

STANDARDS & ETHICS COMMITTEE

26 FEBRUARY 2008

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

Community Councillor David Suthers

County Councillors James and Owens

Apology: Councillor Griffiths

S126 : MINUTES

The minutes of the meeting of the Standards & Ethics Committee held on 29 January 2008 were approved as a correct record and signed by the Chairperson subject to the following amendment to Minute no. S122 – the heading to read “Presentation by an Officer of the Public Ombudsman for Wales Office”.

S127 : CARDIFF UNDERTAKING

The Cardiff Undertaking had been endorsed by Council at its Annual Meeting on 1 July 2004.

At its meeting on 29 January 2008, the Committee received a report on the Cardiff Undertaking and made a number of observations on the content and style of the Undertaking and requested the Monitoring Officer to amend the wording of the Undertaking to reflect their views and to bring back to this meeting.

Following consideration of the revised document the Committee

RESOLVED – That

- (1) the Cardiff Undertaking as amended be endorsed subject to a further minor amendment to paragraph 7 “not to disclose information given to me in confidence (excepting whistleblowing practices)”;

- (2) that consultation takes place with Party Whips on the revised document prior to submission to Council;
- (3) an Officer COMPACT be prepared by the Monitoring Officer for consideration by Committee.

S128 : MONITORING OFFICER'S VERBAL UPDATE

- (i) Member Development – the Committee were advised that a Member Development Strategy was being submitted to the Executive for decision on 6 March 2008. The Committee's views were invited for inclusion in the report to the Executive Business meeting on 6 March 2008.
- (ii) Code of Conduct – the WLGA had compiled a CD Rom for all Members about the type of information they might expect to receive in their role as councillor, it was suggested that the Committee view the CD Rom at its next meeting.

The Monitoring Officer circulated a letter she had received from WAG dated 7 February in respect of new legislation (section 183 of the Local Government and Public Involvement in Health Act 2007) which amended the statutory provisions regarding the Members' Code of Conduct. The amendments made clear that the Code may apply to members whilst acting in either their official *or private* capacities; and required existing Members to give a fresh undertaking **before 1 May 2008** to observe their Authority's Code of Conduct on this basis. Further, that any Member who fails to give such an undertaking by 1 May 2008 will cease to be a Member from the end of that day. The Committee noted that the Council would be making arrangements to seek fresh undertakings from members, in accordance with the statutory requirements.

- (iii) Annual Report – the Committee were advised that the Annual Reports would be reported to the June 2008 meeting of Council. It was suggested that Members give some thought to the content, the issues and areas they wished to include in the Annual Report.

The Committee noted the timetable and agreed to meet to discuss the content of the Annual Report at the end of March/beginning of April.

(iv) Whistleblowing Awareness – Poster Campaign

At the last meeting of Committee it was reported that discussions had taken place with the Communications Section regarding the introduction of a Poster Campaign to raise awareness of the Whistleblowing Policy and Procedure. The Committee were advised that there had been no progress on this matter.

S129 : EMPLOYMENT CONDITIONS COMMITTEE – BREACH OF CONFIDENTIALITY

At its meeting on 29 January 2008, the Committee considered an urgent report on the Breach of Confidentiality arising out of the deliberations of the Employment Conditions Committee in September and October relating to a report on the Remuneration of the Chief Executive.

The Monitoring Officer was instructed by the Committee to undertake an internal investigation to seek to ascertain how and in what circumstances the Employment Conditions Committee report was disclosed to the press.

The Monitoring Officer put forward an interim report which sets out the process of the investigation and the initial findings. The Committee were advised that to date the Monitoring Officer had been unable to formally identify the source of the leak.

The Chairperson welcomed Steve Belcher, Regional Organiser, UNISON; Mark Turner, Branch Representative, UNISON; and Richard Penn, ALACE, who had been invited to the meeting to put forward their concerns in relation to the breach.

Richard Penn set out the background to the complaint made by ALACE and outlined the issues that were unacceptable to his organisation.

Mr Penn advised the Committee that the Council has a statutory duty of care to employees and when addressing employees terms, conditions and remuneration should be mindful of its duties and obligations to an employee and ensure that it addresses matters properly.

Mr Penn advised that the handling of this matter by the Council has shown that there is a lot of work to be done on how the Council deals with employment matters and the episode does not contribute positively to the

reputation of the Council as an employer. It is the view of ALACE that this is a serious matter for the Council as any damage to the Council as an employer can have a major influence in its ability to attract high calibre employees. Equally, any reputation damage that is incurred by the action of an employer on an employee can have equally serious consequences.

In conclusion Mr Penn advised that generation of a public debate in relation to the setting of a Chief Executive's salary is not acceptable to ALACE as it inevitably creates a climate that makes objective decision making more difficult and this has been the position in relation to Cardiff Council's handling of the terms, conditions and remuneration of its Chief Executive.

Steve Belcher made a brief statement on behalf of UNISON who work on behalf of all their Members at Cardiff Council in conducting negotiations in accordance with the NJC Terms and Conditions.

The Committee were advised that UNISON have a good working relationship with Cardiff Council and would like to see this continuing. However, UNISON had grave concerns of recent reporting in the press about the terms and conditions of the Chief Executive and reference to his salary whilst negotiations were in progress.

As a result of the leak to the press, UNISON had been subjected to criticism not only from its membership but also the public, this can be damaging and can fully impact on the reputation that UNISON has with the Council. Mr Belcher pointed out that when UNISON corresponds with the Council, there must be assurances that the correspondence is kept confidential whilst in negotiations, once negotiations have concluded the information can then be put into the public domain. The information contained in the articles in the press was not public at that time and could have brought the Council into disrepute.

In conclusion, Mr Belcher thanked the Committee for inviting them to the meeting to put forward their submission on behalf of UNISON.

The Chairperson thanked the representatives from UNISON and ALACE for their submissions and assured them that the Standards & Ethics Committee took very seriously the issue of breaches to the code and would do everything possible to prevent this from happening in the future.

The Committee the following observations:-

- The role of the Standards & Ethics Committee would be to consider the need for a culture change within the Authority and that there should be duty of care to all Officers within the Council.
- The principle that confidential information should remain confidential is a very important factor, it was clarified that it is a matter for a Committee to decide whether the debate should remain confidential and on this occasion the Committee agreed that the matter should remain confidential whilst negotiations were ongoing.

RESOLVED – That

- (1) the interim report of the Monitoring Officer on the investigation carried out to seek to ascertain how and in what circumstances the Employment Conditions Committee report was disclosed to the press, be noted;
- (2) the Monitoring Officer be instructed to continue with the investigation and to produce a final report on the findings to the next meeting of the Committee in April.
- (3) The submissions made by the representatives from ALACE and UNISON be included in the final report of the Monitoring Officer.

S130 : WORK PROGRAMME

The Committee received a report together with an updated schedule of items agreed at its meeting in January 2008.

Discussions took place on the status of the recommendations arising from the Corporate Governance Report which had been reported to Committee in November 2007. The Committee agreed to review the report and make recommendations if any to Council to be taken on board at the start of the new Administration.

The Committee were advised that it's Annual Report would be submitted to the meeting of Council in June 2008.

RESOLVED – That

- (1) the Work Programme for 2008/09 be updated as agreed by the Committee at the meeting;
- (2) that a draft annual report be prepared for consideration by the Committee at a Task & Finish Group prior to the April 2008 meeting.