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AGENDA

Committee	STANDARDS & ETHICS COMMITTEE
Date and Time of Meeting	WEDNESDAY, 13 JUNE 2018, 5.00 PM
Venue	COMMITTEE ROOM 2 - COUNTY HALL, ATLANTIC WHARF, CARDIFF
Membership	Councillor Richard Tebboth (Chair) Independent Members James Downe (Vice Chair); Lizz Rowe and Hugh Thomas (1 vacancy) Councillors Cunnah, Sandrey and Williams Community Councillor Stuart Thomas

1 **Membership and Terms of Reference** (*Pages 3 - 4*)

Membership

The Annual Council on 24 May 2018 re-appointed the following Councillors to this Committee: -

Councillors Stephen Cunnah, Emma Sandrey and Joel Williams

Terms of Reference

The Annual Council on 24 May 2018 agreed the terms of reference as attached.

2 **Apologies for Absence**

To receive apologies for absence.

3 **Declarations of Interest**

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

4 **Minutes** (*Pages 5 - 10*)

To approve as a correct record the minutes of the 28 March 2018.

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- 5 **Independent Member Vacancy** *(Pages 11 - 12)*
- 6 **2017 Member Annual Survey** *(Pages 13 - 60)*
- 7 **Member Code of Conduct Complaints - Quarter 4** *(Pages 61 - 64)*
- 8 **R (Harvey) v. Ledbury Town Council (2018) - Case Law Update**
(Pages 65 - 68)
- 9 **Standards & Ethics Annual Report 2017 - 2018** *(Pages 69 - 72)*
- 10 **Work Plan 2018 - 2019** *(Pages 73 - 76)*
- 11 **Frequency and Programming of Future Meetings**

Davina Fiore

Director Governance & Legal Services

Date: Thursday, 7 June 2018

Contact: Gill Nurton 02980 872432 g.nurton@cardiff.gov.uk

Committee	Terms of Reference
Standards & Ethics	<p>(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.</p> <p>(b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.</p> <p>(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.</p> <p>(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.</p> <p>(e) To oversee and monitor the Council’s whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.</p> <p>(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.</p> <p>(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</p> <p>(h) To recommend to Council and the Cabinet any additional guidance on issues of probity.</p> <p>(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.</p> <p>(j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>

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STANDARDS & ETHICS COMMITTEE

28 MARCH 2018

Present: Councillor Richard Tebboth (Chairperson)
 Independent Members James Downe, Thora Lewis and Hugh Thomas,
 Councillors Thomas, Sandrey, Williams, James Downe and Hugh Thomas

11 : WELCOME TO NEW INDEPENDENT MEMBER

The Chair welcomed Mrs Thora Lewis as an Independent Member of the Committee appointed by Council on 25 January 2018 for a 4 year term.

Members were delighted to receive the news that Hollie-Edwards Davies had become a mother in February, and wished that their congratulations be passed to Hollie, her partner and baby daughter.

The Chair also welcomed Councillor Robson as Vice Chair of Cardiff Bus to the meeting. Sadly Councillor Stubbs the Chair of Cardiff Bus had suffered a recent double bereavement and so was unable to attend.

12 : APOLOGIES FOR ABSENCE

Apologies were received from Councillor Cunnah and Lizz Rowe (Independent Member)

13 : DECLARATIONS OF INTEREST

The following declarations of Interest were received:

Councillor	Item	Interest
Councillor Sandrey	Item 5 – Cardiff Bus Travel Passes	Personal Interest as a Non-Executive Director of Cardiff Bus
Councillor Williams	Item 6 – Functions in Respect of Community Councils	Personal Interest as a Community Councillor
Community Councillor Stuart Thomas	Item 10 – Members Code of Conduct Complaints Quarter 3 2017/18	Personal Interest in relation to a complaint.

14 : MINUTES

The minutes of the meeting 22 November 2017 were approved as a correct record subject to typographical error on Page 9.

15 : CARDIFF BUS TRAVEL PASSES

The Committee received a report detailing further information on the receipt of Cardiff Bus Travel Passes by Cardiff Councillors nominated by the Council as Non-Executive Directors of Cardiff Bus. In addition, the Committee was invited to hear from the Vice Chair of Cardiff Bus, Councillor Robson on the proposed Policy and set out in the report was the Monitoring Officer's advice to the Committee to enable it to consider and determine any recommendations required.

The Chair referred Members to the actions taken since the last meeting contained in the report, and referred in particular to the joint meeting held with the Chair, Deputy Chair and a non-Executive Director who are the Councils representatives on the Cardiff Bus Board. Following the Committee's enquiries about this matter a company policy setting out the terms of usage and ownership of a Cardiff Bus Pass as a non-Executive Director had been agreed with the Council representatives. Councillor Robson in his comments to the Committee on the policy guidance and principles for Elected Members, confirmed that the Cardiff Bus Board at its meeting on 26 March 2018 had approved the policy.

The Monitoring Officer confirmed that the policy as agreed and the recording of the receipt of this benefit in a public register complied with the Council's guidance on gifts and hospitality.

The Committee supported the need for clear policy guidance for Elected Members and the requirement for any benefit to be declared as a gift. The Committee was keen that this policy should be consistent with other travel benefits that might be received by Elected Members such as free parking or membership of the Next Bike scheme. The Monitoring Officer agreed to check this point.

It was noted that an estimated value of £500 had been placed on the pass but that the actual usage would be limited by the policy and the pass would not be used as the Members primary mode of transport. It was considered that it was appropriate to ask Members to estimate the value of the benefit received, but agreed that should they wish to record their usage and amend the value then that was a choice for the individual Member. The Council could not direct Cardiff Bus Board to require Board Members to record usage.

