

STANDARDS & ETHICS COMMITTEE

23 JUNE 2009 (It was noted that the meeting was re-convened from 27 May 2009 due to the meeting being inquorate).

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

County Councillors Bowen, Davies and Wakefield

Community Councillor John Hughes

Also: Councillors: Robson, Cowan, Goodway and Howells

Apologies: Deirdre Jones
Party Whips – Islam, Piper and Derrick Morgan

S1 : MINUTES

The minutes of the meeting of the Standards and Ethics Committee held on 24 March 2009 were approved as a correct record and signed by the Chairperson.

S2 : CHAIRPERSON

The Council at its meeting on 14 May 2009 noted Akmal Hanuk as Chairman of the Standards and Ethics Committee.

S3 : APPOINTMENT OF COMMITTEE AND TERMS OF REFERENCE

Council at its meeting on 14 May 2009 noted the Independent Members and the Community Council Member of the Standards and Ethics Committee and appointed the following Council Members: –
Councillors Bowen, Davies and Wakefield.

The Council approved the Terms of Reference of the Committee:-

- (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 undertake those functions in relation to Community Councils situated in the area of the Council and members of those Community Councils which are required by law.
- (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.

The Chairperson reminded Members of their responsibility under Article 16 of the Members' Code of Conduct, to declare any interest in general terms and complete 'personal interest forms' at the start of the meeting, and then, prior to the commencement of discussion of the item in question, specify whether it is a personal or prejudicial interest, if the interest is prejudicial, Members would be asked to leave the meeting and if the interest is personal, Members would be invited to stay, speak and vote.

S5 : MEETING WITH PARTY WHIPS

As part of the Committee's Work Programme, it was agreed to hold regular meetings with the Party Whips to continue dialogue in order to improve practice within the Council and invite them to put forward any areas of concern they might have.

The Chairperson welcomed Councillors Nigel Howells, Adrian Robson, Jayne Cowan and Russell Goodway to the meeting. Apologies had been received from Councillors Islam, Piper and Derrick Morgan.

The Monitoring Officer advised the Party Whips and the Committee Members that this was an opportunity for them to discuss the budget Council where a controversial motion had been put to end debate, as a result, a letter of concern had been received from Councillor Richard Cook, the matter was discussed with Akmal Hanuk who agreed that the matter should be discussed. The Party Whips had been advised that the matter would be raised and addressed.

The Chairperson advised the Committee and Party Whips that the discussions should be focussed on the principles and issues rather than individuals as this was beyond the remit of the Committee.

For information Councillor Wakefield made reference to the fact that Council meetings at City Hall are webcast and advised the Committee for information that a timescale for debate on Council motions exists.

To put into context it was suggested that it would have been beneficial for the Committee to have viewed the Webcast before the matter was discussed by the Committee. The Chairperson accepted the point made and reiterated that the Committee would use this opportunity to speak to the Party Whips about the issues.

Councillor Robson advised the Committee that it was his view that in the past six months the general conduct at Council meetings had deteriorated and there had been occasions when Members had drifted back into their old ways.

Budget Debate – The following concerns were outlined:-

- In terms of the budget debate, the Committee was advised that a number of Members had indicated to the Lord Mayor that they wished to reserve their right to speak later in the debate. Other Members whose names were on the list to speak were given the opportunity to speak on the matter, an Executive Member moved that the vote be put, the motion was seconded and the vote taken, this curtailed the debate and prevented the Members that had indicated they wished to reserve their right to speak from taking part in the debate. The Committee was advised that the general view of the Members was that the Lord Mayor should have intervened to allow the debate to progress.
- Councillor Goodway made an observation that in the past there has been a deterioration in the ability of Members to express their views, the budget debate was the defining moment that crystalized everything that had gone wrong in the Council. In the budget debate, the opposition parties were silenced, protocol firmly says that Members can reserve their right to speak later. In particular the smaller groups need to be given the option because they are limited to the number of speakers. The number of speakers from each Group is determined on a pro rata basis according to the size of the Group, on this occasion, Labour had 4 speakers and felt it was beneficial to reserve their right to speak later to allow them time to listen to the debate before speaking. The Lord Mayor noted the fact but omitted to list the Members that wished to speak later, the Motion was put, seconded and carried without further debate, this may have been within the rules but was not in the spirit of the debate.
- Councillor Howells advised that the conduct of the Council meeting had been discussed in his Group, it was his view that the conduct had not changed considerably since he first became a Member, however, it was his view that there seems to be some disrespect for the Lord Mayor's position. Councillor Howells supported the view that

training was needed for the Lord Mayor and Deputy Lord Mayor when they take up position, particularly in respect of chairing Council meetings as advice given to the Lord Mayor is not always quick enough to assist.

Motions to Council – In response to the comments about the limited number of Motions allowed for each Group, the system was introduced due to the fact that the number of Notices of Motions to Council had increased considerably resulting in Council meetings concluding later, the matter was considered by the Constitution Committee when it was agreed that the number of Motions would be apportioned to each group pro rata to the number of Members in each Group.

Councillor Howells advised the Committee that during the budget debate a number of Members had indicated they wished to reserve their right to speak later, the Labour Group had tabled 4 amendments, Councillor Howells explained he had instigated a constitutional procedure which was then a matter for the Lord Mayor to decide.

