
STANDARDS AND ETHICS COMMITTEE

**AGREED
SAME FORMAT**

Annual Report 2005/06

Updated 24 April 2006



County Council of The City and County of Cardiff

CHAIR'S FOREWORD

This is the Annual Report of the Standards and Ethics Committee, which was established in October 2000, with the statutory function of promoting high standards of conduct by the Council's Elected Members. The publication of an Annual Report was recommended by the Corporate Governance Commission established by the Council last year, in order to strengthen the role of the Committee, and to enable it to become more proactive in the work of the Council. This report therefore aims to provide Members and staff of the Council, as well as members of the public with an insight into the role of the Committee.

The Committee is committed to its role of raising standards to promote confidence in democracy within the Authority's boundaries. It aims to build on its achievements and training over the past year and to focus on improving standards in line with the recommendations of the Corporate Governance Commission.

As well as outlining the work and purpose of the Committee, this report outlines its agreed values and goals, together with priorities for the coming year. The Committee has a desire to move away from its previous "reactive" way of working, as it considers its role, to date, has been somewhat removed from the main activities of the Council and its communities. Therefore, it would like to develop a more proactive role to enable it to influence the Council positively, provide a resource to Members of the Authority and help promote good corporate governance. In doing so, the Committee will call for full reports on relevant issues, together with advice, to inform its deliberations.

The Committee intends to achieve its enhanced engagement with the Council by establishing programmes for training and by communicating its work, as set out later in this report.

The Committee believes that it is at a crucial stage in its development. Standards committees are a relatively new development nationally, and the Committee is, inevitably, still "finding its feet". New legislation on Codes of Conduct is anticipated from the National Assembly for Wales that will significantly impact on the work of the Committee. Therefore, the Committee recognises that further actions and deliberations will be required over the coming months to realise its ambition to be more proactive in its monitoring role of the Council, its Members and good Corporate Governance. Whilst the Committee has in previous years considered various issues relating to misconduct, such issues have not been the focus of its work during the past year. The Committee feels that this is a positive reflection on the commitment to good corporate governance show by the Authority and its Members.

I would like to thank the Committee for its dedication, hard work and commitment over the past year, as the term of most Members comes to an end. I would also like to thank the Officers for all the support and advice they have given the Committee.

I believe that the Committee now has the opportunity to build on the foundations we have established over the past year and to move towards new ways of working that enhance our ability to engage with the Council, to promote and maintain high standards of conduct by those who serve within it, and to promote confidence in local democracy in Cardiff.

Chair

Date

STANDARDS AND ETHICS COMMITTEE MEMBERSHIP

Chairperson



The Most Reverend Dr Barry Morgan (The Archbishop of Wales/The Bishop of Llandaff)



David Hughes



Ian Shopland (stood down
Nov 2005)



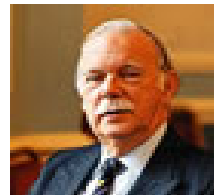
Elaine Moore



Patricia Jenkins

INSERT AKMAL WITH
DATES

Akmal Hanuk



David Suthers

Community Councillor

Council Members



Councillor Brian Griffiths



Councillor Jim James



Councillor Greg Owens

ATTENDANCE AND RECORD OF MEETINGS

The Committee has an agreed schedule of meetings with additional ad hoc meetings arranged as required.

During 2005/06 the Committee met on the following occasions:-

6 June 2005; 21 June 2005; 26 July 2005; 21 November 2005; 12 January 2006; 14 March 2006

MEMBER	ATTENDANCE	
	POSSIBLE	ACTUAL
The Most Reverend Dr Barry Morgan (The Archbishop of Wales and Bishop of Llandaff (Chair)		
David Hughes		
Ian Shopland		
Elaine Moore		
Patricia Jenkins		
Akmal Hanuk		
Community Councillor David Suthers		
County Councillor Brian Griffiths		
County Councillor Jim James		
County Councillor Greg Owens		

BACKGROUND

The Council is required under the Local Government Act 2000 to establish a Standards Committee with the functions conferred on it under Part III of that Act.

The Standards and Ethics Committee was established on 19 October 2000 in accordance with Decision of Council of 17 June 1999.

