

STANDARDS & ETHICS COMMITTEE

22 JUNE 2022

Present: Independent Members: Hollie Edwards-Davies (Chair),
Councillors Cowan, Cunnah and Latif

1 : APOLOGIES FOR ABSENCE

No apologies for absence were received

2 : DECLARATIONS OF INTEREST

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

3 : COMMITTEE MEMBERSHIP (COUNTY COUNCILLORS) & TERMS OF REFERENCE

The Committee noted that Council, at its Annual meeting on 26 May 2022, appointed Councillors Cowan, Cunnah and Latif to the Committee and agreed the revised Terms of Reference which reflected the updated legislation which placed a statutory duty on Group Leaders to promote and maintain high standards of conduct in their groups which came into force after the recent Local Elections.

The Chairperson welcomed the new members to the Committee.

4 : MINUTES

The Committee approved as a correct record the minutes of the meeting on 9 February 2022.

5 : MEMBERS CODE OF CONDUCT COMPLAINTS UPDATE - QUARTER 4 2021/22

The Committee were provided with an update in respect of complaints made against Members of Cardiff Council or any of Cardiff's Community Councils during Quarter 4 2021/22 (01.01.22 – 31.03.22) alleging a breach of the Members' Code of Conduct.

Members were advised there were still some complaints outstanding from a previous quarter, which have not yet been resolved and are to be referred to the Standards & Ethics Committee Hearings Sub-Committee. The referrals had not taken place previously because of the Pre-Election Period before the Local Elections. Members asked whether the process would remain the same if those Councillors involved were no longer currently elected members and were advised that those complaints currently outstanding all involve members who have been re-elected. Although, if members had stood down it would be up to the member making the complaint as to whether or not they wished to continue.

Members were also referred to the current position in relation to the Code of Conduct training sessions which have taken place since the elections. There have been 3 sessions

and 47 Members out of 79 have attended. Members discussed the categories of training and the procedures followed to ensure attendance at the various training sessions including providing information to the Group Whips to be followed up. There are occasions when the timing of the sessions is the issue, as a consequence sessions are offered at different times; different dates; virtually; and face to face.

Members were advised that, bearing in mind the new statutory duty on Group Leaders, namely, to promote and maintain high standards of conduct within their groups, the guidance from Welsh Government is that Group Leaders should now bring a report to the Committee providing information about steps taken to promote good standards of conduct within their groups and relevant training attended by their Members. The details about training attendance will be populated by Democratic Services. The group leaders' report should highlight any issues they have, and also enable them to be able to answer questions the Committee may have.

Members thought it a good idea to ascertain whether there is a trend in the level of complaints made.

The Committee were advised that new Members would need to be trained before attending the Hearings Panel, and that consideration might have to be given to the use of councillors.

Members expressed concern about the length of time taken to resolve complaints. The Committee were advised that consideration might need to be given as to whether complaints, which in the Monitoring Officer's view do not constitute a breach of the Code, should be brought before the Hearings Panel.

RESOLVED:

To note the contents of the report

6 : MEMBERS EXIT SURVEY 2022

Members of the Committee were provided with the analysis of information gathered from the 2022 Members Exit Survey.

Members were advised that there had been a 57% completion rate of the survey. Compared to the 2016 exit survey, surveys in intervening years showed slight improvements in terms of those saying they have witnessed unacceptable behaviour. In the 2022 survey, 38% said they have experienced unacceptable behaviours. The reasons are unclear. There may be a greater willingness to discuss unacceptable behaviours, or it may be due to election stress.

Members discussed the suggestions put forward by respondents to the survey on how to deal with unacceptable behaviour. It is necessary to work within the legal framework and follow the Hearings Panel procedure. In previous surveys the number of people reporting unacceptable behaviour decreased following induction training, and it is recommended that another survey is carried out after a year to see whether there is a fall in reports. It would be helpful if group leaders actively engage in accordance with their statutory duty to promote good conduct. It should not be expected that all officers challenge unacceptable behaviour.

Members were advised that it was not possible to know for certain what timescale people were referring to when they reported unacceptable behaviour in the intervening surveys, although the exit survey covers the period since the previous election.

Members discussed complaints raised by councillors about unacceptable behaviour from members of their own party. The Committee were advised that such complaints are sometimes raised informally. Officers are unable to get involved in incidents that occur outside of Council meetings or business, for example in group meetings. Groups have their own processes and leaders and group whips try to ensure acceptable behaviour. Most groups have deputy leaders and group whips who would be included in training in case complaints are raised against the group leader.

Members were advised that there were two suspensions during the last Council administration, both involving one member and both in relation to serious breaches of the Code of Conduct. There are regular reports to the Committee setting out the number of complaints made during the previous quarter. Complaints made to group leaders or whips are not included and it may be the Committee would wish that information also to be made available.

Members were advised that refresher training is carried out periodically and a newsletter distributed to councillors. It is unclear how well the newsletter is read given the workload of councillors, and considering that many also have full-time jobs and family responsibilities. It might be possible for senior officers or the Committee Chair to attend group meetings to help get the message out.

Members discussed training in recognising unacceptable behaviour. Examples are given in Code of Conduct training. Hiring outside experts to provide specialist training would be unaffordable and officers do not have time to conduct role modelling exercises. Those who would benefit most from training often do not attend.

Members were interested in exploring different breakdowns of the data regarding complaints of unacceptable behaviour in relation to the various protected characteristics. Officers advised that the information would be brought to the next meeting if it was available, but cautioned that it might not be possible as the data was anonymised

Members were advised that Chairs have the power to exclude councillors from meetings, however Officers' advice was that the power not be exercised as it would be difficult to enforce without excessive disruption and embarrassment to the Council, especially in full Council meetings. Officers try to deal with problems without interruption to the conduct of business.

Members suggested that the Chair, on behalf of the Committee consider writing a letter to group leaders detailing some of the issues raised during the discussion of this item.

RESOLVED:

- (1) to note the analysis of the responses received from the 2022 Exit Survey that fall within the remit of this Committee;
- (2) to agree to monitor the position for a period of 12 months and carry out a repeat survey in April 2023 to check for any improvements.

7 : DRAFT STATUTORY GUIDANCE ON STANDARDS OF CONDUCT AND DISCLOSURE OF MEMBERS' HOME ADDRESSES IN THE MEMBERS REGISTER OF INTERESTS

Members were advised of the Welsh Government's consultation on draft strategy guidance in relation to:

- (i) the new duties of political group leaders in relation to standards of conduct and corresponding new duties placed on standards committees (introduced by Part 4 of the Local Government and Elections (Wales) Act 2021, 'the 2021 Act'); and the response submitted by the Monitoring Officer; and
- (ii) other parts of the 2021 Act (within consolidated guidance referred to as 'the Democracy Handbook', most of which falls outside of the remit of the Standards and Ethics Committee), in respect of potential implications of disclosure of Members' home addresses in the Members' Register of Interests.

Members noted that a response had been submitted in relation to the draft guidance in relation to the new duties of political group leaders; the new statutory duties were welcomed.

Members discussed the implications of the disclosure of Members' home addresses appearing on the Members' Register of Interests, with concerns being raised about incidents of violence involving current and previous Elected Members. Members were advised that any incidents should be reported to the Monitoring Officer, the Corporate Security Manager, and also the Police. Information was provided in relation to the PeopleSafe App which is provided by the Council.

During those discussions Members were advised that the Ombudsman's guidance currently makes it clear that full home addresses do not need to be provided, but that a street name or postcode will suffice. The Monitoring Officer, if she believes that there is, bearing in mind particular circumstances, a serious risk of violence or intimidation, can make an exemption.

Members were of the view that the response to the consultation should be on the basis of the only information being provided is the Ward Area. Members would like to be provided with the Consultation response for comment before it is forwarded to Welsh Government.

Members discussed the Pro Forma Report to be completed by Group Leaders; it will include the number of referrals made to group leaders and should include any reports of unacceptable behaviour.

Members discussed the frequency of meetings with Group Leaders and Whips; Members recommended that Group Leaders and Whips be invited to the meetings bi-annually. Members were advised that the Plaid Cymru/Green Party Common Ground Alliance have a Group Leader and a Whip who would be invited. Propel has one independent member which does not constitute a group; it would not be necessary to invite them as the statutory duties of Group Leaders do not apply.

RESOLVED:

- (1) To note the information set out in the report and appendices;
- (2) To agree the proforma Group Leader's Report to Standards and Ethics Committee at **Appendix A**, with the agreed amendments, and the proposed frequency of reporting;
- (3) To agree that the completed proforma Group Leader's Reports (**Appendix A**, with any agreed amendments) should be discussed at the next meeting with group leaders and whips, scheduled for Autumn 2022;
- (4) To endorse the Consultation Response submitted by the Monitoring Officer, **Appendix B**; and
- (5) To authorise the Monitoring Officer, in consultation with the Chair, to finalise the response to be submitted on behalf of the committee to the WG consultation on the Democracy Handbook, in relation to the disclosure of Members' addresses in the Members' Register of Interests (paragraph 15 of the report).

8 : COMMITTEE MEMBERSHIP - COMMUNITY COUNCIL MEMBER; AND ELECTION OF CHAIR AND VICE-CHAIR

Members discussed the vacancy which has arisen for the Community Council member of the Committee, and arrangements for a selection process to fill the vacancy; and the election of a Chairperson to take office after the expiry of the current Chair's term of office, and a Vice-Chairperson if that position should subsequently become vacant.

It was noted that the Committee has received 3 expressions of interest in filling the vacancy for a Community Council member, as detailed in Appendix A of the report which is exempt from publication.

Jason Bartlett was nominated and approved as Chairperson. Chrissie Nicholls confirmed that she was happy to continue as Vice-Chairperson.

Jason Bartlett, David Mills and Chrissie Nicholls volunteered to serve on the Appointments Panel, with Arthur Hallett and Cllr Cowan in reserve.

RESOLVED:

1. To note the information set out in this report and **Appendix A (Exempt)**;
2. To agree the establishment of an Appointments Panel, comprised in accordance with paragraph 9 of the report, with delegated authority to shortlist and, if necessary, to interview eligible nominees for the position of community council member of the Standards and Ethics Committee, and make recommendations on appointment;
3. To authorise the Monitoring Officer, in consultation with the Chair, to make all necessary administrative arrangements for the selection process, including convening of the Appointments Panel and scheduling of interviews;
4. To recommend the appointment of (i) a community council member; and (ii) subject to approval of the required constitution amendments, a substitute community

council member to discharge the role in any case in which the community council member has a conflict of interests, as set out in paragraphs 10-11 of the report;

5. To note that the recommendations of the Appointments Panel on the appointment of the community council member and a substitute community council member, along with the recommended Constitution amendments, will be submitted to full Council for approval; and
6. To elect Jason Bartlett as Chairperson for a term of four years or until his term of office on the Committee comes to an end if this is sooner.

9 : OBSERVATIONS AT MEETINGS

Members discussed the feedback provided by Committee members following observation of meetings of the Council and Community Councils.

Members expressed a desire for the distribution of a list of forthcoming meetings which would allow for visits to be coordinated between Members; Officers advised that this could be facilitated once a schedule of meetings had been agreed at Council.

RESOLVED:

- (1) To note the meeting observation feedback received, as set out in **Appendix A**
- (2) To continue to observe meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

10 : WORK PROGRAMME 2022/2023

Members considered the Committee's Work Programme and agreed the items for consideration by the Committee in 2022/23.

Members expressed their gratitude to Hollie Edwards-Davies for her service on the Committee and as Committee Chairperson.

11 : URGENT ITEMS (IF ANY)

No urgent items were received.

12 : DATE OF NEXT MEETING

To be confirmed

The meeting terminated at 6.44 pm