- Councillor Goodway advised that the Procedure Rules are endorsed by Members and as such they are entitled to expect them to be applied.
- Councillor Davies stated that it was his view that the conduct had not deteriorated considerably over the years and that compared to previous years the conduct had improved.
- Councillor Bowen advised the Committee that the budget setting procedure in place allows for the budget to be discussed throughout the year in a Forum setting when all Parties are given an opportunity to receive budgetary information, this year involvement of the Parties in the Forum was minimal with little or no constructive opposition in the Forum throughout the year. It was very disappointing to see the lack of involvement of the minority parties throughout the year.

Member Development

- It was a general consensus that the courses run for Members had been generally good. It was suggested that intensive training was needed for the role of Lord Mayor and Deputy Lord Mayor to improve their Chairing role at Council.
- In response to the comments about training for the Lord Mayor and

Deputy Lord Mayor the Monitoring Officer advised that the comments had been noted and training offered to improve the chairing skills but there is also an onus on all Members to respect the position of the Lord Mayor at Council.

- Councillor Howells reiterated that Council has in place a good system for Member Development, he advised that the Liberal Democrat Group operate an appraisal system for Members every 2 years to ascertain the support needed, the appraisal system also extends to potential candidates.
- Ann Morgan applauded the Liberal Democrat Group for their system of appraisals and was interested to know whether any of the other Groups had similar arrangements.
- Councillor Cowan advised that there are only three Members in the Independent Group, they do not have an appraisal system. The Group provide an annual report to their constituents and generally support each other, if there are any training issues they speak to the Council or to an external provider or consult books or website for information.
- Councillor Goodway advised that the Labour Group does not provide appraisals generally or as a group. There is in place an assessment group which is monitored by the Local Government Committee of the Party, a quarterly monitoring report is sent by the Labour Group to update them on current situations.

Response Times

- Concern was expressed that the speed of response from Officers to Members was slow, there has been a rapid decline in the speed and quality of responses, if constituents ask a question a swift response time is needed from Officers to enable Members to resolve the issues.

In response to the points raised, the Committee made the following observations:-

- There seems to be uniform agreement in respect of the skills needed to Chair Council meetings. It is essential to provide appropriate training for the role in order to avoid similar situations to that of the budget debate happening in the future.

- Reference was made to the question of response times of Officers, the Monitoring Officer confirmed that there are response times in place, it was acknowledged that the Council is a large organisation, however general queries are normally dealt with within the appropriate timescale, on occasions there may be a number of queries from both Members and members of the public that are not, this must be improved on. Sometimes it is not always possible to give a full response that addresses all the concerns raised by Members or members of the public because the information needed may be complex or have to be collated from a number of service areas. On such occasions an acknowledgement is sent out. The Monitoring Officer accepts there are times when response times are not met but does not accept that it is a failure across the whole Council.
- Councillor Wakefield asked whether random checks are made on correspondence response times and suggested that a tracking letter could be sent into the Council by the Committee.

Webcam – The Committee was asked to view the webcam to monitor the Council's conduct over the past 6 to 8 months.

The Chairperson thanked the Members for attending the Committee and sharing their views and assured the Members that the points would be taken on board wherever possible. The Committee was particularly interested to hear the concerns raised about response times and appropriate training for the Lord Mayor and Deputy Lord Mayor and agreed about the importance of following and adhering to Council procedural rules.

S6 : ANNUAL REPORT 2008/09

The Committee discussed its Draft Annual Report for submission to Council on 16 July 2009. The Chairperson outlined his foreword and reiterated the importance of upholding standards particularly in the current economic climate. Further observations if any, would be e-mailed to Officers for inclusion in the report.

RESOLVED – That the report be approved and presented to Council by the Chairperson on 16 July 2009.

S7 : MONITORING OFFICER'S VERBAL UPDATE

(i) Community Council's Charter

The Monitoring Officer advised that good progress had been made, the the Monitoring Officer had met again with representatives of the Community Councils and agreed a proposed draft Charter. The next step will be to take this through the decision making process there will then be a structure in place for communication between Community Councils and the Council together with named contact officers. All 6 Community Councils had now agreed to sign up to the same Charter.

(ii) Member Development

Feedback from last year has been positive. A questionnaire will be sent to all Members seeking their views on what had worked what was useful and and what they would like to improve. A discussion had taken place with the Party Whips in respect of soft skills such as communication and about job descriptions and roles. A report will be brought to the Committee in the autumn.

(iii) Governance – Standards Committees Conference Wales 2009

The Conference will take place on 15 October 2009 at City Hall. The Conference will be entitled 'An Ethical Country' and will focus on the role of ethical behaviour and good governance in the delivery of public services. The Conference will have speakers from a wide range of bodies including Welsh Assembly Government, the Committee on Standards in Public Life, Ombudsman, Cardiff University Research Group. There will also be a number of topical workshops.

A formal programme will be reported to the next meeting.

An evening reception is planned the day before the Conference which will be hosted by the Lord Mayor.

S8 : WORK PROGRAMME

Consideration of the Committee's Work Programme was deferred to the next meeting.

S9 : DATE OF NEXT MEETING – 21 July 2009