Functions

The Local Government Act 2000 provides that the functions of a standards committee are:

- (a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority
- (b) assisting members and co-opted members of the authority to observe the authority's code of conduct
- (c) advising the authority on the adoption or revision of a code of conduct
- (d) monitoring the operation of the authority's code of conduct
- (e) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct

Terms of Reference

The Council has extended the terms of reference (as it can by law), and on 1 July 2004 the Council confirmed the Committee's Terms of Reference as follows:

- (a) To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services and to report to the Council on any matters of concern.

- (b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.
- (c) To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application.
- (d) To consider and determine the outcome of complaints that Councillors and co-opted members have acted in breach of the Code in accordance with procedures agreed by the Standards Committee, including the imposition of any penalties available to the Committee.
- (e) To oversee and monitor the Council's Whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.
- (f) To grant or refuse requests for dispensations in respect of Members' interests under the Members' Code of Conduct in accordance with the relevant statutory provisions.
- (g) To consider whether individuals should be determined as vexatious or persistent complainants under relevant statutory procedures.
- (h) To recommend to Council and the Cabinet any additional guidance on issues of probity.
- (i) To hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer, whether on reference from the Ombudsman or otherwise.
- (j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.

Composition

The Standards Committees (Wales) Regulations 2001 (made by the National Assembly for Wales under the provisions of the Local Government Act 2000) makes provisions for the size and composition of standards committee in Wales.

The Council's Constitution (paragraph 9.2, amended to reflect the provisions of the 2001 Regulations), makes the following provision with regard to the composition of the Committee and terms of office:

"a. Membership

The Standards & Ethics Committee will be composed of nine members. Its membership will include:

- (i) Five 'Independent' Members who are not either a Councillor or an employee or the spouse of a Councillor or an employee of the Authority or any other relevant authority as defined by the Act, appointed in accordance with the procedure set out in the Standards & Ethics Committees (Wales) Regulations 2001;
- (ii) Three Councillors (who shall not include the Leader and shall include not more than one member of the Executive), one from each of the political groups represented on the Authority;
- (iii) One member of a Community Council wholly or mainly in the Council's area (a 'community committee member')

b. The Term of Office

- (i) Independent Members shall be appointed for a period of not less than four years and no more than six years, such period to be determined by the Council upon their appointment and may not be re-appointed.
- (ii) Members of a local authority who are members of the Standards & Ethics Committee will have a term of office of no more than four years or until the next ordinary local government election following their appointment, whichever is the shorter. They may be re-appointed for one consecutive term on one occasion only."

With regard to the term of office of the Community Councillor Committee Member, the statutory provision is unclear. Clarification on this point is therefore being sought from the National Assembly of Wales.

Membership

The Committee currently has 9 Members as identified earlier in this report. This is the maximum number permitted under the 2001 Regulations (see above).

Comment [c1]:

As the Committee was established prior to the coming into effect of the 2001 Regulations, the transitional provisions of those Regulations provide that the terms of office of all of the independent Members will expire on 27 July 2006.

The Committee has agreed, that in the interests of ensuring a seamless transition, a 'shadow' Committee was to be established at the end of 2005, pending appointment to the Committee in July 2006.

Servicing and Support for the Committee

The Monitoring Officer or a representative of the Monitoring Officer is required to attend and provide appropriate advice to every meeting of the Standards and Ethics Committee. In addition to the Monitoring Officer, the Committee has agreed to invite, as appropriate, the other Statutory Officers of the Council – the Head of Paid Service and the 'Section 151 Officer' (statutorily responsible for the financial prudence of the authority).

Kate Berry, Monitoring Officer joined the Authority in 2005 and has been advising the Committee since June 2005. Kumi Ariyadasa, Solicitor and Val Davies, Committee Administrator also service the Committee.

THE WORK OF THE COMMITTEE: 2004/2005

The Committee's work has included:

- Considering: Applications for dispensations from Council Members and Community Councillors. Registers are included on the Cardiff County Council's Intranet.
- No issues of misconduct were considered in the current year, this makes two years running without misconduct allegations.
- Having been actively involved in the introduction of the Council's Code of Conduct and Whistle Blowing Protocol in the previous year, this year the Committee called for a complete breakdown by service areas of the use of the Whistle Blowing policy.
- Considering the Ombudsman for Wales Annual Report 2004/05.
- Considering the report and recommendations of the Corporate Governance Commission established by the Council. Reviewing progress on the report and recommendations of the Corporate Governance Commission by the Council on two occasions.
- Agreed a Work Plan and priorities **(TO BE ATTACHED)**
- Further consideration of an issue concerning Council representation on an outside body (Welsh Local Government Association).

