

## STANDARDS & ETHICS COMMITTEE

22 NOVEMBER 2017

Present: Councillor Richard Tebboth (Chairperson)  
Councillors Cunnah, Sandrey, Williams,  
Independent Members: Hollie Edwards-Davies, James Downe,  
Hugh Thomas and  
Community Councillor Stuart Thomas

### 1 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Lizz Roe.

### 2 : DECLARATIONS OF INTEREST

Hugh Thomas declared a personal interest in Agenda item 9 (Work Plan) as Vice-Chair of Audit Committee.

Councillor Cunnah declared a personal interest in Agenda item 9 (Work Plan) as a member of the Audit Committee.

Councillor Sandrey declared a personal interest in Item 6 (Gifts and Hospitality) in respect of her register entry.

### 3 : MINUTES AND MATTERS ARISING

The minutes of the meeting held on 4 September 2017 were agreed as a correct record and signed by the Chairperson.

#### Matters Arising

With reference to the Member Exit Survey and the media coverage it received, Members were advised that the Director of Governance and Legal had met with the Head of Communications. It was noted that another Survey would be run asking for experiences since the election and when the results of this survey come back then the Communications team need to be ready for further press interest.

With reference to the Standards and Ethics Committee Annual Report, the Chairperson noted that it had provoked a lively discussion at Full Council especially concerns raised regarding conduct in Council meetings and the survey results regarding bullying. The Monitoring Officer emphasised the important distinction between attacking policies (which was a proper part of a Member's role) and personal attacks on individuals.

The Chairperson added that there had been much better conduct at Full Council recently with more respect for the Chair, mutual respect and less disorderly behaviour. It was noted however that the Budget Council meeting would be a further test of behaviour.

#### 4 : WELCOME TO NEW COMMUNITY COUNCIL MEMBER

The Chairperson welcomed Community Councillor Stuart Thomas as a new member of the Committee.

The Monitoring Officer advised that induction for new members needed to be arranged. This would also be open to all other members of the committee, and would include a short session on Code of Conduct.

It was considered useful for new independent members to meet and have discussions with back bench Members, who understand the role of a councillor and the pressures that can come from constituents.

Members considered that it would be helpful to also include the role of a Member on the Committee and provide examples of the different issues Committee has covered.

Additionally it would be useful for new Members to familiarise themselves with the Committee's Terms of Reference and to attend other Committee Meetings and Council, or view meetings on the webcasts.

#### 5 : FUNCTIONS IN RESPECT OF COMMUNITY COUNCILS

Members were advised that the Standards and Ethics Committee and the Monitoring Officer under statue have a role in relation to Community Councils and Complaints. Committee had spoken previously about not being as focussed on Community Councillors as Cardiff Councillors and now was a good time to refocus the Committee's work and efforts to build relations with Community Councils.

The Report set out ideas and suggestions, which could be achieved within available resources.

The Director of Governance and Legal outlined the suggestions in the report as follows:

The Director of Governance and Legal advised Members that she had written to all Community Council Clerks requesting meetings to discuss any concerns they may have; these meetings were currently being diarised.

The regular Member Briefing sent to Cardiff Councillors could also be sent to Community Councillors and could be adapted to include things of interest to them.

Invitations could be sent to Community Council Clerks/Chairs to attend a Standards and Ethics Committee and also Observation of Community Council Meetings by Standards and Ethics Members.

The Standards and Ethics Committee Annual Report could include more on Community Councils.

Representatives of Community Councils could get together to discuss any issues.

Members considered this was a very helpful report and just wanted to note they would not want to duplicate any work undertaken by One Voice Wales. The Chair

advised that One Voice Wales had indicated previously that the relationship with Community Councils needed to be strengthened.

Members noted the challenges arising from the fact that not all of Cardiff is covered by the six Community Councils.

Community Councillor Stuart Thomas presented a questionnaire to Committee which he suggested was passed to all Community Council Clerks as a checklist of measures to be put in place. The Director of Governance and Legal suggested that the questionnaire could be taken to the meetings that were being established and filled in there as then more support could be offered.

Members discussed the Community Council Charter, noting a meeting had taken place on 21<sup>st</sup> October 2017 which was attended by 5 of the 6 Community Councils. Members noted that the revised Charter needed to be agreed, signed up to and used. It was noted that better communication with Community Councils was needed, barriers to be broken down and an end to the Them and Us attitude.

Members sought clarification on the One Voice Wales Local Resolution Protocol. The Director of Governance and Legal clarified that the protocol was understood to have been initiated by the Ombudsman as they were receiving many low level complaints straight to them. Clerks were encouraged to try and resolve issues locally. There remained some concerns as to whether some Clerks have the skills to be able to do this. This was one of the issues that could be discussed when they meet with the Director of Governance and Legal. The Chair noted that this was also difficult if the Clerk was involved in the complaint, and that Standards and Ethics could provide a form of back up rather than the complaint being sent straight to the Ombudsman.

Members referred to the use of resources in the report and felt it was important that any promises made are kept, but noting that resources are finite. The Director of Governance and Legal assured Members she was confident that the Committee could deliver what was in the report.

