

STANDARDS & ETHICS COMMITTEE

5 OCTOBER 2006

Present: Independent Members: Akmal Hanuk, Maureen Hedley-Clarke, Deirdre Jones, Anne Morgan and Paul Stockton

Community Councillor David Suthers

County Councillors Griffiths, James and Owens

S65 : ELECTION OF CHAIRPERSON

RESOLVED – That Akmal Hanuk be elected as Chairperson of the Standards & Ethics Committee for the duration of his term of office.

S66 : ELECTION OF VICE CHAIRPERSON

RESOLVED – That the election of Vice Chairperson be deferred to the next ordinary meeting of the Committee.

S67 : TERMS OF REFERENCE

RESOLVED – That the following terms of reference that were approved by Council on 18 May 2006 be noted:-

- (a) To monitor and scrutinise the ethical standards of the Authority, it's 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 procedures.
- (h) To recommend to Council and the Executive 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.

S68 : MINUTES

That subject to the following amendments the minutes of the meeting held on 25 July 2006 were approved as a correct record and signed by the Chairperson:-

- (i) that Maureen Hedley-Clarke's name be removed from the list of observers;
- (ii) the wording in the third line of the penultimate paragraph on page 3 to read "and these appointments";
- (iii) insert the following paragraph after the bullet points on page 4 – "Councillor Owens thanked the Chairperson on behalf of the Committee for the immense skill and commitment he had shown during his term of office and also thanked the retiring independent members on behalf of the Council Members."

3.

S69 : ETHICAL STANDARDS AUDIT

The Committee at its meeting on 12 January 2006 resolved to conduct an Ethical Standards Audit of the Authority; and considered a subsequent report at its meeting on 14 March 2006.

At its meeting on 25 July 2006 the Committee expressed disappointment at the low response rate from the Council's elected Members and resolved to instruct the Monitoring Officer to re-issue the questionnaire to elected Members after the summer recess, and to request the assistance of Party Group Leaders to encourage their Group Members to complete the questionnaire.

The Committee was updated on the results of the Ethical Standards Questionnaire from Elected Members, which was re-issued in September 2006 at the request of the Committee..

The Committee was advised that the consultees had been contacted where possible to advise them of the outcome of the consultation exercise and a number of them had indicated they would be interested in taking part in a focus group.

The Committee was advised that the Ethical Standards Audit was an important document that could inform some of the priorities of the Committee's work and provide good baseline data in respect of the Council's position on ethical issues.

The Committee discussed the information presented in the update and were of the view that ongoing training should be provided on the code of conduct to all Members, Officers and Members of the Standards & Ethics Committee together with Members of the Community Council if required.

RESOLVED – That

- (a) the implications of the Ethical Standards Audit on the Committee's Work Plan and priorities of the Committee for the forthcoming year be taken into consideration when the Committee set it's work Plan at the next ordinary meeting of the Committee;

4.

- (b) the Monitoring Officer provide feedback to consultees on the outcome of the Ethical Standards Audit;
- (c) arrangements be made to set up a focus group with consultees who had expressed an interest in participating;
- (d) training be provided in the form of a series of workshops to train Members, Officers and other relevant persons on the code of conduct and the importance of ethical governance on the Council, and that all parties be reminded of the importance of attending such training on the existing code of conduct as it was likely that the new code of conduct would not be available until the end of 2007;

S70 : PUBLIC INTEREST REPORT

The Committee received a report for information on the response of the Council to the report in the public interest on Members' Allowances and Officers' remuneration which was published by the District Auditor on 24 April 2006. A formal response to the report was sent to the District Auditor on 18 May 2006 following which the District Auditor subsequently confirmed her approval of the Council response signalling a conclusion to the formal process.

RESOLVED – That the report be noted.

S71 : WHISTLEBLOWING POLICY & PROCEDURE

The terms of reference of the Standards & Ethics Committee include a responsibility to oversee and monitor the Council's Whistleblowing Policy. The Whistleblowing Policy states that the Standards & Ethics Committee will review the policy and its operation annually.

On 14 March 2006 the Committee considered a report from the Monitoring Officer, which included the results of a questionnaire issued to all Chief Officers on the use of the Whistleblowing Policy.

It was agreed that Internal Audit should carry out a review to ascertain the level of staff awareness and/or use of the policy and to provide a report to

5.

Committee on the outcome.

The Chairperson welcomed Derrick King, Audit & Risk Manager, who had been invited to the meeting to provide the Committee with information on the Council's Whistleblowing Policy and Procedure and the progress of the Internal Audit Review.