POLICY DEVELOPMENT 2005/06

During 2005/06, the Committee has been actively involved in Policy Development including Programme Audit, Functions, The Change Programme.

The Foundation Conference on 24 January 2005 which followed from the Corporate Governance Commission and on which the Standards and Ethics Committee was represented, proposed a number of actions relevant to Standards and Ethics, which included that:

- Members should attend training on Standards and Ethics;
- The Standards and Ethics Committee should submit an annual report to Council;
- The Standards and Ethics Committee identify actions to make the Cardiff Undertaking and the Council's Code of Conduct 'live and breathe';
- Standards and Ethics principles to be included in induction and training;

Specifically, the Committee this year determined:

- Members' training should await the revised Regulations from WAG to be issued in Autumn 2006;
- Standards and Ethics principles be woven into Council documents and policies;
- Opportunities be facilitated to enable the Standards and Ethics Committee to engage with the Council on a more proactive basis
- Regarding terms of office and the quorum restrictions, and the fact that all the Independent Members' term of office ends at the same time, regrettably the Welsh Assembly Government do not appear to have taken the Committee's comments on board in their entirety.

In order to overcome the problem of all Independent Members leaving at the same time, the Committee determined in June 2005 the recruitment process should take place to ensure there was ample opportunity for a staggered handover to the new Independent Members.

Four out of five vacancies were filled in August 2005 following a vigorous recruitment and selection procedure which followed equal opportunity guidelines and, which took into account comments made by Councillors at the presentation of the Committee's first annual report in May 2005 that Independent Members should reflect more consistently the diversity of Cardiff's population.

As a result, information packs were sent out to perspective candidates, the interested candidates attended a meeting in July prior to making application.

This process will be repeated in April/May 2006 to fill the remaining Independent Member position. Since November 2005 Akmal Hanuk has been a full Member of the Committee and the other three appointees have attended meetings regularly as observers.

- Independent Members of the Committee have agreed to attend the following Council committees:

Council – Open to all Members
Executive Business Meeting – Elaine Moore and Akmal Hanuk
Constitution Committee – Elaine Moore and Akmal Hanuk
Policy Review and Performance Scrutiny Committee – Elaine Moore
Planning Committee – David Hughes

TRAINING & DEVELOPMENT 2005/06

- Induction Programme
- Training for Existing Members on the wider Council functions
- Member Training – deferred until the Regulations emanate from the Welsh Assembly Government
- Community Council Clerks

RECOMMENDED FUTURE PRIORITIES

The Committee has developed its future priorities which will drive its work programme for the coming year. These priorities include:

- Any outstanding matters from 2005/06 (*list from Work Plan*) (*Whistleblowing Policy*)
- (*insert topics from Work Programme*)
- Council position on Corporate Governance Issues
- Review of Ombudsman's Annual Report
- Continue a more interactive approach by meeting with Council and Community Council Members, and attending meetings of the Council's Committees, including Scrutiny Committees and the Executive
- Promote the Committee's role to the citizens of Cardiff and its engagement with Council matters
- Continue to be actively involved in Policy Development
- To develop, encourage and promote the highest standards of Conduct
- To continue the proactive role of monitoring and scrutinising the ethical standards of the Council, its Members and employees
- To consider mechanisms for monitoring conduct and standards at a general level outside any specific referral
- To develop a communication programme to publicise the activities of the Committee via a range of methods, including an article in the Capital Times and the development of a page on the Council's internet site (***include details of website, check position***)
- Any other matters that are referred to it by the Ombudsman, Monitoring Officer and the Council

Background Papers:

Past Agendas

Corporate Governance Commission (Report of Monitoring Officer dated 26 April 2004)

Corporate Governance Report and Recommendations

Minutes of Standards and Ethics Committee

Local Government Ombudsman for Wales Annual Report 2004/05

Standards and Ethics Committee Presentation to Council