

STANDARDS & ETHICS COMMITTEE

12 JANUARY 2006

Present: The Most Reverend Dr Barry Morgan (The Archbishop of Wales/The Bishop of Llandaff) (Chairperson); David Hughes, Elaine Moore and Akmal Hanuk

Community Councillor David Suthers

County Councillors Griffiths, James and Owens

Observers: Paul Stockton, Anne Morgan, Maureen Headley-Clarke

Also: Kate Berry, Monitoring Officer; Kumi Ariyadasa, Legal Services Officer and Val Davies, Committee Services Officer

35 : APOLOGIES

Concern was expressed that Patricia Jenkins had been unable to attend this Committee for some time, due to personal difficulties. It was noted that a letter had previously been sent to Patricia Jenkins, but that no response had been received.

The Committee expressed the view that it was appropriate to write again to Patricia Jenkins to ascertain the current position and take the necessary steps to enable her to stand down as an Independent Member of the Committee, should she wish to do so.

RESOLVED – That the Chairperson write to Patricia Jenkins to clarify her current position in respect of her membership of the Committee, and should she wish to relinquish her membership, to report to Council in order that a formal appointment could be made from the existing shadow members.

36 : MINUTES

The minutes of the meeting held on 21 November, 2005 were approved as a correct record and signed by the Chairperson.

37 : DECISION-MAKING ARRANGEMENTS

Kate Berry ran through the process of the decision-making structures within the Council including the following points:-

- General principles – understanding of the legal position of public bodies and local authorities in terms of decision-making. Local authorities were only allowed to make decisions in accordance with the procedures of the Council or by statute, any decisions made outside these rules would be considered to be ultra-vires.

Any decision was capable of being reviewed or challenged, therefore decisions must be made taking into consideration all the relevant facts and to ensure there was a clear audit trail on the basis the decision was made.

- Regulatory Requirements And Guidance – The Local Government Act 2000 changed the way councils made decisions. Guidance that flows from this is relevant to the Welsh situation in that the Welsh Assembly Government (WAG) applied its own constraints to the guidance for a split of the executive system.
- Delegations – Bodies of the Council have specific responsibility, officers cannot operate outside the ethos and can only operate within delegated authority. In addition to this there is a statutory obligation on the Council to have in place a Monitoring Officer and a Section 151 officer.
- Structural Overview – The old structure was pyramidal and made up of Committees and Sub Committees.
- Under the new structure, Council has specific functional responsibilities and has a duty to approve the budget and policy framework, other committees under Council include the Constitution Committee and Recovery Committee.

- The new structure operates under an Executive arrangement comprising the Leader and six Members, and carries out all functions not allocated to Council or other Committees. The Executive has non proportional representation.
- Non-Executive Committees – The Non Executive committees have proportional representation and carry out functions in the same way as the old Committee structure.
- Overview and Scrutiny – The Overview and Scrutiny committees have proportional representation with five committees and Task & Finish Groups that carry out investigatory work to report back to the relevant Scrutiny Committee. The Scrutiny Committees have no decision-making powers, however, they have the power to call in decisions of the Executive and a role in policy development.
- Standards & Ethics Committee – This is a statutory committee that stands alone, decisions made by the Standards & Ethics Committee are entirely under statute.

Following the overview of the current arrangements, the Committee made a number of observations:

- There were issues in relation to the membership of the Committee which could result in the Committee becoming inquorate due to the requirement that at least half of the Members present at a meeting must be Independent Members, it was noted there was no mechanism to change the representation other than to make observations to the Welsh Assembly Government to change this.
- In respect of the Executive arrangements, it was clarified that no individual decisions were made, that it was governed by the regulations which set out the responsibility of Council and that of the Executive and other committees. The Constitution Committee has given consideration to a review of the function of the Council, and Council will receive a report on the matter in due course. At the current time the role and function of Council is constrained. There is power to widen the function but this would need to be consulted on.

13.

Following the discussion it was

RESOLVED – That

- (1) the Committee await the decision of the Constitution Committee for the proposed changes, and that the matter be discussed at the next meeting of the Committee in March;
- (2) the Standards & Ethics Committee be formally included in the proposed consultation process.

38 : GOOD GOVERNANCE STANDARDS – CANCELLATION OF COUNCIL MEETING

The Monitoring Officer provided a report to inform the Committee on the circumstances and chronology of events that led to the cancellation of the Council meeting on 17 November 2005.

The Committee discussed the information set out in the report and the letter to Members from the Chief Executive.

The Committee noted the explanation for the cancellation, and voiced concern that there was insufficient business on the agenda to hold the meeting. Concern was also raised about public perception of meetings being cancelled for this reason. The Committee was advised that this was also an issue for other Authorities and the matter was currently being reviewed.

There was also discussion and issues raised about the process undertaken in the current review on schools and, in particular, consultation. This decision will be taken by the Executive. In due course the Council will also consider the proposals associated with the School Organisation Plan.

RESOLVED – That a letter be sent on behalf of the Committee to the Chief Executive and the Monitoring Officer formally advising that the Committee had received the report which explained the process by which the Council meeting was cancelled, but remained unsatisfied in terms of the message sent out to citizens of Cardiff about commitment of the Council, and the transparency of doing business.

The Committee also requested that the matter be given serious consideration by the appropriate bodies including the Constitution Committee.

39 : WORK PROGRAMME

The Monitoring Officer submitted a draft Work Programme based on the Committee's terms of reference. The Committee was requested to consider its Work Programme and prioritisation of its work to July, 2006.

RESOLVED – That

- (1) the proposed Work Programme be approved;
- (2) the following items be placed on the agenda for the March meeting:
 - (i) Annual Review of existing protocols;
 - (ii) Corporate Governance Commission Report to receive a summary of the issues and progress against the recommendations;
 - (iii) Annual Report;
 - (iv) Whistleblowing procedure – information report requested;
 - (v) Ethical Standards Audit – information report requested;
- (3) that a Task & Finish Group be set up to meet with the party whips to discuss the current position in relation to corporate governance;
- (4) that a briefing meeting on the role of the Council be offered to Community Clerks.

40 : ALLOCATION OF COUNCIL MEETINGS

The Committee discussed the matter of attendance at meetings of the Council by Standards and Ethics Committee Members, following discussion it was:

RESOLVED – That

- (1) Members of the Standards & Ethics Committee attend the following meetings as observers:-

15.

Council – Open to all Members

Executive Business Meeting – Elaine Moore and Akmal Hanuk

Constitution Committee – Elaine Moore and Akmal Hanuk

Policy Review & Performance Scrutiny Committee – Elaine Moore

Planning Committee – David Hughes

- (2) the above Members be included on the distribution lists for the appropriate committees.

The meeting concluded at 6.15pm.