

STANDARDS & ETHICS COMMITTEE

14 FEBRUARY 2023

Present: Independent Members: Jason Bartlett (Chair),
Arthur Hallett, Chrissie Nicholls, David Mills, and Rashpal Singh

Councillors Cowan, Cunnah and Latif

Community Councillor Julia Charles

The Chair welcomed Rashpal Singh, Independent Member, to his first meeting of the Standards & Ethics Committee.

30 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Arthur Hallett and Councillors Cunnah and Latif. Chrissie Nicholls advised that she would be late in attending the meeting as did Community Councillor Julia Charles.

31 : DECLARATIONS OF INTEREST

No declarations of interest were received.

32 : MINUTES

The minutes of the meeting of the 25 October 2022 were approved as a correct record and signed by the Chair.

33 : REVISION OF THE ELECTED MEMBER SURVEY

The report provided Members with the opportunity of considering proposals for the revision of questions relating to unacceptable behaviours contained in the Elected Member Survey; the issues having been raised at the last meeting of the Committee in October.

Members queried whether, in questions which are asking about the nature of the behaviour referred to with a number of tick boxes, it should be made clear that more than one may apply and the question is seeking as much information about any incident or multiple incidents and types of behaviours. Members felt that it was important that the form allows flexibility to include as much information as possible, perhaps with the addition of a free text box.

Members were advised that the survey will be for completion in a years' time, it is hoped that people will have raised any issues prior to completion of the survey. Members are encouraged to raise issues as and when they arise. Group Leaders have a new duty to try to resolve breaches of the Code of Conduct and promote and maintain high standards of conduct in their groups; they are working hard to try and achieve that.

The Committee RESOLVED to:

1. Note the draft survey questions at Appendix A; and
2. Agree the definitions to be used with the surveys; and

3. Approve the agreed questions with proposed amendments as discussed for use in an interim survey in 2024 and in the 2026 exit survey.

34 : LOCAL RESOLUTION PROTOCOL AND PROCEDURE

In May 2013, the Council adopted a Local Resolution Protocol upon the recommendations of the Standards and Ethics Committee, to deal with relatively low-level 'member on member' complaints. The Protocol was reviewed by the Committee at its meeting in March 2017, certain updates were recommended, they were approved by full Council in November 2017.

The Committee was recommended to consider amending the Local Resolution Protocol and Procedure to provide that the Monitoring Officer shall not refer a complaint to the Hearings Panel unless satisfied that there is direct evidence of a breach of the Code and that it is in the public interest to do so, with the proviso that any decision to not refer an unresolved complaint to the Hearings Panel must be made with the agreement of the Chair of the Committee (or the Vice-Chair in the Chair's absence)

Members agreed that it was a sensible way of dealing with those type of minor complaints.

The Committee RESOLVED to:

1. Note the proposed changes to the Local Resolution Protocol (Appendix A) and or the Local Resolution Hearings Procedure (Appendix B); and
2. Authorise the Monitoring Officer, in consultation with the Standards & Ethics Committee Chairperson or Vice Chairperson, to make the recommended amendments to the Local Resolution Protocol (Appendix A), and report the recommendations to Council for approval; and
3. Authorise the Monitoring Officer, in consultation with the Standards and Ethics Committee or Vice Chairperson, to make the recommended corresponding amendments to the Local Resolution Hearings Procedure (Appendix B).

35 : REGISTRATION OF GIFTS AND HOSPITALITY RECEIVED BY ELECTED MEMBERS

The report provides Members with the opportunity to consider the gifts and hospitality received by Members and consider the suggestion that Welsh authorities should voluntarily harmonise their thresholds for registration in the interests of consistency across Wales.

The Committee noted the number of register entries recording the approximate value of the gift / hospitality as 'unknown' and that several of those relate to tickets to public events where ticket prices will be available on websites.

The Monitoring Officer advised that all Monitoring Officers in Wales had been asked to seek the views of their Standards Committees on whether to agree a standard threshold value; noting that it currently varies between £10 and £100 across Welsh authorities at this time. In Cardiff the threshold is £25.00.

Members discussed the importance of being open and accountable and declaring any gifts and hospitality and that registering the value is not excessive and is not onerous. It can be estimated if Members are unable to locate the information.

Members considered that the £25 threshold was not unreasonable; it should capture most items if set at that level. Members, whilst content to co-ordinate with other authorities, noted that costs in the capital city may be higher than elsewhere in Wales and so a lower threshold may not be appropriate for Cardiff, so they wanted an assurance that any standardised threshold would be voluntary and there should be the option to withdraw and set our own threshold.

The Committee RESOLVED to:

1. Note the information supplied at Appendix A;
2. Agree that amendments should be made to the Guidance on Hospitality, Gifts and Other Benefits Received by Members (Appendix B) and/or the Member Registration Form (Appendix B1) to reiterate the importance of registering the approximate value of gifts/hospitality received; and authorise the Monitoring Officer to make the appropriate amendments and communicate the changes to Members; and
3. Maintain the £25 threshold for registration of gifts and hospitality and authorise the Monitoring Officer to report the Committee's views about voluntary standardisation of thresholds to the Monitoring Officers in Wales Group.

36 : WHISTLEBLOWING REPORTS 2021-2022

The Committee was reminded that Appendix A of the report is exempt from publication and should there need to be any discussion about information contained therein the public and press would need to be excluded.

The report outlined information on whistleblowing reports made during the period running from 1 January 2021 until 31 March 2022; a total of 4 reports were made (3 being within the financial year 2021/22).

The Committee RESOLVED to note the information set out in the report.

