

---

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

---

**CARDIFF UNDERTAKING**

**Reason for this Report**

1. To enable Members to consider a recommended amendment to the Cardiff Undertaking; and to invite Members to publicly affirm their commitment to the revised Cardiff Undertaking.

**Background**

2. The Council's ethical code is comprised of the Members Code of Conduct and the Cardiff Undertaking, both of which are incorporated within the Council's Constitution (Part 5).
3. The statutory framework for the conduct of Members is set under Part 3 of the Local Government Act 2000. Under powers granted in the Act, the National Assembly for Wales has made an order specifying principles governing the conduct of Members ('the Principles of Conduct' SI 2001/2276); and issued a model code regarding the conduct expected of Members, reflecting the Principles of Conduct.
4. The model statutory code has been adopted by Cardiff Council (with permitted local variations to clarify duties in relation to Members' use of social media, and use of Council IT equipment for political group meetings), and is enshrined, as the Members' Code of Conduct, within the Council's Constitution and available on the Council's website. Members must comply with the duties set out in the Members' Code of Conduct. Sanctions may be imposed on any Member found to be in breach of the Code.
5. The Cardiff Undertaking was adopted by the Council in 2004, on the recommendations of a Corporate Governance Commission (a team of public and private sector leaders appointed by the Council to review the Council's corporate governance arrangements at that time). It provides an opportunity for Members to publicly commit to using their term of office to work for the Council, the City and its citizens, and to commit to the standards of conduct expected by the Council, and has been amended from time to time.

6. The Cardiff Undertaking was last amended, with the approval of Council, in November 2020, to include reference to complying with the Protocol on the Role of Members in Safeguarding Vulnerable Children and Adults, refer to principles of stewardship and leadership in line with recommendations from Internal Audit, and other minor drafting improvements.
7. In accordance with the recommendations of the Standards and Ethics Committee, Elected Members have been asked, since 2008, to reaffirm their commitment to the Cardiff Undertaking at each Annual Council meeting.
8. Accordingly, the Constitution, Article 2.4 provides that:

Each Councillor will, at each Annual Council meeting, give the Cardiff Undertaking to publicly demonstrate their commitment with all other Councillors to upholding the highest standards of conduct and to serving the interests of the Council, Cardiff, its citizens and those to whom the Council owes a duty.

[This is reflected in the Council Meeting Procedure Rules, Rule 2(b)(vi).]

## Issues

9. The Standards and Ethics Committee discussed the purpose of the Cardiff Undertaking, in response to discussions about this issue, at its meeting on 14<sup>th</sup> February 2023 and sought the views of Group Leaders at its meeting with them on 9<sup>th</sup> May 2023.
10. The Committee noted that the Undertaking is similar to the statutory principles of conduct governing Members' conduct (referred to in paragraph 3 above) and that a breach of the commitments set out in the Cardiff Undertaking may well constitute a breach of the Members' Code of Conduct, which may be investigated and determined under the statutory arrangements for dealing with a breach of the Code of Conduct. However, the Cardiff Undertaking is not enforceable in its own right.
11. Nevertheless, the Group Leaders agreed that the Undertaking provided an opportunity for Cardiff members to publicly reaffirm their commitment to high standards of conduct and should be retained and reviewed to ensure it is kept up to date and fit for purpose. The Standards and Ethics Committee was happy to support this view and agreed to schedule a review of the Undertaking within its Work Programme.
12. It was noted, however, that one minor amendment is required to be made to paragraph 4 of the Undertaking to reflect the fact that Councillors may also have legal duties to other bodies, for example, to outside bodies to which they may be appointed by the Council. The recommended amendment is shown below:
  4. *Give priority to the interests of the Council, Cardiff and of the people of Cardiff, when acting as a Cardiff Councillor, subject to any other overriding legal duties.*
13. A revised copy of the Cardiff Undertaking, incorporating the recommended amendment, is attached as **Appendix A**.

14. Under the Council Meeting Procedure Rules, Rule 2(b)(vi), all Members are asked to publicly affirm their commitment to the Cardiff Undertaking at Annual Council each year.

### **Legal Implications**

15. Relevant legal implications are set out in the body of the report.

### **Financial Implications**

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

### **Recommendations**

Council is recommended to:

1. Approve the revised Cardiff Undertaking set out in **Appendix A**; and
2. Invite all Members to publicly affirm their commitment to complying with the revised Cardiff Undertaking (**Appendix A**).

**DAVINA FIORE**  
**DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER**  
19 May 2023

### **APPENDICES**

Appendix A            Cardiff Undertaking, revised

#### Background papers

[Standards and Ethics Committee report, 'Cardiff Undertaking', 14<sup>th</sup> February 2023](#)

[Standards and Ethics Committee report, 'Group Leaders' Reports to Standards and Ethics Committee; and Potential Changes to the Members' Code of Conduct \(Mandatory Training\) and the Cardiff Undertaking, 9<sup>th</sup> May 2023](#)