

STANDARDS & ETHICS COMMITTEE:

9 FEBRUARY 2022

**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 line with recommendations made by the Wales Audit Office Corporate Assessment Follow-On Report (2016), the Standards and Ethics Committee has agreed to publish periodic Member Briefings on the work of the Committee. 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 shall be issued as and when appropriate, rather than at specified intervals. The last Member Briefing was issued in May 2021; and the Committee's Annual Report was presented to Council in October 2021.

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 thank Members for their commitment to maintaining high standards of conduct; and acknowledge the pressures arising from the ongoing Covid pandemic and adoption of new working arrangements. To emphasise the importance of maintaining high standards of conduct as political pressures intensify in the lead up to the local government elections. The Chair also wishes to note that the Calver case sets a clear precedent for what constitutes robust political debate and freedom of expression, which must not be censored, but wishes to reiterate the importance of maintaining

high standards, and the consideration which should be given to power imbalances which exist in society, and to appreciate that, in good faith, all Members seek to do their best for those who have elected them.

Committee Membership

- To outline changes to the Committee's membership and election of a new Chair and Vice-Chair, and introduce the two new Independent members.

'The Cardiff Undertaking'

- To note that all Members are asked at the Annual Council meeting each year to publicly affirm their commitment to the 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 Members' Safeguarding Protocol.

Members' Social Media Code

- To note that social media comments continue to feature frequently in Member conduct complaints; and remind Members of the Codes developed by the Standards Committee, in line with the March 2021 Motion of Council, and adopted by full Council in October 2021.

New duties for Group Leaders and Standards Committees

- To remind Members of the new statutory duties in relation to standards of conduct which are placed on political group leaders and Standards Committees under the Local Government and Elections Act 2021; and outline the arrangements being made to support compliance.

Ombudsman's Guidance on Code of Conduct (Revised)

- To remind Members that the Ombudsman's guidance has been updated (in May 2021) following consultation, and provide links to the revised guidance, including the separate guidance for community councillors.

Observation of Meetings

- To note that independent members of the Committee continue to attend meetings of Council, Cabinet, Committees and Community Councils, to observe standards of conduct and provide feedback, which has been well-received.

Meeting with Cardiff Group Leaders and Whips

- To report that the Committee held its annual meeting with group leaders and whips in October 2021 and discussed the new statutory duties placed on group leaders in relation to promoting and maintaining high standards of conduct; and suggestions with regard to training. To highlight key points from that discussion, in particular, the agreement that conduct during the election campaign could be improved through wider promotion of the expectations of the Code of Conduct (and Social Media Code) to candidates. To note that group leaders have agreed to make their party candidates aware of the expected standards of conduct, and that the Chair of the Standards and Ethics Committee also intends to write to all candidates to reinforce this message.

Member Conduct Complaints

- To report on the number of complaints received during the first three quarters of 2021/22 and provide an overview of the outcomes.

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 1 complaint made in 2021 was referred to a formal Hearings Panel hearing, held in January 2022. The Panel found no breach of the Code but made a general recommendation to the Member concerned.
- To encourage Members to raise any genuine complaints under the Local Resolution Protocol, but be mindful of the right to freedom of expression and the higher level of protection afforded to political expression (as confirmed in the High Court judgement in the case of Calver, 2012)
- To encourage Community Councils 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 continue to observe Community Council meetings and have provided constructive feedback, which has been well received.
- To reiterate that Community Councillors are welcome to attend Standards and Ethics Committee meetings (and provide appropriate details).

Review of Ethical Standards Framework

- To note that the independent review of the ethical standards framework in Wales concluded that the current arrangements are fit for purpose, but made a number of recommendations for change, and to outline key recommendations, and the Committee's consideration of these (Agenda item 9 of the current meeting).

Exit Survey

- To note that the Members' Survey, being conducted in February / March 2022 to seek Members' views as they approach the end of their current term of office, includes several questions about any experiences of unacceptable behaviours, in a similar format to the 2017 Exit Survey, in order to facilitate a direct comparison of the results. To encourage all Members to fully complete the survey so that the Committee may consider any concerns raised and the effectiveness of measures implemented during this administrative term.

Gifts and Hospitality

- To remind Members that the Committee routinely reviews the Register of Members' Gifts and Hospitality; and reiterate the importance of promptly, within 28 days of receipt, registering any gifts or hospitality with an estimated value over £25.

Training and Development

- To note that mandatory Code of Conduct training, suitable for all Members, both newly elected and experienced Members, is included in the Member Induction Programme to be delivered following the May 2022 elections.
- 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. The Committee may also wish to consider issuing the Briefing to candidates in the forthcoming elections, along with the letter to be sent to candidates by the Chair in relation to standards of conduct.

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, and also, if considered appropriate, to candidates in the forthcoming local government elections.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

3rd February 2022

Background papers

Standards and Ethics Committee report, 'Member Briefing', 9 December 2020.