

**CARDIFF COUNCIL  
CYNGOR CAERDYDD**

**STANDARDS AND ETHICS COMMITTEE: 13 NOVEMBER 2012**

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

**AGENDA ITEM: 8**

**FORWARD PLAN 2012/13**

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**Purpose of the Report**

1. To consider and agree proposed items for inclusion in the Standards and Ethics Committee's Forward Plan for 2012/13.

**Background**

2. The Standards and Ethics Committee's Terms of Reference provide the Committee with responsibility in the following areas:

- 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.
- To advise on the content and updating of the Council's Ethical Code and advise on the effective implementation of the Code.
- To consider and determine the outcome of complaints in respect of breaches of the Code of Conduct.
- To oversee and monitor the Council's Whistleblowing Policy and procedures.
- To grant or refuse requests for dispensation in respect of Members' interests under the Members' Code of Conduct.
- To hear and determine complaints of misconduct by Members.
- To recommend to Council and the Executive any additional guidance on issues of probity.
- To undertake those functions which are required by law in relation to Community Councils situated in the area of the Council and Members of those Community Councils.

## Issues

3. In place of a formal Standards and Ethics Committee meeting on 19 September 2012, Committee Members met as part of a work programming forum to discuss the priorities and way forward for the future work of the Committee in 2012/13. A copy of the notes of that meeting are attached as **Appendix A** to this report and provide further details of the Committee's proposed priorities for inclusion in the Forward Plan for 2012/13.
4. The Committee is invited to consider and agree the proposed items for inclusion in the Forward Plan for 2012/13.

## Legal Implications

5. There are no direct legal implications arising from the content of this report. However, the Committee is reminded of its statutory role contained in the extract from the Local Government Act 2000 set out below which should be considered alongside its terms of reference when setting the Forward Plan:

### *54 Functions of standards committees*

- (1) *The general functions of a standards committee of a relevant authority are--*
- (a) *promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and*
  - (b) *assisting members and co-opted members of the authority to observe the authority's code of conduct.*

- (2) *Without prejudice to its general functions, a standards committee of a relevant authority has the following specific functions—*
- (a) *advising the authority on the adoption or revision of a code of conduct,*
  - (b) *monitoring the operation of the authority's code of conduct, and*
  - (c) *advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.*

## Financial Implications

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

## **RECOMMENDATION**

The Committee is recommended to consider and agree the proposed items for inclusion in the Forward Plan for 2012/13 as set out in Appendix A.

**MELANIE CLAY**

**Chief Officer, Legal & Democratic Services and Monitoring Officer**

**7 November 2012**

**APPENDIX A: Proposed Forward Plan Items for 2012/13**

## APPENDIX A

## STANDARDS AND ETHICS COMMITTEE – PROPOSED FORWARD PLAN ITEMS FOR 2012/13

### Summary of Work Programming Forum held on 19<sup>th</sup> September 2012

**Present:** Akmal Hanuk (Chair), Councillor Kate Lloyd (at the start of the meeting), Councillor Georgina Phillips, Councillor Dianne Rees, Community Councillor John Hughes, Richard Tebboth, Melanie Clay (Monitoring Officer), Nichola Poole (Democratic Services Manager) and Adam Foster (Democratic Services).

The Chair welcomed everyone and congratulated the newly elected councillors. He stated that the Standards & Ethics Committee has always been proactive, looking at areas of concern, responding to consultations and receiving presentations from other Committees. The emphasis is on upholding the Members' Code of Conduct and the reputation of elected Members, thereby ensuring a high standard of ethics. He reinforced the message that, although elected Members may be from different party groups, their role on the Committee is from a neutral, non-political perspective and there have always been good relationships between all Members on the Committee.

