAL REPORT 2015/16

The Committee received the Draft Annual Report which would be presented to Council in September 2016.

The Committee thanked the officers for pulling a comprehensive report together on the work of the Committee and in principle were happy to endorse with any further feedback to be received 19th August.

RESOLVED – That information contained in the report form part of the Member Brief to be circulated in August 2016.

8 : HOSPITALITY PROVISION AND CONFERENCE ATTENDANCE - REVIEW OF PROCEDURES

The Committee received an opportunity to review the Council's process for governing hospitality; gifts; and benefits; and attendances at conferences; seminars and other events following recommendations made following an internal Audit.

The report detailed the main changes in the principles and provisions following consultation with Senior Management Team, and matters raised in particular around hospitality provided by the Council; and the recording of routine management processes particularly in relation to appropriate directorate or professional meetings; training and seminars; the introduction of further thresholds.

It was suggested that an introduction of a RAG rating would be useful tool for assessing what should be formally recorded and what was operational or business management.

RESOLVED – That

1. the information received in the report was noted;
2. the comments made by the Committee be added to the process of finalising the documents in consultation with the Interim Monitoring Officer;
3. a further report be brought to this committee to provide an update on matters to be addressed in the report and from the Committee discussed.

9 : MEMBER CODE OF CONDUCT COMPLAINTS UPDATE

The Committee received an update on complaints against Members of the Council during the last 4 quarters, alleging breaches of the Code of Conduct. The report focussed on the last quarter.

It was noted and discussed the notice received from the Ombudsman of a formal Complaint against eight Community Councillors of the same Community Council. The complaint against five of the Community Councillors had not been upheld and the Ombudsman decision on the other three was awaited.

The Chair indicated that a number of Ombudsman cases had not found in favour of the complainant and that the threshold of what constitutes robust political debate and acceptability had been better defined following some cases. It was recognised that there was a role for the Monitoring Officer to raise awareness with Members of complaints processes and for them to seek advice from the Monitoring Officer on any complaints that they have.

RESPLOVED – That the contents of the report be noted.

10 : BIENNIAL MEMBER BRIEFING

This Committee at its last meeting, in March 2016, received a report on the Wales Audit Office (WAO) Corporate Assessment Follow On Report published on 26 February 2016. The Committee noted the specific references to the Standards and Ethics Committee made in the WAO report (at paragraphs 23, 49 and 50) and the proposal for improvement number P5, which included reference to the Committee and its role in enhancing member accountability by:

“Ensuring that the Standards and Ethics Committee plays a more proactive role in promoting and enforcing the Cardiff Undertaking for Councillors and supporting policies in relation to Member conduct and behaviour;”

Members of the Committee expressed various reservations about WAO’s view that the Committee was not sufficiently proactive, but agreed the Action approved by Cabinet, in consultation with the Chair, in response to the WAO proposal for improvement P5(a), which was as follows:

“P5a Standards and Ethics Committee to publish biennial Member Briefings on the work of the Committee, underlining the importance of the Cardiff Undertaking and Member conduct and behaviour.” (Timescale: August 2016)”

The Committee was invited to consider and provide comments on the issues which are to be included in its Member Briefing.

In addition to key highlights from the Annual report it was suggested that the following additional items be included:

- Social Media Guidance for Councillor;
- Opportunities for participating and becoming Members of Committees.

RESOLVED – That the Interim Monitoring Officer, in consultation with the Chair and having regards to comments made by the Committee prepare draft a Member Brief for circulation to all Members in August 2016.

11 : INTERIM MONITORING OFFICER'S VERBAL UPDATE

The Interim Monitoring Officer updated the Committee on the formal appointment of a Director of Governance and Legal Services. Davina Fiore had been appointed and would take up her role in September 2016.

The Committee thanked David Marr who had acted in the Interim Monitoring Officer role, for his hard work and support to the Committee over the last 5 months.

The Committee was advised that Annual Council 26 May 2016 had adopted the technical amendments to the Code of Conduct which had now been adopted by the Council.

12 : FORWARD PLAN 2016/17

The Committee received and considered the Forward Plan and considered the priority rating given to items.

RESOLVED – That

1. Item 8 on the plan Community Council Charter be rated RED Priority;
2. The Committee & Members services Manager to recirculate the Council and Committee Calendar of meetings so that the Independent Members can collectively agree which meetings would be observed in the coming quarter;
3. Hollie Edwards-Davies and Lizz Roe agreed to support the Member Development Steering Group meetings during August and September 2016.

13 : DATES OF FUTURE MEETINGS

The Committee discussed the day and dates for future meetings and requested that these dates be adjusted to Wednesdays at 4.30pm.

RESOLVED – That the Committee and Members Services Manager arrange for Members to be surveyed on revised dates for the forthcoming year.

Chair: _____

Date: _____