The Committee was advised that the approach to the Audit Review had been to:

- ascertain the level of staff awareness and understanding;
- ascertain whether Cardiff Schools had adopted the Council's Whistleblowing Policy or had created their own;
- a comparison of the Council's Whistleblowing Policy with a sample of other Local Authorities;
- ascertain how the Council ensures that agency staff and sub-contractors used by the Council are made aware of the policy;
- ascertain whether there is any overlap of policies available to people, in particular the Whistleblowing, Disciplinary and Anti-Fraud and Anti-Fraud Corruption Policies.

The Committee discussed the information outlined in the review and were concerned that:

- (i) more qualitative information should be obtained; and
- (ii) that only nine responses had been received from the schools, and that none of the schools that had responded had a Whistleblowing Policy.

In response the Committee was advised that the schools were separate legal entities apart from the Local Education Authority (LEA), and that the LEA's role was directive in certain circumstances, but limited to advice and support in others; and as far as the Whistleblowing policy was concerned, it was a matter for the schools and the governors to ensure they were operating within the law.

It was confirmed that in respect of providing qualitative data, this would be taken on board in the future.

RESOLVED – That having regard to the observations made, the report be noted.

**S72 : THE COUNCIL'S ETHICAL CODE – COUNCIL PROTOCOL:
MEMBERS/OFFICER PROTOCOL: CODE OF CONDUCT**

The terms of reference of the Standards & Ethics Committee includes that paragraph b An Opportunity to Advise the Council on the Content of its Ethical Code and to update the Code as appropriate. The Ethical Code of the Council contains the following documents:

- Members Code of Conduct;
- Code of Conduct for Employees of the County Council; and
- The Protocol on Member/Officer Relations.

Arising from the recent ethical studies undertaken by the Standards & Ethics Committee, it clearly identifies a number of issues:

- lack of knowledge on the part of Members and Officers alike of the existence and implications of various codes contained within the Constitution;
- the Protocol on Member and Officer relations have not been reviewed for some years; and
- the Council currently has no Protocol or Guidance on Best Practice in Planning.

The Committee was advised that the Standards & Ethics Committee are able to make recommendations within its terms of reference but that any review of proposed changes to the Ethical Code would require a change to the Council's Constitution.

RESOLVED – That the Monitoring Officer be authorised to:

- (1) organise a series of workshops for Members and Officers on the Ethical Code, particularly the National Code of Conduct and the Code of Conduct for Employees;
- (2) undertake a consultation exercise with Members and Officers on the existing protocol on Member/Officer relations and to bring back a further report to the Standards & Ethic Committee on any proposed changes to the Protocol;

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- (3) develop a Code of Good Practice for planning to consult on a draft with Members and Officers and bring back a further report to the Standards & Ethics Committee for consideration and recommendation to Council.

S73 : REGISTRATION OF GIFTS AND HOSPITALITY

The terms of reference of the Standards & Ethics Committee include advising on the content and implementation of the Codes of Conduct. The Committee were invited to review the Council's Guidance on Registration/Hospitality by Members and Officers and to make appropriate recommendations, if any, in this regard.

The Committee was advised that in the interests of transparency and good practice, registration of gifts, hospitality and other benefits have been made available for public inspection and are published on the Council's Website.

The Committee was asked to consider whether it would like the Council to review its thresholds for registration of gifts, hospitality and other benefits.

RESOLVED – That:

- (1) the Monitoring Officer be instructed to obtain information from other Local Authorities on their threshold values for the registration of gifts, hospitality and other benefits and report the information to the next meeting of the Standards & Ethics Committee to enable the Committee to review Cardiff Council's thresholds;
- (2) the Council Guidance issued under the Code of Conduct for Members and Employees on Hospitality, Gifts and Other Benefits, be amended, to clarify that only gifts, hospitality and other benefits above the threshold values are to be registered.

S74 : THE STANDARDS COMMITTEES (WALES) (AMENDMENT) REGULATIONS 2006

The Monitoring Officer provided a report to inform the Committee of the issue by the Welsh Assembly Government (WAG) of new Regulations (The Standards Committees (Wales) (Amendment) Regulations 2006 which amend the 2001 Regulations (The Standards Committees) (Wales) Regulations 2001, with effect from 14 July 2006.

RESOLVED – That the provisions of The Standards Committees (Wales) (Amendment) Regulations 2006 be noted and in particular, that the new Regulations now provide that:

- a second Term of Office is now permitted for independent Members up to a maximum of a further four years;
- the term of office of Community Council Committee Members is four years, or the period until the next Community Council Elections, whichever is shorter; and such Members may be reappointed for one further consecutive term; and
- the Council is to make the final decision on appointment of Community Council Members to the Committee, subject to prior consultation with Community Councils in their area.

S75 : WORK PLAN

RESOLVED – That consideration of the work plan be deferred to the next ordinary meeting of the Committee.

S76 : DATES OF FUTURE MEETINGS

RESOLVED – That a draft schedule of dates for meetings for the year 2006/07 be compiled for approval at the next ordinary meeting of the Committee.

Signed

Date.....