RESOLVED: to agree

- i. that the Monitoring Officer should discuss with the Clerks any further training needs on the Code of Conduct to follow on from the training undertaken to date;
- ii. that the Monitoring Officer should offer to meet annually with the Clerks to discuss any issues of common concern;
- iii. that all future Member Briefings should be circulated to Cardiff Community Councillors (via their Clerks), and the content of the Briefings should include reference to Community Councillors and any issues which may be of particular interest to them.
- iv. that the Monitoring Officer should check whether Community Councils have adopted the One Voice Wales model Local Resolution Protocol, and to offer any necessary advice, training and support to the Clerks and Community Councillors in relation to implementing such protocol;

- v. members of the Standards & Ethics Committee be encouraged to attend a Community Council meeting in order to observe proceedings and any Member conduct issues, familiarise themselves with the work of a Community Council, and raise awareness of the Standards and Ethics Committee and its remit. The schedule of Council meetings for observation should be extended to include meetings of Community Councils, in order to facilitate this; and
- vi. that the Committee's Annual Report should be circulated to the Community Councils for their information and to allow the opportunity for comments.

## 6 : REGISTRATION OF GIFTS AND HOSPITALITY RECEIVED BY MEMBERS

Members were provided with a report which set out the gifts and hospitality received by Members, which have been registered in accordance with rules set under the Members' Code of Conduct.

The Members' Code of Conduct (paragraph 17), requires Members to register the receipt of any gifts, hospitality or other benefits where the value of the item or benefits exceeds a threshold determined by the Council from time to time.

The Council's threshold for registration of gifts and hospitality received by Members has been set, on the recommendations of this Committee (in October 2007), at £25 (in line with the threshold then applied to all local authorities in England by the Standards Board for England).

Members asked if there was provision in the policy to recognise if Members are regularly receiving gifts of under £25, or regular gifts from the same people. Members were advised that these should be disclosed as normal but if Members were offered gifts regularly or from the same people they should refuse them.

Members considered that the register could be sorted by Name Order for ease of reference; the Director of Governance of Legal stated that this was something that could be looked at but she would not want to change it half way through the year.

Members reiterated previous requests to remove gifts and hospitality for the Lord Mayor and Deputy Lord Mayor from the list, considering it should be on a different list and making both lists more manageable. Members were advised that officers would look to see if the lists could easily be separated out.

Members sought clarification of whether the Register was available online. The Monitoring Officer confirmed it was.

It was suggested that senior officers, as decision makers, if in receipt of gifts and hospitality, should be on a public list and be accountable to Standards and Ethics Committee. The Chair stated that the Committee had discussed this previously and were happy that the forms are completed and kept. It was noted that any change in Policy would mean consultation with Trade Unions. Members sought clarification on what the Policy states and whether there is currently a distinction between junior and senior officers. The Director of Governance and Legal Services stated that audits into officer registers do take place, but she would check the Committee's Terms of Reference and if appropriate, bring a report on this issue to a future meeting.

A Member asked if there was any correlation between Personal Interest and Gifts and gave the example of Planning Committee. The Director of Governance and Legal stated that lots of questions would have to be asked to establish the precise context. She assured Members that officers are particularly careful around Planning Committee; and explained that officers would advise on specific circumstances, but could not offer 'hypothetical advice'.

Queries were raised with regard to the entries on the register in relation to Cardiff Bus.

Councillor Sandrey declared a prejudicial interest and left the room for the discussion of this issue.

Members noted that the register contained a number of entries for free bus passes received by a number of Members in their capacity as Council nominated Non-Executive Directors of Cardiff Bus and were concerned that this may be perceived as unfair as other Members have to declare publicly any claimed mileage, train tickets etc.

Members considered clarification was needed on the value, purpose and scope of the bus pass, and how it was used in each case i.e. to check services, routes etc, rather than for personal travel use.

It was considered appropriate to write to the Members concerned to seek clarification on this matter.

#### RESOLVED:

- i. to note the information supplied at **Appendix A** on the registration of hospitality, gifts and other benefits received by Members during the period from 1<sup>st</sup> October 2016 to 30<sup>th</sup> September 2017;
- ii. to write to all Members who are Non-executive Directors of Cardiff Bus, with a copy to the Chair of the Board, to ask for clarification on the nature and extent of use and monetary value of benefit of the free bus pass.

#### 7 : MEMBERS CODE OF CONDUCT COMPLAINTS - QUARTER 2 OF 2017/18

Members were advised that there had only been 1 complaint received this quarter and that it was very encouraging to see that behaviour had improved and complaints significantly decreased.

Historically there had been more complaints received and certain times throughout the year had previously seen increased numbers. The Chairperson advised that he did not recall a quarter this low in complaints. He had also noticed a marked improvement in behaviour at full Council since the election.

In relation to the complaint that was received, Members asked if the complaint was made by a member of the public and whether the Councillor in question was made aware of the complaint. The Director of Governance and Legal advised that the Councillor would normally always be made aware of the complaint and be given the opportunity to respond; on this particular occasion the Councillor was already aware

as the Police had been involved. The complainant had become frustrated by the length of time taken by the Police and then raised it with the Monitoring Officer. The Committee noted that the Police had carried out a thorough investigation but found no evidence to corroborate the allegations and had therefore closed the case. No further action was considered necessary or appropriate.

