

STANDARDS & ETHICS COMMITTEE: 6th OCTOBER 2020

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

ANNUAL REPORT 2020/21

Reason for this Report

1. To enable the Committee to consider the content of its Annual Report 2020/21 and approve arrangements for the report to be finalised and presented to the full Council meeting in October 2021.

Background

2. In order to maintain the profile of the Standards and Ethics Committee and awareness of the importance of high standards of Member conduct, the Committee prepares an annual report on the work it has undertaken during the municipal year for presentation to full Council. This practice was established over fifteen years ago, as a matter of good practice.
3. The Committee's Annual Report 2019/20 was presented to full Council by the Chair of the Committee in January 2021 and was well received. The Chair confirmed that the number of conduct complaints remained low and the majority of complaints received were from Members in respect of other Members. Issues raised by Members included ways to respond to abuse targeted at Members; the circumstances in which criticism of the authority may be regarded as bringing the Council into disrepute; and concerns about issues faced by women entering into politics. The Lord Mayor thanked the Chair and the Committee for their report.

Issues

4. Part 4 of the Local Government and Elections (Wales) Act 2021 ('the 2021 Act') introduces changes to the statutory ethical framework (set under Part 3 of the Local Government Act 2000), including a new statutory requirement for Standards Committees to produce an annual report on the exercise of their functions. The new legislative requirements are due to take effect after, and in relation to, the financial year 2022/23, meaning they will not apply until the Committee's annual report for 2022/23. Nevertheless, the Committee is invited

to have regard to the new requirements, and consider whether it wishes to introduce any changes to the Committee's annual report prior to the new legislation coming into force.

5. Key points of the new legislative requirements, taking effect from the annual report 2022/23, include the following:

(a) Reporting period – the annual report is to relate to the financial year, that is, the 12 month period ending on 31st March. This represents a change to the practice adopted in Cardiff to date, which has been to report on work undertaken during the municipal year, that is, during the 12 month period ending on the date of Annual Council in May.

(b) Timing of presentation – the annual report must be presented to Council as soon as reasonably practicable after the end of each financial year

(c) Content – the annual report must describe how the Committee's functions have been discharged during the financial year; and in particular, must include a summary of—

- (i) what has been done to discharge the Committee's statutory functions (the general and specific functions conferred on the committee by section 54 and 56 of the Local Government Act 2000);
- (ii) reports and recommendations made or referred to the Committee in relation to investigations by the Ombudsman and references to the Monitoring Officer (under Chapter 3 of Part 3 of the Local Government Act 2000), and action taken by the Committee following its consideration of such reports and recommendations;
- (iii) notices given to the committee in relation to adjudications by the Adjudication Panel for Wales (under Chapter 4 of Part 3 of the Local Government Act 2000); and
- (iv) the Committee's assessment of the extent to which leaders of political groups on the council have, during the financial year, complied with their new duties in relation to standards of conduct (imposed under the new section 52A(1) of the Local Government Act 2000, which comes into force on 5th May 2022).

(d) Committee recommendations to Council – the annual report may also include recommendations to the authority about any matter in respect of which the Committee has functions.

(e) Council response – full Council must consider the Committee's annual report within 3 months from receiving the report.

6. It is understood that the Welsh Government is reviewing the ethical framework and the model Code of Conduct in the light of the new provisions of the 2021 Act. Any further changes made or guidance issued will be reported to Committee in due course.

