

STANDARDS AND ETHICS COMMITTEE

30th SEPTEMBER 2020

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

CARDIFF UNDERTAKING

Reason for this Report

1. To enable Members to consider proposed amendments to the Cardiff Undertaking.

Background

2. The ethical framework for the conduct of Members is set under Part 3 of the Local Government Act 2000. Under powers granted in the Act, the National Assembly for Wales has made an order specifying principles governing the conduct of Members ('the Principles of Conduct' SI 2001/2276); and issued a model code regarding the conduct expected of Members, reflecting the Principles of Conduct. The model statutory code has been adopted by Cardiff Council, without variation, and is enshrined, as the Members' Code of Conduct, within the Council's Constitution. Members must comply with the duties set out in the Members' Code of Conduct. Sanctions may be imposed on any Member found to be in breach of the Code.
3. The Cardiff Undertaking was adopted by the Council in 2004, on the recommendations of a Corporate Governance Commission. It provides an opportunity for Members to publicly commit to using their term of office to work for the Council, the City and its citizens, and to commit to the standards of conduct expected by the Council, and has been amended from time to time. The Council's ethical code is comprised of the Members Code of Conduct and the Cardiff Undertaking, both of which are incorporated within the Council's Constitution (Part 5).
4. In accordance with the recommendations of the Standards and Ethics Committee, Elected Members have been asked, since 2008, to reaffirm their commitment to the Cardiff Undertaking at each Annual Council meeting.

Issues

5. The Council's Internal Audit team has recently completed a review of Codes of Conduct. The review considered the Cardiff Undertaking alongside the statutory Principles of Conduct and found that:

'The Cardiff Undertaking is considered as sound, although in the following areas consideration could be given to reviewing and expanding some of the content:

- *'Stewardship' - The principle is included within the Cardiff Undertaking, and some stewardship responsibilities are particularly emphasised, namely safeguarding and corporate parenting; however, the following definition from the principles of public life is not incorporated - "In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently."*

- *'Leadership' - This principle is not included within the Cardiff Undertaking, and consideration should be given to its inclusion, incorporating the following definition - "Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence."*

6. The statutory Principles of Conduct are appended, for Members information, at **Appendix A**.
7. A marked up copy of the Cardiff Undertaking is attached as **Appendix B**, incorporating suggested amendments in respect of:
 - (i) The additional commitments recommended by Internal Audit, set out in paragraph 5 above;
 - (ii) A commitment to complying with the Protocol on the Role of Members in Safeguarding Vulnerable Children and Adults (subject to approval of the recommendation in this respect under the separate agenda item 5); and
 - (iii) A number of other minor drafting improvements.
8. Members are invited to consider and comment on the suggested amendments to the Cardiff Undertaking as set out in **Appendix B**; and to recommend any agreed amendments to full Council for approval.
9. Under the Council Meeting Procedure Rules, Rule 2(b)(vi), all Members are asked to publicly affirm their commitment to the Cardiff Undertaking at Annual Council each year. If the Committee is minded to recommend amendment of the Cardiff Undertaking, then subject to the approval of full Council, all Members would be asked to affirm their commitment to the revised Undertaking at the Annual Council meeting which has been provisionally scheduled for November 2020.

Legal Implications

10. Relevant legal implications are set out in the body of the report.

Financial Implications

11. There are none arising from this report.

Recommendations

1. The Committee is recommended to consider the suggested amendments to the Cardiff Undertaking set out in **Appendix B**; and
2. Delegate authority to the Monitoring Officer, in consultation with the Chair, to finalise the revised draft Undertaking, for submission to full Council for approval.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER

23rd September 2020

APPENDICES

Appendix A Statutory Principles Governing Conduct of Members
(SI 2001/2276)

Appendix B Cardiff Undertaking, marked up to show suggested amendments

Background papers

Internal Audit review. Codes of Conduct – July 2020