37 : PUBLIC SERVICES OMBUDSMAN FOR WALES - UPDATED CODE OF CONDUCT GUIDANCE AND PROCESS; AND EQUALITY AND HUMAN RIGHTS CASEBOOK 2022-23

The report provides the Committee with an opportunity to consider information provided by the Public Services Ombudsman in relation to: Updates to the Code of Conduct Guidance and process; and the Equality and Human Rights Casebook 2022/23.

The Committee were advised that the Code of Conduct guidance changes primarily relate to the new legislative duties on Group Leaders, and to that end the Group Leaders Reports will be presented at the next meeting of the Committee in May.

There are minor changes that have been introduced to the Ombudsman's complaints notification process which means that members (and the Monitoring Officer) will only be advised about a complaint made against them when a decision has been made to either decline to investigate or decide to investigate. This is said to avoid any unnecessary concern for members complained about whilst waiting for a decision to be reached as to whether or not an investigation will take place. This will result in a slight change in the way complaints are reported to the Committee, as explained in the Complaints Update report (Agenda item 9).

The Committee noted that only the limited information about complaints relating to Code of Conduct matters in the Equality and Human Rights Casebook falls within the remit of the Standards & Ethics Committee.

The Chair queried the number of potential local resolution hearings outstanding, and was advised that one complaint had been withdrawn; it may be that that will lead to other changes. If Council agrees to the Committee's recommended changes to the Local Resolution Protocol that may also lead to changes.

The Committee RESOLVED to note the information set out in the report.

38 : MEMBERS' CODE OF CONDUCT, COMPLAINTS UPDATE - QUARTER 3 2022-23

The Committee were provided with information in relation to new complaints received and updated in respect of complaints reported previously. The Committee were also updated in relation to the Conduct of Conduct training undertaken by Members. Further approaches have been made to all 5 Members; 3 had undertaken training in a previous administration; and 2 are new Members. They are all now due to attend the next session.

The Committee discussed mandatory training and the action to be taken should the training not be completed. A letter would be written by the Chair of Democratic Services Committee to the Chair of this Committee should Members not be undertaking the required training. In turn the Chair of the Standards & Ethics Committee would write to Group Leaders and the individual Member privately. Whilst there was discussion about any follow up it is anticipated that the involvement of Group Leaders as a result of their new duties will assist in ensuring that Members do attend the relevant training. The Committee expressed their view that consideration be given to a recommendation from the Committee to Council to make a local variation to the Code of Conduct making the failure to complete mandatory training a breach. The Committee were advised that this could be discussed with the Group Leaders at May's meeting of the Committee with Group Leaders.

The Committee agreed that those who do not attend mandatory training should not be 'named and shamed', as there may be personal reasons why an individual Member is unable to attend training.

The Committee were reminded that Councillors as Elected Members can only be removed from office in very limited circumstances, such as receiving a term of imprisonment of over 3 months and for certain breaches of the Code of Conduct and after a hearing takes place they could be disqualified. There is nothing in the Code of Conduct requiring Members to attend mandatory training.

Committee sought clarification as to whether all Members were aware that the information about training and other issues is provided to their Group Leaders and Group Whips and were advised that Members are made aware of their group structure and that any issues may be raised with their Group Leaders and Whips; all training for each Member should appear on the website, although at the present time due to resource issues the information is not completely up to date.

The Committee RESOLVED to note the information set out in the report.

39 : CARDIFF UNDERTAKING

The Committee were asked to review the purpose and status of the Cardiff Undertaking and whether it should be retained and, if retained, consider the amendment outlined in the report.

The Committee were advised that all Members are obliged to sign the Acceptance of Office which includes confirmation that they are happy to be Councillors; they will put the interests of the Council first; and that they will comply with the Code of Conduct. The Cardiff Undertaking repeats some of the information included in the Code of Conduct, but is not an enforceable document, more a public statement of intent. It does not have any legal status; Members are bound by the Code of Conduct for Councillors. If Members do not sign their Acceptance of Office within 2 months of their election, they are no longer a Councillor.

Members discussed the Cardiff Undertaking and its value. Members were advised that there could only be a recommendation from the Committee, as it is contained in the council's constitution, to full Council to remove the requirement to sign the Undertaking. All political groups would get an opportunity to speak on it at that stage.

The Committee were advised that the item could be brought back to Committee at the meeting in May so that the further consultation could take place with Group Leaders.

The Committee felt that there should be further consultation before any recommendation be agreed.

The Committee RESOLVED to:

1. Agree to recommend the amendment of paragraph 4 of the Undertaking as set out in paragraph 14 of the report, if the Cardiff Undertaking is retained; and
2. Consult with group leaders about the value of retaining the Cardiff Undertaking before agreeing any further recommendation to be made to Council in this regard.

40 : OBSERVATION OF MEETINGS

The Committee were provided with the observation feedback prepared as a result of an attendance at a Full Council meeting on 27 October 2022. Whilst it was noted that there were no conduct or standards & ethics issues raised, there were issues raised in relation to the ability to hear proceedings and the availability of papers. Members noted that the issues have been addressed and feedback has been shared with the Lord Mayor.

The Committee RESOLVED to:

1. Note the meeting observation feedback received; and
2. Continue to observe meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

41 : FORWARD WORK PROGRAMME 2022-23

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

The Committee RESOLVED to:

Agree the Work Programme as set out in Appendix A of the report.

42 : URGENT ITEMS (IF ANY)

No urgent items were received

43 : DATE OF NEXT MEETING

The date of the next meeting is Tuesday 9 May 2023.

The meeting terminated at 6.35 pm