

STANDARDS & ETHICS COMMITTEE

3 MARCH 2021

Present: Independent Members: James Downe (Chair)
Jason Bartlett, Hollie Edwards-Davies, Arthur Hallett and
Chrissie Nicholls.

Councillors Cunnah, Sandrey and Williams

Community Councillor Stuart Thomas

86 : APOLOGIES FOR ABSENCE

No apologies for absence have been received for this meeting, Councillor Williams was late in attending the meeting as a result of technical issues in joining the meeting.

87 : DECLARATIONS OF INTEREST

No declarations of interest were received in accordance with the Members Code of Conduct.

88 : MINUTES

The minutes of the meeting on 9 December 2020 were approved as a correct record, together with the minutes from the Hearing Panel on 13 January 2021.

89 : STATUTORY ETHICAL FRAMEWORK - NEW LEGISLATION

The Committee received a report informing of the changes to the statutory ethical framework, which are being introduced by Part 4 of the Local Government and Elections (Wales) Act 2021.

The Committee was advised that the new legislation will:

- (i) Require leaders of political groups to take steps to promote and maintain high standards of conduct by members of their groups, and to cooperate with standards committees (due to take effect from May 2022);
- (ii) Require standards committees to produce annual reports on the exercise of their functions (due to take effect after, and in relation to, the financial year 2022/23); and
- (iii) Consolidate provision about investigations by the Public Services Ombudsman for Wales into the conduct of members of local government.

The Committee was informed that consideration will need to be given as to whether or not there is a need for specific training to be arranged for the leaders of political groups or whether their understanding of the Code of Conduct is enough for them to be able to challenge Members regarding their Conduct. Leaders also have access to advice from the Monitoring Officer and her Deputy. It may be other Councils will have other ideas; Wales Audit Office may also provide information; and further general guidance will be produced prior to May 2022.

The Committee noted that Cardiff is currently demonstrating best practice in relation to the production of an Annual Report.

The Committee discussed how best to monitor compliance, some examples being noting the involvement of Group Leaders in issues raised by Members; the possibility of the Committee meeting with Group Leaders more frequently; and the creation of specific training around certain topics, for example confliction resolution and mediation.

Discussion of the tools required to monitor compliance from May 2022 can be added to the 22021-22 Work Programme.

The Committee resolved to:

- Note the information set out in the report; and
- Recommend to Council that the Committee's terms of reference be amended as set out in paragraph 7, once the new legislation is brought into force.

90 : NEW DRAFT OMBUDSMAN'S GUIDANCE ON THE CODE OF CONDUCT - CONSULTATION

The Committee received a report providing details of a consultation on the new draft guidance on the Members' Code of Conduct. There is separate guidance for Members of Town and Community Councils which is tailored to the different nature of the role that community councillors undertake in their communities.

The Committee were advised that the guidance has not changed significantly but it has been updated. There is some updated Social Media Guidance and also recent case examples provided, two of which are from Cardiff; being used as learning points.

The Committee noted that the Members of Town and Community Councils draft guidance has been circulated by One Voice Wales, with comments to be returned to them by 21 March 2021.

The Committee discussed the guidance and in particular the use of the various examples which bring the issues to light and will help Members to understand what is and isn't a breach of the Code. The links to the guidance will be included in the Committee's next Members Briefing.

The Committee resolved to Note the revised draft guidance and provide any comments by 14 March 2021 to the Monitoring Officer to enable them to be collated and provided to the Ombudsman by 21 March 2021.

91 : INDEPENDENT MEMBER APPOINTMENTS

The Committee received a report outlining the need for the Council to make two new Independent Member appointments to fill vacancies arising in November 2021 and June 2022.

The Committee discussed the length of the term of office of Independent Members and noted the recommendation that an appointment be made for 4 years with the potential for a second term of 4 years being served. The Committee were advised that the term of office could be canvassed with applicants at the time of the interview.

The Committee talked over their experience of the recruitment process and suggestions made as to where the vacancies could be advertised; social media, links forwarded to Councillors, Community Councils, Esyt and Wen Wales. The Vice Chair volunteered to take part in a short video interview outlining the role of an Independent Member to form part of the Application Pack.

The Committee discussed the process for the election of the Chair, which has to be an Independent Member, and that there is not a requirement for the Chair to be re-elected every year.

The Committee resolved to:

- Agree the draft Independent Member Vacancy advertisement (Appendix A), person specification (Appendix B) and the proposed arrangements for the appointments process;
- Agree the establishment of an Appointments Panel comprised of three members, as set out in paragraphs 14 to 16 of the report, with delegated authority to shortlist and interview candidates and make recommendations on appointment;
- Authorise the Monitoring Officer, in consultation with the Chair, to make all necessary administrative arrangements for the public appointments process, including advertisement of the vacancies and convening of the Appointments Panel; and
- Note that the recommendations of the Appointments Panel on the appointment of the two independent members to the Committee will be submitted to full Council for approval.

92 : COMPLAINTS UPDATE

The Committee were provided with an update on complaints made during Quarter 3 of 2020/21 against Members of Cardiff Council or any of Cardiff's Community Councils, alleging a breach of the Members' Code of Conduct.

The Committee were advised that 8 out of 9 complaints were made in relation to one perceived incident; the Ombudsman declined to investigate as there was insufficient evidence of a breach of the Code.

The Committee noted that with the upcoming Senedd and Police Commissioner Elections there have been discussions with the Group Whips about the importance of the Code of Conduct and the need to reinforce appropriate behaviour. The Committee were advised that concerns raised in relation to the Planning Committee and comments made on social media have also been raised with Group Whips. The Committee discussed the nature of the complaints to the Ombudsman in relation to the Planning Committee and the sensitive issues which are currently being dealt with by the Committee at the present time.

The Committee resolved to note the content of the report.

93 : FORWARD PLAN 2020-2021

The Committee received the revised Work Plan for 2020-21 and were invited to make comments and suggestions on the Work Plan.

The Committee discussed who conducts the various training provided; the compulsory Code of Conduct training is carried out by the Monitoring Officer for Elected Members and for Community Councils training is either conducted by the Monitoring Officer or One Voice Wales. Outside organisations will provide any training which outside the expertise of the Monitoring Officer, for example conflict resolution or mediation. There is also value of Independent Members attending and being involved in the training sessions. The Committee also discussed the benefits of a refresher session on the Code of Conduct leading up to the Senedd/PCC Elections in May and Local Elections next May to which Independent Members will be invited and a reminder for Community Councils to access One Voice Wales Code of Conduct training for new Members.

The Committee discussed items to be added to the Work Programme going forward which included:

- New legislation from May 2022 and the duty on Group Leaders
- Consideration of the format of the Annual Report
- Member recruitment and the election of a the new Chair of the Committee
- A Summary of the Code of Conduct Casebook from the Ombudsman as it relates to other Authorities

The Committee resolved to note the work Plan 2020-21

94 : URGENT ITEMS (IF ANY)

No urgent items were tabled.

95 : DATE OF NEXT MEETING.

The date of the next meeting of the Standards & Ethics Committee is on Wednesday 7 July 2021 at 5.00 pm.

The meeting terminated at 6.12 pm