7. The work undertaken by the Committee during 2020/21 has been inevitably affected by the Covid pandemic and associated government restrictions and the Council's subsequent focus on essential business priorities. As a result, the Committee meetings scheduled for March and July 2020 had to be cancelled. Since then, the Committee has met on the following dates: 30th September 2020; 9th December 2020; 3rd March 2021 and 7th July 2021. It is proposed that the Annual Report 2020/21 should therefore report on the work considered at the Committee meetings held on 30th September 2020; 9th December 2020; and 3rd March 2021.
8. Based on the standard format of previous annual reports and the work undertaken by the Committee during the last year, suggested contents include:
 - a) Chair's Foreword – the Chair is invited to set the context for the report, noting that the work of the Committee has been inevitably affected by the Covid-19 pandemic and the essential business priorities of the Council during this period. The Chair may also wish to note the Committee's general observations about standards of conduct and mention the new legislation which will place the Committee's annual report onto a statutory footing with effect from 2022/23.
 - b) Principles of public life – to remind Members of the ten general principles of public life based on the principles originally set down by the Nolan Committee in 1995.
 - c) Role of the Committee – to set out the Committee's terms of reference and how the Committee approaches its role.
 - d) Work undertaken by the Committee during 2020/21:
 - i. Hearing Procedures and Arrangements – to note that the Committee revised its procedures and arrangements for hearings in light of experience following a 5 day hearing held at the beginning of 2020 (which was reported in the previous annual report).
 - ii. Members' Safeguarding Protocol – following an independent review of the Protocol, the Committee recommended a revised version, incorporating a number of clarifications and updates, aimed to ensure that Members are provided with clear guidance on their roles and responsibilities in relation to safeguarding vulnerable children and adults. This was subsequently adopted by full Council in November 2020.
 - iii. Cardiff Undertaking – amendments to the Undertaking were recommended to Council to incorporate a commitment to complying with the Members' Safeguarding Protocol; reflect recommendations made by Internal Audit in respect of the principles of stewardship and leadership; and a few minor drafting improvements for clarity. All elected Members affirmed their commitment to the new Undertaking at the Annual Council meeting in November 2020 (and May 2021).

- iv. Members Survey 2019/20 – the Committee considered the outcomes of the Members Survey and agreed proposed actions to be taken in response.
- v. Senior Officers' Personal Interests – the Committee completed its consideration of the arrangements for disclosure of senior officers' personal interests and agreed to receive a confidential annual report on declarations made.
- vi. Whistleblowing reports 2018-2019 – the Committee considered the number, nature and outcomes in relation to whistleblowing reports made during 2018-19.
- vii. Guidance from the Adjudication Panel for Wales (APW) – the Committee noted the APW's updated guidance in relation to various aspects of APW proceedings (specifically, disclosure of evidence, anonymity and the role of the Monitoring Officer).
- viii. Gifts and Hospitality received by Members – to report on the Committee's routine review of the Members Hospitality Register
- ix. Officers' Gifts and Hospitality Guidance – the Committee reviewed the officers' guidance and made changes, to include rules on the provision of hospitality, require the registration of refused offers and various other minor amendments.
- x. Member Briefing – the Committee considered and issued a Member Briefing to update Members on the work of the Committee and provide advice and guidance on various relevant issues.
- xi. New legislation (Changes to the statutory ethical framework) – the Committee considered a report outlining changes to the statutory ethical framework being introduced by the Local Government and Elections (Wales) Act 2021, specifically, in relation to the new duties being imposed on political group leaders in relation to standards of conduct and responsibilities for the Committee to monitor compliance and arrange any necessary training; and also the new statutory requirements for the Committee to produce an annual report.
- xii. Consultation on revised Ombudsman's Code of Conduct Guidance – the Ombudsman's revised guidance was considered and a response submitted to the consultation.
- xiii. Observation of meetings - to note the Committee's feedback following observation of meetings of full Council and Community Council meetings.
- xiv. Independent Member vacancies – to note that the Committee approved a public appointments process and set up an Appointments Panel, to recruit and select 2 new Independent Members to fill vacancies which are due to arise in November 2021 and June 2022.

- e) Complaints about Member conduct – to give an overview of complaints reported during the year.
 - f) Meeting with Group Leaders and Whips - To report that the Committee's annual meeting with group leaders and whips held in September 2020 was reported in the previous annual report; and the 2021 meeting is scheduled to be held in October 2021.
 - g) Future work priorities, to reflect the Committee's Forward Work Plan 2021/22
 - h) Committee members biographies and Committee meeting attendance figures
 - i) Contact details for the Chair, the Monitoring Officer and the Ombudsman.
9. The Committee is invited to consider the contents of its Annual Report 2020/21 and provide any appropriate comments.

Legal Implications

10. Relevant legal provisions are referred to in the body of the report. There are no other direct legal implications arising from this report.

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

- 1) Provide comments on the contents of the Committee's Annual Report 2020/21;
- 2) Delegate authority to the Monitoring Officer, in consultation with the Chair, to draft and finalise the Annual Report, having regard to comments provided by Members of the Committee; and
- 3) Ask the Chair to present the Annual Report to full Council in October 2021.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

29 September 2021

Background papers

Council report 'Standards & Ethics Committee Annual Report', January 2021; and minutes
Standards and Ethics Committee minutes 30th September 2020; 9th December 2020; and 3rd March 2021