

STANDARDS & ETHICS COMMITTEE

9 MAY 2023

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

Councillors Cowan, Cunnah and Latif

Community Councillor Julia Charles

Also Present: Cllrs Thomas and Gunter (Group Leader and Whip, Labour
Group)

Cllr Robson – (Group Leader Conservative Group)

Cllr Berman – (Group Leader Liberal Democrat Group)

44 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Rashpal Singh, Independent Member of the Committee.

Apologies for absence were also received from Councillors Joe Carter and Dan Naughton, Group Whips who had been invited to the meeting.

45 : DECLARATIONS OF INTEREST

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

46 : MINUTES

The minutes of the meeting of the 14 February 2023 were approved and signed by the Chair.

47 : GROUP LEADERS REPORTS TO STANDARDS & ETHICS COMMITTEE; AND POTENTIAL CHANGES TO THE MEMBERS' CODE OF CONDUCT (MANDATORY TRAINING) AND THE CARDIFF UNDERTAKING

The report provided Members with information on discharge of the new statutory duties of Group Leaders relating to standards of conduct of members of their groups. It also provided information on potential changes to the Members' Code of Conduct in relation to mandatory training and the Cardiff Undertaking.

Members noted that under Part 4 of the Local Government and Elections (Wales) Act 2021, Group Leaders of political parties were required to do what they reasonably could to enforce and maintain high standards of conduct within their groups, while the Committee had a corresponding duty to monitor this. The Committee noted the reports provided by each Group Leader setting out how they had discharged this duty and thanked the Group leaders for their positive engagement with the new statutory duties and reporting arrangements. Regarding the Code of Conduct, Members noted the potential amendments which had been drafted as discussed at the Committee's previous meeting to make it a duty for Members to attend mandatory training.

The Committee discussed the timeframe and opportunities for attending mandatory training, the background and enforceability of the Undertaking, and noted the availability of a Carer's Allowance. The consensus on the timescale within which mandatory training should be completed was 6 months from the date on which it was made available, and it was agreed that the draft recommended amendments (Appendix C to the report) should be further amended accordingly.

Members noted a possible conflict of interest for Group Leaders since they were elected by the members of their group, and emphasised the importance of transparency in the Democratic Services Committee's process of determining which training was mandatory.

Members were advised that there was no specific guidance from the Public Service Ombudsman for Wales about compelling Members to undertake training, and it was clarified that Members' training requirements are set for each term of office.

The majority view was that the Cardiff Undertaking provides a useful opportunity for Members to reaffirm their commitment to high standards of conduct; and that an additional commitment, over and above the statutory duties imposed under the Code of Conduct, was to be welcomed. It was suggested that the Undertaking should be reviewed to ensure it remains up to date and fit for purpose.

The Committee RESOLVED to:

1. Note the Group Leaders' Reports on the discharge of their new statutory duties in relation to standards of conduct (Appendices B1-B4);
- 2a. Recommend to full Council the amendment of the Members' Code of Conduct to incorporate a duty to attend all mandatory training within six months from the date it is first made available, unless there is a reasonable excuse, as set out in Appendix C;
- 2b. Recommend to full Council the amendment of the Cardiff Undertaking as shown in paragraph 16 of the report; and
- 2c. Agree to receive a further report from Group Leaders on compliance with their statutory duties in relation to standards of conduct in six months' time.

48 : SOUTH EAST WALES CORPORATE JOINT COMMITTEE - STANDARDS SUB-COMMITTEE

The report provided Members with background on the request for Cardiff's Standards and Ethics Committee to be utilised as the Standards Sub-Committee for the South East Wales Corporate Joint Committee on an initial basis, until such time as the Corporate Joint Committee is fully operational and ready to establish its own Standards Sub-Committee.

Members agreed the importance of keeping an eye on the cost and officer capacity and reviewing the arrangement after a set period of time, such as, twelve months.

The Committee RESOLVED to:

1. Agree, in principle, to the request for Cardiff's Standards and Ethics Committee to assume responsibility for the statutory functions of the standards sub-committee of the South East Wales Corporate Joint Committee ('SEWCJC'), subject to:
 - a) Confirmation of its designation and delegation of functions by SEWCJC;
 - b) Acceptance and delegation by Cardiff Council, including approval of the necessary amendments to the Standards and Ethics Committee's terms of reference;
 - c) A Service Level Agreement to be concluded between Cardiff Council and SEWCJC to provide that any additional costs and liabilities incurred are to be paid for by SEWCJC and including provision for review after 12 months and termination of the arrangements, as set out in the report; and
2. Note that an update report on this matter will be brought back to the next appropriate Committee meeting.

49 : WELSH GOVERNMENT CONSULTATION - RESPONSE TO THE RECOMMENDATIONS OF THE INDEPENDENT REVIEW OF THE ETHICAL STANDARDS FRAMEWORK (RICHARD PENN REPORT)

The report provided Members with information on the Welsh Government consultation on the response to the recommendations of the independent review of the ethical standards framework for Wales (the Penn Report, issued in October 2021), and sought to agree the Committee's response.

The Committee RESOLVED to:

1. Note the information set out in the report and the Welsh Government's Consultation on the Response to the Independent Review of the Ethical Standards Framework (Appendix B);
2. Approve the draft Consultation Response attached as Appendix C; and
3. Delegate authority to the Monitoring Officer, in consultation with the Chair, to finalise and submit the consultation response (Appendix C) on behalf of the Committee.

50 : MEMBERS' CODE OF CONDUCT COMPLAINTS UPDATE - QUARTER 4 OF 2022/2023

The report provided Members with an update on complaints made against Members of Cardiff Council or any of Cardiff's Community Councils alleging a breach of the Members' Code of Conduct, in particular, complaints notified to the Monitoring Officer during Quarter 4 of 2022/23 (the period running from 1st January 2023 to 31st March 2023).

The Committee RESOLVED to:

1. Note the contents of the report; and

2. Ask the Chair to write to the individual Member who has not yet attended the mandatory Code of Conduct training, if this training is not completed within a reasonable time period, to urge them to do so.

51 : WORK PROGRAMME 2023 - 2024

The Director of Governance and Legal Services and Monitoring Officer noted that an additional item would need to go on the work programme concerning the Cardiff Undertaking, after a consultation period with the political groups.

Members queried the status of the Member Survey, which the Director of Governance and Legal Services and Monitoring Officer confirmed would come back to the Committee in due course.

The Committee RESOLVED to:

Approve the Work Programme as set out in Appendix A, with the addition of a review of the Cardiff Undertaking to be scheduled in accordance with available resources.

52 : URGENT ITEMS (IF ANY)

No urgent items were received.

53 : DATE OF NEXT MEETING

To be confirmed after the Annual Council meeting on 23rd May.

The meeting terminated at 6.30 pm