

CARDIFF COUNCIL CYNGOR CAERDYDD

STANDARDS AND ETHICS COMMITTEE: 13 NOVEMBER 2012

REPORT OF THE CHIEF OFFICER, LEGAL & DEMOCRATIC SERVICES AND MONITORING OFFICER

AGENDA ITEM: 6

ANNUAL REPORT 2011/12

Reason for this Report

1. To consider and finalise the Committee's draft Annual Report 2011/12 for submission to Council on 22 November 2012.

Background

2. The Standards and Ethics Committee has the statutory function of promoting high standards of conduct within the Authority.
3. The Council's Constitution requires that all Scrutiny Committees report annually to Council on their activities over the past year.
4. The Standards and Ethics Committee, in accordance with the recommendations of the Corporate Governance Commission in 2004, made a decision to publish its own Annual Report in order to strengthen the role of the Committee and to work in partnership with County Councillors and Community Councillors to uphold high standards of conduct.

Issues

5. The Committee's work programme during 2011/12 included the following matters:
 - Appointment of New Independent Member of the Committee;
 - All Wales Standards Conference 2011;
 - Local Resolution of Alleged Misconduct Complaints;
 - Charter between Cardiff Council and Community Councils;
 - Member Induction and Development Programme 2012/13;
 - Referral of a Complaint from the Public Services Ombudsman for Wales;
 - Local Government (Wales) Measure 2011.
6. The Committee is requested to consider the draft Annual Report 2011/12, which is attached as **Appendix A** to this report, and to propose any additions or amendments that Members may wish to make to the Annual Report 2011/12.

7. It is proposed that the Committee should then delegate authority to the Monitoring Officer to agree any subsequent amendments that may be necessary and to finalise the Annual Report 2011/12, in consultation with the Chair, prior to submission to Council for consideration on 22 November 2012.

Reasons for Recommendations

8. To enable the Annual Report 2011/12 to be considered by the Council on 22 November 2012.

Legal Implications

9. There are no legal implications arising directly from the contents of this report.

Financial Implications

10. There are no direct financial implications arising from this report.

RECOMMENDATIONS

The Committee is recommended to:

1. approve the draft Annual Report 2011/12, subject to any amendments proposed by the Committee at the meeting; and
2. delegate authority to the Monitoring Officer to agree any subsequent amendments and to finalise the Annual Report 2011/12, in consultation with the Chair, prior to submission to Council on 22 November 2012.

MELANIE CLAY

Chief Officer, Legal & Democratic Services and Monitoring Officer
7 November 2012

Appendix A: Annual Report 2011/12 (DRAFT)

APPENDIX A

City & County of Cardiff
Standards and Ethics
Committee
8th Annual Report
2011/12



A Proud Capital



The Ten General Principles of Public Life

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.	Personal judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
Honesty and integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.	Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.
Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefit.	Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.	Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.
Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.	Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.
<i>“Nolan Committee on Standards in Public Life”</i>	

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Chair's Foreword

TO BE INSERTED

Akmal Hanuk
Chair
Standards and Ethics Committee

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Standards & Ethics Committee

The Committee operates within a statutory framework and the following terms of reference:

- (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 Committee has identified its major role as being to:

- Promote and maintain high standards of conduct by Councillors, Community Councillors and co-opted Members.
- Provide support advice and training for Members and Community Councils on conduct and personal interests.
- Monitor the operation of the code of conduct and the governance of the Council.
- Hear and determine any complaints referred by the Public Ombudsman for Wales.
- Provide advice and guidance on the whistleblowing procedure, constitutional, protocols and ethical issues.

The Committee operates on the clear understanding that elected Members that sit on the Committee are independent of political allegiance and that all discussions and decisions are taken with ethical principles at the forefront.

The Committee is mindful that not all political groups are represented on the Committee but welcomes attendance by all Members at its meetings and is happy to receive contributions from those groups not so represented.

The Committee wishes to do all it can to support elected Members in their role.

The Committee's Work in 2011/2012

- **Appointment of New Independent Member of the Committee**

Following Anne Morgan's decision to stand down from the Committee with effect from 31 July 2011, the Council advertised externally for an independent member to fill the vacant position on the Committee as part of a public appointment process. The Council approved subsequently the appointment of Mr Richard Tebboth to the vacant independent member position on the Standards and Ethics Committee on 22 September 2011, who was appointed for a 4-year term with effect from 23 September 2011. In addition, the Council also approved the appointment of Dr James Downe as an independent member of the Standards and Ethics Committee for a term of four years, which would take effect from a future date to be confirmed when the next existing independent member steps down from the Committee.

- **All Wales Standards Conference 2011**

The All Wales Standards Conference 2011 was held on 5 October 2011 in Llandrindod Wells and was entitled 'Improving Standards'. The conference was hosted by Powys County Council and was attended by approximately 150 delegates, including three members of the Standards & Ethics Committee (Maureen Hedley-Clarke, Community Councillor John Hughes and Richard Tebboth), who were accompanied by the Council's Monitoring Officer and Democratic Services Manager.

The format of the Conference was different to previous years and included a 'mock hearing' in which Community Councillor John Hughes from Cardiff was a participant as a member of a hearing panel. The mock hearing took the audience through a scenario which introduced key learning points on relevant issues, such as personal and prejudicial interest and the improper use of position. The session was facilitated by Peter Keith-Lucas from Bevan Brittan LLP and was well received by delegates.

The Chair of the Adjudication Panel for Wales, Peter Davies, presented some key statistics on sanctions imposed by Case Tribunals and Appeal Tribunals in the period from October 2002 to March 2011. He also argued that the current standards framework in Wales worked well and provided the appropriate checks and balances and did not require change.

The Public Services Ombudsman for Wales, Peter Tyndall, highlighted the increasing trend of unnecessary legal representation at hearings and raised the issue of levels of indemnity. He suggested that these should be limited in order to control costs and to avoid unnecessary council tax expenditure. He also highlighted that some local authorities were looking at developing their own approaches to resolve Member against Member disputes at a local level. He suggested that a standard approach across Wales should be developed to avoid inconsistencies across local authority areas and that this new approach would need to be supported by guidance which would be issued by his office.

Delegates also took the opportunity to debate a range of other issues, including a national threshold for investigations; current legislation and whether or not the Code of Conduct should be amended; the responsible use of the standards process and systems, as well as training.

The Committee agreed to write to Powys County Council commending them for delivering an excellent conference and to advise them of the positive feedback from those Members of the Committee who attended the conference.

- **Code of Conduct – Local Resolution of Alleged Misconduct Complaints**

In November 2011, the Committee reviewed existing informal arrangements for the local resolution of 'low level' Member against Member complaints, which have been piloted to date by Gwynedd, Rhondda Cynon Taf, Swansea and Torfaen Councils. The Committee gave its support in principle to the development of a similar local protocol in Cardiff for the determination of Member against Member complaints under the Code of Conduct and further representations have been made by the Monitoring Officer on this issue in discussions with the Public Services Ombudsman for Wales, the Wales branch of the Association of Council Secretaries & Solicitors (ACSeS) and the Welsh Local Government Association. This proposal was also discussed with Group Leaders and Party Whips on 31 January 2012 and received the support of Members who believed that there was clear potential for such complaints to be dealt with and resolved more quickly.

- **Charter between Cardiff Council and Community Councils**

The Committee has had a longstanding interest and involvement in the development of a Charter between Cardiff Council and the six Community Councils in Cardiff, in line with the model Charter developed previously by the Welsh Government. A draft version of the Charter was issued for consultation with County Councillors, Community Councils and One Voice Wales following approval by the Council's Executive on 8 December 2011. A copy of the draft Charter was also provided to the Committee on 22 December 2011 as part of the consultation exercise. The Charter was agreed subsequently by the Council's Executive on 8 March 2012.

- **Member Induction and Development Programme 2012/13**

The Committee has maintained a keen interest in member induction and development, in particular in terms of the provision of training and development opportunities for both County Councillors and Community Councillors on the Members' Code of Conduct and related ethical issues. This matter was discussed initially with Group Leaders and Party Whips on 31 January 2012. The Committee then considered a draft Member Induction & Development Programme for 2012/13 on 20 March 2012, which would be implemented following the May 2012 local elections, and were supportive of the proposed programme of training for both new and re-elected Councillors.

- **Referral of a Complaint from the Public Services Ombudsman for Wales**

On 20 March 2012, the Committee agreed to make various amendments to the Council's procedure for dealing with allegations made against Councillors and which are referred to the Committee. In accordance with Paragraph 9.3 of Article 9 of the Council's Constitution, the Committee also agreed to establish a Sub Committee for the consideration of a complaint to the Public Services Ombudsman for Wales about a Community Councillor, which had been referred to the Monitoring Officer and the Committee. The Sub Committee, which included at least two independent members and the appointed Community Councillor representative, met initially on 26 March 2012 to review the Ombudsman's report and to make an initial determination in the matter.

- **Local Government (Wales) Measure 2011**

The Committee has monitored the implementation of the Local Government (Wales) Measure 2011 during 2011/12 and, in particular, its implications for the provision of training to Councillors. However, delays in the issuing of related guidance for consultation by the Welsh Government has meant that opportunities to discuss these matters in more detail during 2011/12 have been limited. The Committee received a presentation on 20 March 2012 on the key aspects of the Measure and also considered draft guidance relating to specific sections of the Measure which had been published for consultation by the Welsh Government. The Committee's comments informed the Council's formal response to the consultation relating to the draft guidance.

In addition to specific topics listed on the Committee's work programme, the Committee also received a number of regular updates and attended various other Committees of the Council from time to time as observers.

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Future Priorities

General Introduction

The Committee regularly reviews its work programme and has identified the following priority areas for 2012/13:

- **Process for Local Resolution of Complaints**

Further to previous work undertaken in 2011/12, the Committee is committed to supporting the development of a process or protocol for the local resolution of Member against Member complaints in accordance with guidance issued by the Public Services Ombudsman for Wales and any model which may be developed on an all-Wales basis.

- **Social Media**

The Committee is keen to examine the policy and training implications for both Members and Officers from the increased use of social media within local government, particularly in relation to the Code of Conduct and Members' use of social networking sites as a means of immediate public communication.

- **Officer Code of Conduct**

The Committee will review matters relating to the Officer Code of Conduct and will support the dissemination of information and training to officers in order to ensure that employees have a greater understanding of their responsibilities and good governance.

- **Whistleblowing**

The Committee will review of the existing policy and determine whether this needs to be refreshed and supported by appropriate training in order to improve awareness of the policy among employees.

- **Local Government (Wales) Measure 2011**

The Committee will continue to consider draft guidance issued by the Welsh Government in relation to the Local Government (Wales) Measure 2011 and its implications for both the Council and Councillors.

Taking Action on Complaints

The Public Services Ombudsman for Wales has a role to oversee and promote the Code; assess allegations of misconduct and carry out any investigations and provide guidance for Members and Standards Committees.

All complaints against County Councillors and Community Councillors in Cardiff that are made under the Member Code of Conduct must be referred in the first instance to the Public Services Ombudsman for Wales who will assess allegations of misconduct and carry out any investigations to determine whether there has been a breach of the Code. Following the outcome of his initial investigation the matter may be referred to the Council's Standards and Ethics Committee or the Adjudication Panel for Wales.

The Monitoring Officer receives details of all complaints and decisions as to whether the complaint has any merit and whether it will be fully investigated. The following complaints against County Councillors and Community Councillors in Cardiff were considered by the Public Services Ombudsman for Wales in 2011/12 (*details subject to confirmation*):

County Councillors (6)	
<ul style="list-style-type: none"> No complaints were made by a County Councillor; 	<p>The outcomes of the complaints were as follows:</p> <p>5 complaints were closed by the Ombudsman after initial consideration.</p>
<ul style="list-style-type: none"> No complaints were made by members of staff; 	
<ul style="list-style-type: none"> 6 complaints were made by members of the public. 	<p>1 complaint was closed by the Ombudsman who determined that no action was necessary.</p>
Community Councillors (1)	
<ul style="list-style-type: none"> 1 complaint was made by a Community Councillor (<i>also reported previously in the 2010/11 Annual Report</i>); 	<p>The complaint was referred to the Standards & Ethics Committee by the Ombudsman and has been considered by the Sub Committee which was established in March 2012. This matter is ongoing.</p>
<ul style="list-style-type: none"> No complaints were made by members of the public. 	

