

STANDARDS & ETHICS COMMITTEE:

5 OCTOBER 2006

THE COUNCIL'S ETHICAL CODE

REPORT OF THE MONITORING OFFICER

AGENDA ITEM:

Reason for this Report

1. To enable Members to consider the existing ethical codes contained within the Council's Constitution and to make recommendations on a proposed review of the code.

Background

2. The Terms of Reference of the Standards & Ethics Committee includes at 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 is contained in Part 5 of the Constitution and comprises the following documents:-

-) The Members Code of Conduct which was adopted by the Authority on 13th December 2001 (Appendix A)
-) The Code of Conduct for Employees of the County Council of the City and County of Cardiff and which was adopted on 28th July 2001 (Appendix B)
-) The Protocol on Member/Officer Relations – undated (appendix C).

The first two named protocols are statutory documents and therefore any amendment or revision would be for the Welsh Assembly Government. Stephen Phipps, who is the Head of Partnership and Ethics in the Local Government Policy Division recently wrote to Ceredigion County Council prior to the Standards Committee Conference that was held there on 22nd September 2006. A copy of that letter is attached at Appendix D and this confirms that the National Code of Conduct is unlikely to be reviewed and amended before the latter half of 2007 and possibly not until May 2008. There is no current proposal to review or amend the Employees Code of Conduct.

Issues

3. (a) The recent ethical audit undertaken by the Standards & Ethics Committee identified a lack of knowledge on the part of Members and Officers alike of the existence and implications of various codes contained within the Constitution. There is a clearly identified need for information and training in this area. In earlier discussions it had been felt that it may be wise to await the publication of the new National Code before embarking on a series of workshops and seminars for Members. However, in the light of the letter from Stephen Phipps, any further delay would seem to be unnecessary.
- (b) The protocol on Member and Officer relations has not been reviewed for some years. The document itself is not widely known or understood, particularly by Officers. Given the recent work undertaken by the Constitution Committee on Streamlined Decision Making, there is an opportunity to include within this protocol some additional guidance on the importance of involvement and consultation with local members and also reviewing other aspects of the protocol to bring it more in line with current aspirations on good governance arrangements.
- (c) The Council currently has no protocol or guidance on best practice in planning. Many other Authorities have such a protocol. The Council at the present time has a number of individual guidance notes, none of which have been incorporated within the Constitution. There has been some initial discussion between Officers and the Chair of the Planning Committee and the view is that such a planning protocol would be of enormous benefit to Members, Officers and also to members of the public in explaining how planning decisions are made and the specific constraints that are imposed on Members, not only under the National Code of Conduct but also through common law requirements on bias.

Legal Implications

4. Any review or proposed changes to the ethical code would require a change to the Council's Constitution. Such changes must be approved by Council. However, the Standards & Ethics Committee can make recommendations and within its Terms of Reference is required to advise the Council.

Financial Implications

5. There are none arising directly from this report.

Recommendations

To authorise the Monitoring Officer:

- (a) with the support of the Standards & Ethics Committee to 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;
- (b) to 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 & Ethics Committee on any proposed changes to the protocol;
- (c) to develop a Code of Good Practice for Planning and to consult on a draft with Members and Officers and to bring back a further report to the Standards & Ethics Committee for consideration and recommendation to Council.

Kate Berry

Chief Legal and Democratic Services Officer (Monitoring Officer)

Dated: 29th September 2006

Members Hospitality 2005

Date	Councillor	Provider of Hospitality/Gift	Nature/Purpose of Hospitality
21/12/05	Robson	Cardiff Council and BBC	Opening of Dr Who Exhibition
20/12/05	Cowan	Cardiff Council and St Davids 2 Development	50th Anniversary of Cardiff as a Capital City dinner
20/12/05	Robson	Cardiff Council and St Davids 2 Development	50th Anniversary of Cardiff as a Capital City dinner
19/12/05	Woodman	Liverpool FC	Signed Liverpool shirt
17/12/05	Salway	Mr and Mrs Thomas	Tickets and hospitality to watch Cardiff Blues
6/12/05	Piper	Cardiff Council	Tickets to skate and breakfast at Winterwonderland
1/12/05	Salway	Sir Rocco Forte	Attended cocktail party at St Davids Hotel and Spa
26/11/05	Cowan	Cardiff Council	Tickets and hospitality to Welsh Proms
26/11/05	Piper	Cardiff Council	Tickets and hospitality to Welsh Proms
26/11/05	Robson	Cardiff Council	Tickets and hospitality to Welsh Proms
26/11/05	Salway	WRU	Tickets and hospitality for Wales V Australia
19/11/05	Salway	WRU	Tickets and hospitality for Wales V South Africa
5/11/05	Salway	WRU	Tickets and hospitality for Wales V New Zealand
11/10/05	Goddard	Football Association of Wales	Wales V England qualifier 2 match tickets and hospitality
17-18/9/05	Salway	Cardiff Harbour Authority and Liverpool Council	Travelled to Liverpool for the launch of the Cardiff Clipper
5/9/05	Woodman	Football Association of Wales	Wales V England qualifier Pre match tickets x2 Tickets to match x2
3/9/05	Derbyshire	Football Association of Wales	Pre match lunch and match ticket
3/9/05	Salway	Football Association of Wales	Tickets and hospitality for England V Wales
3/9/05	Goddard	Football Association of Wales	Match ticket - Wales V England
2/9/05	Goddard	Football Association of Wales	Leather writing case
13-15/8/05	Salway	Lord Provost, Edinburgh	Invited to Edinburgh by Lord Provost who provided accommodation and tickets
30/6/05	Cowan Robson	Hijinx Theatre Company	Tickets to "To have and to hold"
8/6/05	Robson	Constituent	Bottle of Wine
8/6/05	Cowan Robson	Grayling Wales Strategy	Reception and dinner at St Davids Spa
8/6/05	Cowan	Royal Mail	2 tickets for Les Miserables
1/4/05	Robson	Court of the University of Wales	1 night accommodation and dinner
1/4/05	Woodman	Cardiff International Festival of Musical Theatre	Two tickets for Kiss Me Kate show at £25.10 and hospitality at St David's Hotel
19/3/05	Gasson	Welsh Rugby Union	Two tickets and pre and post match hospitality on the occasion of RBS Six Nations Wales V Ireland
19/3/05	Goodway	Welsh Rugby Union	Two tickets and pre and post match hospitality on the occasion of RBS Six Nations Wales V Ireland
10/3/05	Lansdown	UWIC	Wales and Westminster post devolution dinner
12/2/05	Goodway	Cardiff City Football Club	Ticket together with post match hospitality on the occasion of Cardiff City V Brighton and Hove Albion
11/2/05	Cowan	Cardiff County Council	Tickets for George Thomas Hospice Care charity event
11/2/05	Lansdown	Cardiff County Council	Tickets for George Thomas Hospice Care charity event
11/2/05	Robson	Cardiff County Council	Tickets for George Thomas Hospice Care charity event
9/2/05	Parry	Football Association of Wales	Two tickets to the Wales V Hungary football match.
9/2/05	Woodman	Football Association of Wales	Two tickets and hospitality at the Wales V Hungary football match.
5/2/05	Goodway	Welsh Rugby Union	Two tickets together with pre and post match hospitality on the occasion of RBS Six Nations Wales V England
5/2/05	Woodman	Welsh Rugby Union	Two tickets together with pre and post match hospitality on the occasion of RBS Six Nations Wales V England
16/1/05	Gasson	Stuttgart City Council	Invitation to visit the city on the occasion of the 50 th anniversary of the twinning of the cities. Also presented with 3 bottles of wine.