RESOLVED: To note the report.

## 8 : PERSONAL AND PREJUDICIAL INTEREST DISPENSATIONS

Members were advised that the Standards & Ethics Committee's terms of reference include authority for the Committee:

*(f) To grant or refuse requests for dispensations in respect of Members' interests under the Members Code of Conduct in accordance with the relevant statutory provisions.*

A Member with a personal and prejudicial interest in a matter may apply to the Standards and Ethics Committee for a dispensation using the Dispensation Application Form.

The circumstances in which the Committee may grant a dispensation are prescribed by law – the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

The Committee has adopted a Dispensations Policy, which sets out the factors to be taken into account when considering applications for dispensation. The Policy was last amended in June 2016 to reflect minor changes to the relevant statutory provisions (considered by the Committee in March 2016).

A number of changes to the Policy were recommended. The timescale for applications had been amended as it will often not be practical for a member to submit an application at least 10 days before a Standards and Ethics Committee meeting, bearing in mind that the Committee usually only meets 4 or 5 times every year and that often members will not be aware that they have a personal and prejudicial interest in a matter until the agenda and reports for a meeting are published three clear working days ahead of a meeting. It was suggested that Members should submit any application as soon as they realise that they need a dispensation and that a subcommittee be set up to deal with any applications made so that it is possible to deal with them at short notice if necessary.

Members discussed political balance and whether dispensation being granted could alter that balance and asked if a subcommittee without elected Members on it would work better. The Director of Governance and Legal explained that, by law, Independent Members would constitute at least half of the subcommittee membership so potentially an elected member could be voted down. She added that it would be useful to have elected Members views on the subcommittee.

Members asked if Dispensations could be delegated to the Chair/Vice Chair and were advised that it couldn't, it had to be delegated to an Officer in consultation with the Chair/Vice.

It was noted that the need to convene a subcommittee was likely to arise very rarely. Some Members considered that as this is the case it could be dealt with by the Monitoring Officer. Members were advised that for transparency and to have Elected and Independent Member views, a subcommittee should be established in the first instance and dealt with by the Monitoring Officer only if a subcommittee couldn't be convened and the dispensation application was urgent. It would be possible to remove 'Urgent' from the recommendations, to have this option available if it was appropriate at the time.

Members noted that any dispensations granted would be reported to Standards and Ethics Committee.

The Chairperson considered that the subcommittee option would be best practice.

RESOLVED: To

- i. approve the proposed amendments to the Dispensations Policy (**Appendix A**) and Application Form (**Appendix B**);
- ii. approve the establishment of a Dispensations Sub-Committee, comprised of 2 Independent Members (to include the Chair or Vice-Chair) and one elected Member (to be convened by the Monitoring Officer on an ad hoc basis, as and when required);
- iii. delegate authority to the Dispensations Sub-Committee established under recommendation II above to consider and determine any dispensation applications received; and
- iv. for dispensation applications where it is not possible to convene a Dispensations Sub-Committee in time, to authorise the Monitoring Officer, in consultation with the Chair (or Vice-Chair) to determine such applications and report back to the Committee for information.

9 : WORK PLAN 2017/18

Members were advised that as well as those items outlined in the plan, additional items may come in. Should this happen then items will be prioritised and resources allocated accordingly.

Members were invited to make comments and suggestions on the Work Plan.

It was noted that the item on Officers' Gifts and Hospitality needed to be added into the work plan.

With reference to Observations on Committee Meetings, Members considered that Community Council's should be added in to the schedule of meetings.

Members considered that Training should remain a high priority on the plan to keep on the Committee's radar. It was explained that the priority was listed as low as the training for this year had completed and was up to date. Members considered it may be useful to have attendance figures for the essential training courses and to know

who is yet to complete the training. It was explained that for Standards and Ethics Committee it was the Code of Conduct training that was relevant, a few sessions had been held on this and it could also be completed online. The Director of Governance and Legal advised that she could bring these figures to the next meeting. With regards to the rest of the training, figures on this were taken to Whips each month.

Members suggested that training could be split and that Induction Training for New Members could be on a separate line and listed as High priority.

One Member queried the Social Media Guidance, specifically section 4 which related to the distinction between use as a private citizen and a Councillor. The Director of Governance and Legal explained that the Code of Conduct would always apply to Members when acting as a Councillor, but some duties would also apply to Members acting in their private capacity. She agreed to put this issue on the agenda for the next meeting for review.

Members discussed the priority and RAG ratings further, it was noted that the priority rating related to urgency than importance. Members suggested that it may be useful to add columns for Status/Completed/Actions.

#### RESOLVED:

- i. To bring attendance figures for essential Code of Conduct training to the next meeting;
- ii. To put an item for discussion on Social Media on the agenda for the next meeting.

10 : DATE OF NEXT MEETING.

The next meeting of the Standards and Ethics Committee is scheduled for 28 March 2018.

***This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg***