

## STANDARDS & ETHICS COMMITTEE

15 DECEMBER 2015

Present: Independent Members: Richard Tebboth (Chair), James Downe, Hollie Edwards-Davies, Lizz Roe and Hugh Thomas

Councillors Margaret Jones

Community Councillor John Hughes

11 : APOLOGIES FOR ABSENCE

None

12 : DECLARATIONS OF INTEREST

The Chairperson reminded Members of their responsibilities under Part III of the Members' Code of Conduct, to declare any interests in general terms and complete 'personal interest' forms at the start of the meeting and then prior to the commencement of the discussion of the item in question, specify whether it is a personal or prejudicial interest. If the interest is prejudicial Members would be asked to leave the meeting, and if the interest is personal, but not prejudicial. Members would be invited to stay, speak and vote. The following declaration was made.

<i>Committee Member</i>	<i>Item</i>	<i>Nature of Interest</i>
Community Councillor John Hughes	Item 6	Community Councillor for St Fagans Community Council

13 : MINUTES

The minutes of the meeting of the Standards & Ethics Committee held on 22 September 2015 were agreed as a correct record of the meeting and signed by the Chairperson. It was noted that the following Action Point had not yet been progressed.

- A breakdown of the nature of complaints received would be useful. Noted that some information in this regard is included in the Committee's Annual Report. Issues have been raised when the cut and thrust of political debate has veered into personal attack, comments made by Members in social media, and also some made during committee meetings. A number of complaints from members of the public relate to delays in correspondence. Non relate to fraud or corruption. The Monitoring Officer is attempting to get comparative data on complaints from other discussion on this.

14 : STANDARDS CONFERENCE WALES 2015

The All Wales Standards Conference 2015 was hosted by the City of Cardiff Council on 20<sup>th</sup> October 2015, under the direction of the Standards and Ethics Committee. The Committee formed a conference planning task group to agree arrangements for the

conference; and received reports on conference preparations at each of its meetings this year.

The Committee was pleased to hear that positive feedback had been received from delegates attending the conference.

James Downe thanked Liz Roe and Hollie Edwards-Davies for their input and support at the Conference. The Conference presentations proved to be successful and input was appreciated from the representatives.

The Committee noted that further information was required on the outcomes of the workshops:

- Community Council's – Governance and Standards
- Local Complaints Resolution - Practicalities
- Are the Nolan Principles fit for purpose in the current climate and for the next 20 years.

Committee Members suggested that in regards to the Local Complaints Resolution Paul Lucas, Director of Legal and Democratic Services, Rhondda Cynon Taf County Borough Council provide further information on the presentation slides received in order to incorporate into the final report. These slides would then be made available on the Council's website. Once the report was finalised it would be distributed to all local authorities in Wales and published on the Council's website.

It was suggested that Rhondda Cynon Taf's local resolution procedures could be used as a benchmarking test to improve practice at Cardiff.

The Committee discussed the dynamics Community Council's had with its local authorities. Some Standards Committee's in Wales had visited all their respective community council's in order to develop communications and to obtain feedback on local issues. Members felt that Cardiff Council was not communicating effectively with its community councils in certain areas and the Charter was not being adhered to.

The Committee agreed that the Chairperson and Marie Rosenthal finalise the Standards Conference Report before circulating to all Members of the Committee with the final version.

The Committee agreed to amend point 1 of Summary of the conference presentation to read "people living longer".

RESOLVED: The Committee AGREED to:

- Note the information set out in the report and comment as appropriate;
- Delegate Authority to the Monitoring Officer, in consultation with the Chair and Vice-Chair to finalise the Conference Report (Appendix A) and circulate copies to all Conference delegates and speakers; and

- Consider any further action or work the Committee may wish to undertake following on from the Conference and instruct the Monitoring Officer accordingly

## 15 : MEMBERS' CODE OF CONDUCT COMPLAINTS - QUARTER 3

The Committee were provided with an update on complaints made during 2015/16 against Members alleging breaches of the Code of Conduct with a focus on the last 3 months.

The Committee noted the following:

- Use of social media, dealing with correspondence and treating members of the public with respect remain common themes.
- Training on the Code of Conduct and the Ombudsman's most recent Guidance took place on the 15 and 21 September 2015 with good attendance.
- The Chairperson and Vice Chairperson met with political group leaders on the 18 November 2015 to discuss the figures. It was agreed that resolving member on member complaints could take up a disproportionate amount of officer time and that more could be done to resolve this.
- The Local Resolution procedure continued to provide a useful means to informally resolve most member on member complaints. If the matter could not be resolved informally it was then dealt with formally at the Hearing Panel of the Committee.

The Committee was interested to note the comments made by Gerard Elias, the retiring Standards Commissioner for the Assembly in his most recent report.

Marie Rosenthal advised Committee Members that the majority of public complaints were directed towards performance issues and not conduct. There were also issues relating to single member wards.

The Committee was advised that support to Members was provided by Democratic Services, which at present was limited and dealt with issues in respect of split member wards.

The Committee referred to the decision letter from the outcome of the Hearing Panel and were pleased with its wording. The Committee felt the decision letter should be published on the Council's website and circulated to all Members of the Council.

Members discussed the protocols involved to deal with member on member complaints and noted that the same sanctions were used to deal with these issues in the other 22 local authorities in Wales.

RESOLVED: That the report be noted.

## 16 : COMMUNITY COUNCIL CHARTER

The Committee were provided with an update on the Community Council Charter. The aim of the Charter was to support structured, regular engagement and communication

between the County Council and the six Community Councils in Cardiff, based on the key principle of equality of partnership between the two tiers of local government.

The Committee made reference to paragraph 9 of the report which outlined the following: *'Feedback from the Community Council's on the revised draft has been generally positive. However, further consideration had been requested on the following points:*

Several Community Council's had requested specific reference to Section 106 planning obligations agreements (or Community Infrastructure Levy funds), seeking a commitment from the Council to consult and involve the Community Council's in negotiations for Section 106 agreements and decisions regarding the application of funds arising from developments within the Community Council's area.

Community Councillor John Hughes emphasised the importance of communication mechanisms between Community Council's and the Council. Issues had arisen in some local areas, involving road closures which had not been communicated to the respective Community Council's. In some instances these issues were relayed to the particular Ward Councillors, but not the Clerks to Community Council's, who should be provided with the same information. Community Council's should also be advised on issues with land use which would impact on the community infrastructure levy, along with input on monies being directed outside respective Wards.

The Chairperson suggested that Marie Rosenthal liaise with the Head of Planning and the Chairperson of the Planning Committee for input on the Charter and the communications in place with Community Council's when planning applications were being considered.

RESOLVED: The Committee AGREED to.

- Note the revised draft Charter (Appendix A) and the feedback from the Community Council's as set out in the report and make any comments it considers appropriate;
- Note the Monitoring Officer's delegated authority to finalise the revised Charter as agreed by Cabinet in June 2015; and
- Instruct the Monitoring Officer to implement an effective communications plan, once the revised Charter is signed off, to ensure that all Council staff and Members are aware of the Charter and its provisions.

## 17 : MEMBER PROTOCOL ON SAFEGUARDING VULNERABLE CHILDREN & ADULTS

The Committee was advised that an Independent Review was commissioned by the Chief Executive to look into the role of Members in dealing with parent's complaints and acting as advocate in child protection proceedings. This followed concerns raised by an elected Member about safeguarding practice within Children's Services in relation to a small number of cases. The Review made a number of recommendations which came within the remit of the Standards and Ethics Committee.

At its meeting on 22 September 2015 the Committee considered a draft Protocol addressing the matters recommended by the Independent Review; and heard evidence from the Director of Social Services. It was also suggested that, in order to reinforce the importance and effectiveness of the Protocol, the approved Protocol should be added to the Constitution and Cardiff Undertaking.

The Committee delegated authority to the Monitoring Officer in consultation with the Chairperson to recommend the Protocol to Council; along with amendment of the Cardiff Undertaking to include a new obligation to recognise the collective responsibility of Councillors to safeguard and promote the life chances of looked after children.

The Committee noted the report would be taken to Full Council on 28 January 2016.

RESOLVED:

The Committee AGREED to:

- Note the revised draft Protocol and recommend it to Council for approval, subject to consultation with all Members and any further amendments;
- Authorise the Monitoring Officer in consultation with the Standard and Ethics Committee Chair, to make any further amendments to the Protocol; and
- Recommend to Council amendment of the Cardiff Undertaking to include a new obligation to recognise the collective responsibility of Councillors to safeguard and promote the life chances of looked after children.

## 18 : MEMBERS' PLANNING CODE OF GOOD PRACTICE

The Committee had identified the Council's planning process and procedures as a key item of business in its Forward Work Plan for 2015/16. It was also important to note that the Planning Committee had recently begun to webcast its meetings over the internet.

The Committee had previously received a report at its meeting on 10 January 2007 following a Wales Audit specific recommendation that the Council prepare a code of practice for Councillors and Officers involved in the planning process, having regard to better practice across Wales.

The Planning Code had been prepared in accordance with the Member Code of Conduct and Royal Town Planning Institute Code of Conduct for Chartered Planners.

The Code had the following objectives:

- To guide and protect officers and members in dealing with planning related matters from criticism and challenge.
- To inform potential developers and members of the general public of the standards adopted by Cardiff council and the performance of its planning function
- To ensure that, in the planning process, there were no grounds for suggesting that a decision has been biased, partial or not well founded in any way

Members of the Committee were concerned the Code did not make reference to Community Council involvement and planning site visit protocol.

The number of respective Code's adopted by the Council was outlined to the Committee and it was suggested that the Planning Code be brought back to this Committee for further attention.

The language used in the Code, could be perceived as intimidating and it was suggested that the Code be circulated to the Planning Committee for input.

RESOLVED: The Committee AGREED to note the report and to request a report back to a future meeting to consider this matter further.

19 : DRAFT LOCAL GOVERNMENT (WALES) BILL - WELSH GOVERNMENT CONSULTATION

The Committee received a report which enabled them to consider the Welsh Government's draft Local Government (Wales) Bill proposals in so far as they concerned matters relevant to the Committee; and respond to the Welsh Government's consultation in this respect.

The Monitoring Officer assured the Committee that all Members of the Council had seen the Bill and would be discussed at Cabinet in February 2016. A part of the Bill directly affected the Standards and Ethics Committee and was outlined in Part 4 of the Bill.

The Committee noted that their duties would extend to the Committee's assessment of the extent to which leaders of political groups on the council have complied with their duties under section 52A (1) during the financial year.

The Committee discussed the context of the Bill and were currently of the view that at this point it was difficult to make a fundamental response. The nature of the Bill provided the Committee with the impression that the monitoring of standards was shifting towards observing performance. It was recognised that the terminology in the Bill encouraged the micro management of local government, which in 2014 was not being encouraged by Welsh Government.

RESOLVED: The Committee AGREED to:

- Note the provisions of Part 4 of the draft Local Government (Wales) Bill, in so far as they relate to matters within the (current or proposed) remit of the Committee; and
- Delegate authority to the Monitoring Officer in consultation with the Chair to prepare a response to the Welsh Government's consultation on behalf of the Committee.

20 : LOCAL GOVERNMENT ETHICAL FRAMEWORK - WELSH GOVERNMENT CONSULTATION ON AMENDMENTS TO SUBORDINATE LEGISLATION

The Committee received a report which enabled them to consider the Welsh Government's proposed amendments to subordinate legislation relating to the local government ethical framework; and respond to the consultation on this matter.

The Local Government Act 2000, Part III (and regulations made thereunder) sets an ethical framework for the conduct of local government members. In its 2012 White Paper, 'Promoting Local Democracy' the Welsh Government indicated its view that the current framework provides an appropriate balance between guiding Members on the standards of conduct expected of them, and giving reassurance to the public that misconduct will be dealt with consistently and appropriately. However, the White Paper also set out a number of proposals for improving the operation of the framework. Some of these proposals were addressed in the Local Government (Democracy) (Wales) Act 2013.

The Welsh Government is consulting upon two draft statutory instruments (to be made under Part III of the Local Government Act 2000) intended to give effect to the policy proposals set out in 2012 White Paper and consequential upon legislative changes introduced by the Local Government (Democracy) (Wales) Act 2013 and related matters.

The Committee had no concerns with the proposed amendments. It was, however, noted that the current statutory restriction on the size of standards committees had presented quorum difficulties in Cardiff, and that this concern should be raised in the consultation response.

RESOLVED: The Committee AGREED to:

- Note the proposed amendments to subordinate legislation; and
- Delegate authority to the Monitoring Officer in consultation with the Chairperson to prepare and submit a response to the Welsh Government's consultation on behalf of the Committee.

21 : DATE OF NEXT MEETING.

22 March 2016 @ 4:30pm