

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

MEMBER BRIEFING

Reason for this Report

1. To enable the Committee to consider the content of its next Member Briefing and approve arrangements for the Briefing to be finalised and issued.

Background

2. In response to the Wales Audit Office Corporate Assessment Follow-On Report, the Cabinet decided that the Standards and Ethics Committee should be asked to publish a biannual Member Briefing on the work of the Committee (Action reference P5a, approved by Cabinet in March 2016). The aim of the Briefings is to underline the importance of the Cardiff Undertaking and Member conduct and behaviour, and provide relevant guidance as necessary.
3. The Committee issued its first Member Briefing in 2016 and has issued one or two briefings each year since then. The Committee has taken the view that the presentation of the Committee's Annual Report each year serves a similar purpose and that briefings would be issued as and when appropriate, rather than at specified intervals. The last Member Briefing was issued in February 2019; and the Committee's Annual Report was presented to Council in February 2020.

Issues

4. The Committee is invited to consider issuing its next Member Briefing and to provide comments on topics to be included. Suggested contents include:

Chair's Foreword

- To acknowledge the exceptional circumstances arising from the Covid pandemic, and the change to remote meetings and working arrangements. Any general observations about standards of conduct.

New Committee Members

- To introduce the three new Independent members of the Committee members.

'The Cardiff Undertaking'

- To note that all Members were asked at the Annual Council meeting in November to publicly affirm their commitment to the revised Cardiff Undertaking, which has been amended to strengthen the commitments regarding treating all people equally and with respect, and to include a commitment to complying with the revised Members' Safeguarding Protocol.

Members' Safeguarding Protocol

- To note that the Protocol has been independently reviewed and updated, including clarification of the ways Members may raise concerns (with attached flowcharts) and the guidance in relation to advocacy on behalf of constituents.

Meeting with Cardiff Group Leaders and Whips

- To report that the Committee held its annual meeting with group leaders and whips in September 2020 and discussed the outcomes of the Members Survey 2019/20 in relation to Member conduct and behaviour issues. To highlight key points from that discussion and to encourage Members to report any concerns about unacceptable behaviour to the Monitoring Officer or their group leader or whip.

Member Conduct Complaints

- To report that the number of complaints received during 2020/21 is low – a total of 2 complaints during the first two quarters of the year, which may be due to the national lockdown in effect for most of this period.
- To report that both cases have been closed with no findings of misconduct. One was resolved informally and the other was closed by the Ombudsman, who decided not to investigate the complaint.

Local Resolution Protocol

- To confirm that the local resolution protocol continues to provide a helpful process for resolving Member disputes in a timely and proportionate way.
- To report that 2 cases relating to complaints made in 2019 were referred to a formal Hearings Panel. One complaint was withdrawn and arrangements are being made for a hearing to determine the other one.
- To note that Members are encouraged to raise any genuine complaints under the Local Resolution Protocol, but should not make vexatious, malicious or frivolous complaints.
- To reiterate that Community Councils are encouraged to adopt their own local resolution protocols, using the model developed by One Voice Wales in consultation with the Ombudsman.

Community Councils

- To note that the Monitoring Officer continues to hold quarterly meetings with Community Council Clerks to provide advice and support in relation to conduct issues.
- To report that Committee members have observed a number of Community Council meetings and provided positive feedback.
- To reiterate that Community Councillors are welcome to attend Standards and Ethics Committee meetings (and provide appropriate details).

Bias and Predetermination

- To confirm that Members must be mindful to avoid any appearance of bias or predetermination when dealing with Planning matters. (These issues are addressed in the Code of Conduct training sessions attended by all Members and Planning Committee members are given further detailed advice.) To reiterate the key points of the advice applicable to all Members, for example, when making representations on planning applications as a Ward member; and explain the difference between predisposition (which recognises that Members may have views on matters prior to decision) and predetermination (having a closed mind) which will make decisions subject to legal challenge.

Training and Development

- To invite Members to contact the Monitoring Officer if there are any specific conduct issues they would like further training or advice on

Advice

- To confirm that advice on any conduct issue is available from the Monitoring Officer or her Deputy (with contact details)

Feedback or Further information

- To invite feedback.
- To inform Members that they can contact the Standards and Ethics Committee Chair directly (and provide contact details)

5. It is proposed that the Member Briefing should be issued to all Members of Cardiff Council and Cardiff's six Community Councils.

Legal Implications

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

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

- 1) Provide comments on the contents of the Member Briefing, as set out in the report;
- 2) Delegate authority to the Monitoring Officer, in consultation with the Chair, to finalise the Briefing, having regard to comments provided by Members of the Committee; and
- 3) Instruct the Monitoring Officer to issue the finalised Member Briefing to all Members of Cardiff Council and Cardiff's six Community Councils.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

27th November 2020

Background papers

Standards and Ethics Committee report, 'Member Briefing', March 2018.