

REPORT OF THE INTERIM MONITORING OFFICER

ANNUAL REPORT 2022/23

Reason for this Report

1. To enable the Committee to consider the contents of its Annual Report 2022/23 and approve arrangements for the report to be finalised and presented to full Council.

Background

2. In order to maintain the profile of the Standards and Ethics Committee and awareness of the importance of high standards of Member conduct, the Committee has a long-established practice of presenting an annual report to full Council on the work it has undertaken during the municipal year.
3. The Committee's Annual Report 2021/22 was presented to full Council by the Chair of the Committee in January 2023.

Issues

4. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), section 63, introduces a new statutory requirement for Standards Committees to produce an annual report on the exercise of their functions. The annual report is to relate to the financial year and must be presented to full Council as soon as reasonably practicable after the end of the financial year.
5. The new statutory requirements take effect from the financial year 2022/23, and must be reflected in the Committee's annual report for 2022/23.
6. Under the new statutory requirements and statutory guidance issued by the Welsh Ministers within Part 2, section 7 of the Statutory and Non-Statutory Guidance for Principal Councils in Wales: [Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government \(Wales\) Measure 2011 and the Local Government and Elections \(Wales\) Act 2021](#), the annual report 2022/23, as a minimum, must:

- (i) describe how the Committee has discharged its functions during the preceding financial year;
 - (ii) confirm the operation of a local protocol for the resolution of complaints and provide an assessment of its impact. (Where no local protocol has been adopted, the standards committees must consider whether the adoption of such a protocol would support its functions in relation to promoting high standards of ethical conduct);
 - (iii) include an analysis of complaints. This analysis must include information about the number of councillors who have been the subject of a complaint which has been upheld, and whether they have or have not attended a training session on the Code of Conduct prior to or after the complaint was received;
 - (iv) include a summary of reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales relating to the investigation of alleged breaches of the member Code of Conduct, and any subsequent action taken by the committee;
 - (v) include a summary of notices given to the committee by the Adjudication Panel for Wales, relating to the Panel's decisions on possible breaches of the member Code of Conduct;
 - (vi) describe the advice it has provided on training for all members and how that has been implemented;
 - (vii) in the case of a principal council set out how it has worked with the town and community councils in its area to promote and maintain high standards of conduct amongst town and community councillors; and
 - (viii) in the case of a principal council, include the committee's assessment of how political group leaders have complied with the new duty under section 52A(1) of the 2000 Act (inserted by section 62 of the 2021 Act) to promote high standards of conduct, including the advice the standards committee has provided and the training it has suggested.
7. The statutory guidance indicates that the annual report may also include:
- (i) the number of cases considered under local resolution processes, which would help to capture data on an "all Wales" basis, on matters which do not reach the Public Services Ombudsman for Wales; and
 - (ii) the regular review of thresholds for declaration of gifts and hospitality.
8. The statutory guidance (at paragraph 7.7) also says that 'The standards committee should consider whether there are improvements that can be made to strengthen the standards of behaviour of members. This may include recommendations to the full council and town and community councils in its area about matters such as mandating training in equalities and the model code of conduct.'

9. The Committee will be pleased to note that the information routinely included in the Committee's annual reports covers the new statutory requirements, although it may wish to give consideration to whether the Committee wishes to make any specific recommendations to the Council and or Community Councils in relation to matters within its remit.
10. During the financial year 2022/23, the Committee met on three occasions, on the following dates: 22 June 2022; 25 October 2022; and 14 February 2023. Based on the standard format of previous annual reports, the new statutory requirements and guidance on the contents of the annual report and the work undertaken by the Committee during the last year, suggested contents for the Committee's Annual Report 2022/23 include:
 - a) Chair's Foreword – the Chair is invited to introduce the report, noting that, following the Committee's long established practice of presenting its annual report to full Council, this is the first statutory report under the new provisions of the Local Government and Elections (Wales) Act 2021. The Chair may wish to note that the reporting period covers the first year of the new Council elected in 2022 and that the Committee has been pleased to observe that standards of conduct have remained generally high. The Chair may also wish to refer to changes in the Committee's membership (new County Councillors and Community Council member and substitute), welcoming new members and thanking the outgoing ones, as well as those who have remained on the Committee.
 - b) Principles of public life – to remind Members of the ten general principles of public life based on the principles originally set down by the Nolan Committee in 1995.
 - c) Role of the Committee – to set out the Committee's terms of reference, including new statutory duties introduced under the 2021 Act, and how the Committee approaches its role.
 - d) Work undertaken by the Committee during 2022/23:
 - i. Members Survey – the Committee reviewed the outcomes from the Member Exit Survey 2022 in relation to standards of conduct issues, made comparison with outcomes from the previous Exit Survey in 2017 and changes to be made for future surveys.
 - ii. New duties for Group Leaders and Standards Committees – in consultation with group leaders and whips, the Committee considered the new statutory duties, draft statutory guidance and arrangements to be made for securing compliance with the new duties.
 - iii. Welsh Government Statutory Guidance on new standards duties – the Committee considered the consultation draft of the new statutory guidance and provided a response.
 - iv. Members' use of Council IT for remote / hybrid political group meetings – in response to a request, the Committee considered and

recommended an amendment to the Code of Conduct to permit such use, subject to compliance with an agreed protocol; and Council subsequently approved the same.

- v. Senior Officers' Personal Interests – to report on the Committee's regular annual review of the declarations of senior officers' personal interests and observations made.
 - vi. Whistleblowing reports 2021-22 – to report on the Committee's review of whistleblowing reports made during 2021-22 and observations made.
 - vii. National Standards Committee Forum – the Committee considered the proposed establishment of this Forum, in response to one of the recommendations of the Independent Review of the Ethical Standards Framework and agreed its terms of reference.
 - viii. Member Briefing – the briefing issued to update Members on the work of the Committee and provide advice and guidance on various relevant issues.
 - ix. Ombudsman's updated Code of Conduct guidance and procedures, consultation on Strategic Plan 2023-26, and Equality and Human Rights Casebook 2022/23 – considered by the Committee.
 - x. Local Resolution Protocol and Procedure – the Committee reviewed and amended the Protocol and Procedure.
 - xi. Cardiff Undertaking – the Committee reviewed and made a minor amendment to the Cardiff Undertaking.
 - xii. Gifts and Hospitality received by Members –the Committee carried out its routine review of the Members Hospitality Register, made minor amendments to the Council's guidance and considered proposals for harmonising thresholds nationally.
 - xiii. Observation of meetings - to report on the Committee's feedback following observation of various meetings of full Council, its Committees and Community Council meetings.
 - xiv. Committee membership –the Committee appointed a new Community Council representative, along with a substitute Community Council representative to act in case of a conflict of interest, and a new Chairperson.
- e) Complaints about Member conduct – to give an overview of complaints reported during the year, including those considered under the Local Resolution Protocol, and to note that no referrals to the Committee were received from the Ombudsman nor were any notices received from the Adjudication Panel for Wales

- f) Assessment of Group Leaders' compliance with their new statutory duties in relation to standards of conduct, having regard to the Committee's consideration of Group Leaders' Reports for 2022/23 presented to the Committee's meeting in May 2023;
- g) Future work priorities, to reflect the Committee's Forward Work Plan 2023/24 and note that work will be progressed as resources permit.
- h) Recommendations – any recommendations the Committee may wish to make to the Council and or Community Councils.
- i) Committee members' biographies and Committee meeting attendance figures.
- j) Contact details for the Chair, the new Interim Monitoring Officer and Deputy and the Ombudsman.

11. The Committee is invited to consider its Annual Report 2022/23, having regard to the suggestions above, and provide any appropriate comments.

Legal Implications

- 12. The statutory requirements in relation to the Committee's annual report are set out in the body of the report.
- 13. Under section 56B of the Local Government Act 2000, the Council must consider the annual report presented by the Standards & Ethics Committee within three months of its receipt.
- 14. The statutory guidance [Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government \(Wales\) Measure 2011 and the Local Government and Elections \(Wales\) Act 2021](#) paragraph 7.7, indicates that it is good practice for standards committees to share their annual reports with the Public Services Ombudsman for Wales and community councils in their area.

Financial Implications

- 15. There are no direct financial implications arising from this report.

RECOMMENDATIONS

The Committee is recommended to:

- 1) Provide comments on the contents of the Committee's Annual Report 2022/23;

- 2) Delegate authority to the Interim Monitoring Officer, in consultation with the Chair, to draft and finalise the Annual Report, having regard to comments provided by Members of the Committee;
- 3) Ask the Chair to present the Committee's Annual Report 2022/23 to the next suitable meeting of full Council; and
- 4) Ask the Monitoring Officer to send the Committee's Annual Report 2022/23 to each of the Community Councils in Cardiff, and a copy to the Public Services Ombudsman for Wales.

Debbie Marles
Interim Monitoring Officer
1st November 2023

Background papers

[Standards & Ethics Committee Annual Report 2021/22; and minutes of Council meeting January 2023](#)

[Standards and Ethics Committee minutes June 2022; October 2022; and February 2023](#)

Standards & Ethics Committee report, 'Group Leaders' Reports to Standards & Ethics Committee; and Potential Changes to the Members' Code of Conduct (Mandatory Training) and the Cardiff Undertaking', 9th May 2023 [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](#); and minutes thereof