The following topics were discussed as potential items to be included in a future work programme and these were prioritised on a Red/ Amber/ Green (RAG) basis with Red being the highest priority:

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY
(1) Informal/ Local protocol for the resolution of alleged misconduct or complaints (Guidance from the Public Service Ombudsman for Wales and also included in the Promoting Local Democracy White Paper)	To review the process for dealing with complaints about Members' conduct and explore other potential options for consideration by the Standards & Ethics Committee outside the formal referral process to the Ombudsman.	Monitoring Officer	RED
(2) Referral of Complaints from the Public Service Ombudsman for Wales	To consider and make a decision on any referrals from the Public Services Ombudsman. (This will involve establishing a Sub-Group of the Committee).	Monitoring Officer	RED

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY
(3) Local Government (Wales) Measure 2011	To consider the implications of the Local Government (Wales) Measure 2011 on the ethical framework, related governance issues and the provision of reasonable training and development opportunities (consider annual review/interview option) and Annual Reports for Members. (This includes Code of Conduct training for Community Councillors).	Democratic Services Manager  Support for Members is now in the TOR of the new Democratic Services Committee.	AMBER
(4) Review of Members Code of Conduct and Guidance	To review and improve the Code of Conduct taking account of any external guidance from the Ombudsman.	Monitoring Officer	GREEN
(5) Review of Officer/ Employee Code of Conduct and Guidance	To review and improve the Officer Code of Conduct.  To support the dissemination of information and training to officers.	Monitoring Officer and Corporate Chief Officer with responsibility for HR Internal Audit	AMBER
(6) Review of Cardiff Undertaking	To review and update as required	Monitoring Officer	GREEN
(7) Register of Gifts, Hospitality and other Benefits	To monitor and review (six monthly) the acceptance of gifts and hospitality for officers and Members and to review the process as required.	Monitoring Officer  Audit Committee TOR includes audit of gifts and hospitality procedure	AMBER
(8) Whistleblowing Policy	To review the policy and determine whether it is in of a refresh and whether training is required to improve awareness of the policy is required	Monitoring Officer	RED
(9) Ethical Standards/ Governance	To scope this work once the review of the constitution is completed	Monitoring Officer	AMBER

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY
(10) Review of Member/ Officer Protocol	To review the Member/ officer protocol	Monitoring Officer and Corporate Chief Officer with responsibility for HR	GREEN
(11) Social Media	To receive a general presentation on the use of social media, including issues such as criteria for use; etiquette and safeguards and to make recommendations.	Monitoring Officer and Corporate Chief Officer with responsibility for Communications	AMBER
(12) Planning processes and procedures ( Planning Code of Practice)	To improve public perceptions relating to openness and transparency  To review procedure rules for continuous improvement	Monitoring Officer and Chief Officer City Development	GREEN
(13) Charter between Cardiff Council and the Community Councils	To review and monitor progress of the Charter.	Monitoring Officer	GREEN
(14) Annual Meeting with Group Leaders and Whips	To provide ongoing engagement with representatives from all political groups	Elected Members	AMBER
(15) Standards and Ethics Committee Annual Report	To report to the November 2012 Council on the work of the Standards and Ethics Committee for 2011/12.	Monitoring Officer	RED
(16) Appointment of new Independent Members	To appoint new members as required in line with the timescales for the terms of office for independent members.	Monitoring Officer/ Independent Members	RED
(17) Information on Standards and Ethics for prospective councillors	To review the information available for new councillors in the run up to elections (next Local Authority election is 2017).	Monitoring Officer	GREEN

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY
(18) Review of Constitution	To ensure effective and robust governance.	Monitoring Officer  The Constitution Committee is overseeing the current review of the Constitution	AMBER
(19) Regional Standards Committee	To consider options and consultation papers as raised in the Promoting Local Democracy White Paper.	Monitoring Officer	GREEN
(20) Register of Officer Interests and Politically restricted posts	To review and oversee the update of the policy.	Monitoring Officer and Corporate Chief Officer with responsibility for HR	AMBER
(21) Role descriptions for Standards and Ethics Committee Members	To review roles and responsibilities of all Members of the Standards and Ethics Committees.	Monitoring Officer	AMBER
(22) Independent Remuneration Panel for Wales Annual Reports	To consider the implications of the Annual IRP reports.	Monitoring Officer	RED
(23) Interaction of Standard and Ethics Committee with other Committees	To liaise with the Chairs of the Constitution, Democratic Services and Audit Committees to ensure the work programme takes account of the timing and business of these Committees work loads and compliments the work they are doing.  To consider the appropriateness of members of this Committee attending other Committees as observers.	Monitoring Officer/Chair of the Standards and Ethics Committee	AMBER

