STANDARDS & ETHICS COMMITTEE

16 July 2013

Present: Independent Members: Akmal Hanuk (Chairperson), Maureen Hedley-Clarke, Paul Stockton, Richard Tebboth.

Councillors Georgina Phillips, Dianne Rees,

Community Councillor John Hughes.

Apologies: Deirdre Jones and Councillor Kate Lloyd

The Chairperson advised the Committee that Melanie Clay, Monitoring Officer was leaving the Council and wished to place on record his thanks to Melanie for the support she had provided to himself and the Committee and wished her well for the future.

Marie Rosenthal had been appointed to the role of Monitoring Officer and would take up her appointment on 19 August 2013.

S1 : DECLARATIONS OF INTEREST

The Chairperson reminded Members of their responsibilities under Part III of the Members’ Code of Conduct, to declare any interests in general terms and complete “personal interest” forms at the start of the meeting and then, prior to the commencement of the 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, but not prejudicial, Members would be invited to stay, speak and vote.

S2 : MINUTES

The Minutes of the meeting of the Standards and Ethics Committee held on 2 May 2013 were approved as a correct record and signed by the Chairperson.
S3: LOCAL RESOLUTION PROTOCOL

The Committee received an update on progress made in relation to the adoption of the Local Resolution Protocol which had been the subject of a number of recent reports to Committee.

As resolved at its meeting on 2 May 2013 the Chair of the Standards and Ethics Committee attended Annual Council on 23 May 2013 to recommend the adoption of the draft Local Resolution Protocol that this Committee had produced. Council agreed to adopt the Local Resolution Protocol without amendment, it was also recommended to Council that the Cardiff Undertaking be amended to include specific reference to compliance with the local Resolution Protocol, the Council agreed to this recommendation and all Members had now signed the amended Cardiff Undertaking.

It was noted that the recommendation in the report invited Members of this Committee to contribute to discussions on the draft Procedure, as the Hearing Panel comprised all Independent Members of the Standards and Ethics Committee, the Legal Officer advised that the Independent Members of the Committee might wish to declare a personal interest in the matter.

The Independent Members present declared a personal interest as Members of the Hearing Panel, they remained and took part in the discussions.

The Chairperson invited the Committee’s observations as follows:-

- Concern was expressed that the informal process should not become too formalised there should be a degree of flexibility. Members were referred to paragraph 2 of the procedure which provides for the complaint to be dealt with in the first instance informally by the Monitoring Officer, if unresolved and the matter was then referred to the Hearing Panel there would need to be due process in a more formal setting;

- With regard to the receipt of late information it was proposed there should be a deadline for submission of late information. The Legal Officer advised that there would always need to be a cut-off point but receipt of late information would be at the discretion of the Chair and discussed with all parties, the process must be transparent;

- All parties must have fair access to all information;
• Concern was expressed that there was nothing to benchmark with as Cardiff would be the first Authority to introduce a local resolution protocol. It was suggested that training would be needed for the Panel, Members were assured that the Ombudsman would still keep a ‘watching eye’ on the process and the Monitoring Officer would ensure there was consistency in the arrangements;

• It was confirmed that there was no Appeals mechanism to the procedure;

• It was agreed that the start date for the procedure should be September 2013.

RESOLVED – That

(1) The report as it relates to the adoption of the Local Resolution Protocol and the amendment of the Cardiff Undertaking by the Council be noted;

(2) The Legal Officer be requested to insert an appropriate timescale for providing information to the hearing;

(3) Authority be delegated to the Monitoring Officer, in consultation with the Chair and/or Vice Chair of the Standards and Ethics Committee to finalise the draft Procedure and recommend it to the Hearings Panel for adoption;

(4) The procedure be commenced in September 2013.

S4 : DRAFT ANNUAL REPORT 2012/13

The Council’s Constitution requires that all Scrutiny Committees report annually to Council on their activities over the past year.

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.
The Committee considered its Draft Annual Report for 2012/13 and discussed the contents of each section. It was

RESOLVED – That

(1) Subject to the proposed minor amendments the Draft Annual Report of the Committee for 2012/13 be approved;

(2) Authority be delegated to the Monitoring Officer to agree any subsequent amendments and to finalise the Annual Report 2012/13, in consultation with the Chair and/or Vice Chair subject to their availability, prior to submission to Council on 26 September 2013.

S5 : MONITORING OFFICER’S VERBAL UPDATE

(i) Update on New Management Arrangements

The Committee was advised that the new Directors had now started to take up their positions within the Council and an outline was given of their starting dates. It was noted that the new Monitoring Officer Marie Rosenthal would be starting on 19 August 2013. It was noted that Christine Salter had been appointed as Interim Head of Paid Service and that arrangements were in hand to appoint a new Chief Executive.

(ii) Request for Joint meeting with Democratic Services Committee

The Chair welcomed Councillor Cowan, Chair of the Democratic Services Committee to the meeting. Councillor Cowan had requested a joint meeting between the Standards and Ethics Committee and the Democratic Services Committee. In response to a request to discuss disclosure of confidential information at a future joint meeting the Deputy Monitoring Officer advised that it would not be appropriate for this Committee to look at particular instances of alleged disclosure however it was acceptable to discuss the general principles relating to confidential information.

It was agreed that a convenient date for the joint meeting should be set at a date to be agreed.

(iii) Appointment of New Independent Members
The Committee was advised that with the exception of Richard Tebboth all other Independent Members on the Standards and Ethics Committee were serving their second term and would be due to retire from the Committee within the next year. The Chair Akmal Hanuk’s term of office was due to end on 1 November 2013. The Committee was advised of the need to go out to public appointment in due course. It was noted that subject to the extant decision of Council James Downe who had been appointed on 23 September 2011 to take up office at a date to be determined would be invited to attend the October 2013 meeting of the Committee as an observer until such time as he formally takes up office.

S6 : FORWARD PLAN 2013/14

Members of this Committee had met informally as part of a work programming forum on 19 September 2012 to discuss potential matters for consideration by the Committee in 2012/13 and for inclusion in a draft forward plan of future business.

The Committee on 13 November 2012 discussed the priorities of the proposed work and agreed various items and topics for inclusion in the forward plan for 2012/13.

The Committee discussed the contents of the forward plan and were updated on the current status of a number of the topics. The Committee suggested some changes to the priorities following which it was

RESOLVED – That having regard to the discussions at the meeting Officers be requested to update the work programme to reflect Members’ comments and to report back to the next meeting of the Committee.

The Meeting Closed at 5.50 pm

Signed …………………(Chairperson)

Date …………………………………..