Committee Membership 2011/12

INDEPENDENT MEMBERS (CO-OPTED MEMBERS)



**Akmal Hanuk
(Chair)**

Akmal is the Founder & CEO of IBFC-UK, Islamic Banking and Finance Centre, working in collaboration with Cardiff University Business School & IBFIM Malaysia. Among other board and senior level positions, he is the Co-founder & Executive Director of EBSP – Leadership, Equality and Diversity Training Centre. Member of the Worshipful Company of International Bankers, Member UKIFS – ETQ Committee on Islamic Finance. He is Guest Lecturer and Keynote Speaker on Standards & Ethics in Public Life and on Islamic Finance at leading academic institutions, national and international seminars, conferences and conventions. Akmal became an Independent Member of the Standards and Ethics Committee in November 2005 and was elected as Chairperson of that Committee in October 2006. Akmal is currently serving his second term as an independent member of the Committee.





**Paul Stockton
MBE
(Vice-Chair)**

Paul Stockton works with cultural and charity organisations in Wales. He is a lecturer in Organisation and Planning at the Royal Welsh College of Music and Drama and Guest Lectures at a number of Universities in the UK. He is a Member of the Board of the Chartered Institute of Marketing in Wales and is an Executive Committee Member of the Wales Association for the Performing Arts. Paul became an Independent Member of the Standards and Ethics Committee in July 2006 and was recently appointed to serve a 2nd term on the Committee. Paul was also awarded the MBE in 2010 for his service to the Samaritans. He was appointed Vice-Chair of the Committee in June 2011.




Maureen Hedley-Clarke MBE

Maureen Hedley-Clarke, before her retirement was a Neurological and Paediatric Physiotherapist at Stoke Mandeville and Rookwood Hospitals, Craig-y-Parc School (Cerebral Palsy) and the Rhondda Health Trust. Maureen served on the Executive Committee and as Treasurer for the Chartered Society of Physiotherapy (S E Wales) and Executive Member of the All Wales CSP. She has been involved with the Samaritans; Riding for the Disabled; Victim Support; the Youth Offending Team, is a Governor of two schools and is currently Chair of the Governors of the Hollies school for Special Needs and Moorland Road School. Maureen is Chairman of Ladies Circle, Inner Wheel and Tangent. Maureen was a Member of the Medical Ethics Committee (SE Wales) and was awarded the MBE for her physiotherapy work in Wales. She became an Independent Member of the Standards & Ethics Committee in July 2006 and is currently serving her second term on the Committee.

 <p>Deirdre Jones</p>	<p>Dr Deirdre Jones has spent over 30 years as an academic in Cardiff teaching and researching in the areas of health and social services; during which time she held consultancies nationally and locally. She has held positions with local and national branches of her relevant professional bodies. Deirdre has for many years been involved in charitable organisations, nationally and locally; mostly those involved in the well-being of older people and their carers. She is a member of a Local Research Ethics Committee and became an Independent Member of the Standards and Ethics Committee in July 2006. She is currently serving her second term on the Committee and has also served on the Standards Committee of the South Wales Police Authority since 2007.</p>
 <p>Anne Morgan</p>	<p>Anne Morgan was Regional Manager for Wales, W. Midlands and the Isle of Man for the Royal National Lifeboat Institution for over 20 years prior to taking early retirement. She is a member and past president of Soroptimist International of Cardiff and District and founder trustee of its Education Trust which raises money for the education of girls in Cape Verde. She is also a trustee of The Carers Centre for Cardiff and the Vale of Glamorgan. Anne has a keen interest in human rights and is a member of Amnesty International and treasurer of Christians Against Torture Wales. Anne became an Independent Member of the Standards and Ethics Committee in July 2006 and was Vice-Chair of the Committee from 2007-2011. Anne stood down as a member of the Committee at the end of July 2011.</p>
<p>Richard Tebboth</p> <p><i>(photo to be inserted)</i></p>	<p>Richard Tebboth was born and brought up on the Essex edge of London – with a Welsh grandmother living nearby. He was educated at Sir George Monoux Grammar School, Walthamstow, and Christ's College, Cambridge. After professional social work training he entered the Probation Service, working as practitioner and manager in South Yorkshire, Buckinghamshire and the West Midlands. In 1997, he joined the Social Services Inspectorate for Wales, becoming Deputy Chief Inspector and Acting Chief Inspector. He transferred into the senior civil service, in the Welsh Government's Department for Public Service Improvement, until retirement in 2010. Richard lives in Llandaff, where he is Secretary of his local Residents' Association. He was appointed an Independent Member of the Standards and Ethics Committee in September 2011.</p>

COMMUNITY COUNCILLOR REPRESENTATIVE (CO-OPTED MEMBER)

 <p>Community Councillor John Hughes</p>	<p>John Hughes, a North Walian who moved to Cardiff in 1972, was appointed as the Community Councillor representative to the Standards and Ethics Committee in 2008. He has worked in the Insurance Industry for over 45 years, running his own brokerage for 17 years. He has served St Fagans Community Council for over 20 years and was a former Chair of St Fagans Church in Wales Junior School. He is currently involved in charitable organisations and is a keen gardener. John also represents Community Councils in Cardiff on One Voice Wales.</p>
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COUNTY COUNCILLOR REPRESENTATIVES

 <p>County Councillor Tim Davies</p>	<p>Timothy Davies represented the Whitchurch & Tongwynlais Electoral Division as a Conservative County Councillor from June 2004 to May 2012. He has served as both a former County Councillor and City Councillor for the ward for over 27 years. In addition to being a member of the Standards and Ethics Committee since 2008, he served on the Council's Employment Conditions Committee and Economy & Culture Scrutiny Committee. He also represented the Council on the following outside bodies – Amersham Local Liaison Committee; Cardiff and Vale of Glamorgan Pension Fund and the South Wales Police Authority.</p>
 <p>County Councillor Mohammed-Sarul Islam</p>	<p>Mohammed-Sarul Islam represented the Riverside Electoral Division as a Plaid Cymru County Councillor from June 2004 to May 2012. In addition to being a member of the Standards and Ethics Committee in 2011/12, he chaired the Council's Economy & Culture Scrutiny Committee from January 2010 to May 2012. He also represented the Council on the Cardiff and Vale of Glamorgan Pension Fund and Cardiff University Court.</p>
 <p>County Councillor Simon Wakefield</p>	<p>Dr Simon Wakefield represented the Cathays Electoral Division as a Liberal Democrat County Councillor for 13 years from May 1999 to May 2012. He also served previously as a County Councillor in Swansea (SDP). In addition to being a member of the Standards and Ethics Committee since 2009, he chaired the Council's Environmental Scrutiny Committee from June 2004 to December 2007 and from May 2008 to May 2012. He also served as a Council-nominated Trustee of the Millennium Stadium Charitable Trust. He is employed by Cardiff University as Director of Teaching in Earth and Ocean Sciences.</p>

Attendance Record

The Committee has an agreed schedule of meetings with additional ad hoc meetings held as required. During 2011/12, the Standards and Ethics Committee met on the following dates:

- 21 June 2011;
- 27 September 2011
- 22 November 2011;
- 31 January 2012
- 20 March 2012

A Sub Committee was also convened on 26 March 2012 to consider a complaint relating to a Community Councillor which had been referred to the Standards and Ethics Committee by the Public Services Ombudsman for Wales. The attendees at that meeting were Paul Stockton, Richard Tebboth and Community Councillor John Hughes.

COMMITTEE MEMBER	ATTENDANCE	
	POSSIBLE	ACTUAL
Akmal Hanuk (Chair)	5	3
Paul Stockton (Vice-Chair)	5	4
Maureen Hedley-Clarke	5	4
Deirdre Jones	5	3
Anne Morgan	1	1
Richard Tebboth	4	4
Community Councillor John Hughes	5	5
County Councillor Tim Davies	5	1
County Councillor Mohammed-Sarul Islam	5	1
County Councillor Simon Wakefield	5	3

Helpful Contacts

Chair of Standards & Ethics Committee – Mr Akmal Hanuk

Contact: Val Davies
Tel: (029) 2087 2567
Email: vaDavies@cardiff.gov.uk

Chief Officer, Legal & Democratic Services and Monitoring Officer – Melanie Clay

Tel: (029) 2087 2421
Email: melanie.clay@cardiff.gov.uk

Public Services Ombudsman for Wales – Mr Peter Tyndall

Tel: 01656 641152
Email: ask@ombudsman-wales.org.uk