RESOLVED – That

1. The Committee welcomed the work undertaken to clarify the policy with Elected Members and the Cardiff Bus Board and introduction of a clear the policy;
2. The Committee accepted the MO's advice that the receipt of the passes complies with the Council's guidance on gifts and hospitality, and agreed that no further action was necessary.

16 : FUNCTIONS IN RESPECT OF COMMUNITY COUNCILS

The Committee received an update on the Committee's statutory and general functions in relation to Community Councils which principally are the same as its responsibilities and duties for the County Council.

The Monitoring Officer confirmed that the Community Councils Charter fell within the remit of the Cabinet and not this Committee. A positive meeting had taken place on 12 March 2018 between the Leader and Community Council representatives to discuss the Community Councils Charter. The Community Councillor advised that the meeting with the Leader had been a significant step forward and that in June the Clerks would be meeting with the Monitoring Officer, with quarterly meetings scheduled thereafter.

The Chair was keen to work on engagement opportunities between the Committee and the Community Councils and advised that the six-monthly Member Briefing from September 2017 had been shared with Community Councils along with the Committee's last report on the Functions in Respect of Community Council to the last Committee and the 2016/17 Standards and Ethics Committee Annual Report.

It was also important for Committee Members to have a better understanding of the work of Community Councils by attending meetings and providing feedback to the Committee using the standard proforma. Contact details and dates of future meetings of each of the Community Councils was attached to the report. It was recommended that Members advise the relevant Clerk to the Community Council if they were attending a meeting as a matter or courtesy and in case a meeting changes for any reason. Clarification was requested on whether Community Council Clerks had seen the proforma. It was also recommended that Committee Members avoid attending Annual Meetings.

RESOLVED – That

1. The clarification of the functions and responsibilities in respect of the Council for Community Councils was noted and welcomed;
2. Committee Members liaise on attendances at forthcoming meetings of the Community Councils.
3. The Committee Observation Feedback form be circulated to all Community Clerks for their information.

17 : SOCIAL MEDIA GUIDANCE FOR MEMBERS

The Committee at its meeting in November agreed to review the Social Media Guidance for Members to check that it remained up to date and fit for purpose.

It was noted that the WLGA was preparing updated guidance to its 2013 Guidance and had also produced a draft guidance note for Councillors on 'Handling on-line Abuse' which had been circulated for information.

The Committee discussed the Committee's previous recommendation for Councillors to have two accounts to make clear when they are acting in a personal capacity or in the role of Councillor. Some concerns were raised that the distinction was not always clear and that the use of two separate accounts did not help Councillors to remember that they are bound by certain Code of Conduct rules at all times (even when acting

in a personal Capacity). Also that some Councillors felt it was important to 'be human' to connect with the public personally.

RESOLVED – That

1. The recommendation in the guidance regarding the use of separate personal accounts should be changed to an option.
2. Any further comments on the Social Media Guidance for Members be provided By Committee Members to the Legal Officer by 16 April 2018.
3. delegated authority be granted to the MO in consultation with the Chair to finalise the guidance, having regard to comments from Committee Members, and issue it to all Members.

18 : WHISTLEBLOWING REPORTS 2017

The Committee, in accordance with its terms of reference, has responsibility to oversee and monitor the Council's Whistleblowing Policy and procedures and to consider ethical issues arising.

The Committee was advised of three whistleblowing reports notified to the Monitoring Officer in accordance with the policy during 2017. The Committee considered any matters relating to the process and governance or ethical issues arising from these reports. It was noted that one of the cases was ongoing.

The Committee noted the work with Senior Management teams on raising awareness of the procedure and the information available to employees.

The Committee also noted that a review of the Whistleblowing Policy was being scheduled and would be programmed into the Work Plan for 2018/19.

RESOLVED – That

1. The content of the report was noted;
2. It was noted that the Review of the Whistleblowing Policy would be programmed for a future meeting of the Committee in the 2018/19 Work Plan.

19 : MEMBER BRIEFING

The Committee considered the topics and proposed content of the forthcoming Member Brief which would be issued to all Council Members and Community Councils.

The Independent Member who also sits as the Vice Chair of Audit Committee, provided feedback from discussions at the last Audit Committee on the Annual Governance Statement and what the Council does to support and enforce with Councillors the principles set out in the Cardiff Undertaking. The Monitoring Officer confirmed that each Member is required to reaffirm their commitment to the Cardiff

Undertaking at the Annual Council Meeting and this includes all Councillors signing the Cardiff Undertaking.

It was suggested that the introduction to the new Members of the Committee be one of the first items on the Member Brief.

RESOLVED – That

1. The proposed topics and content of the Member Briefing were approved and comments of the Committee were noted;
2. The Monitoring Officer be given delegated authority in consultation with the Chair to finalise the brief for circulation to all Councillors and the six Community Councils.

20 : MEMBERS CODE OF CONDUCT COMPLAINTS - QUARTER 3 OF 2017/18

The Committee received an update on complaints made during Quarter 3 from 1st October 2017 to 31st December 2017 against Members of Cardiff Council or any of Cardiff's Community Councils, alleging a breach of the Members' Code of Conduct. The Committee noted that there was one complaint made in the period.

It was noted that since the Local Election in May 2017 complaints about Members' conduct had significantly reduced with minor incidents being dealt with at the time to avoid any escalation and to ensure appropriate behaviours are maintained. This had been with the support of Leaders, Whips and the three new Councillors on this Committee who champion ethical standards; and the roll-out of a successful Member Induction Programme.

RESOLVED – That the contents of the report be noted.

21 : WORK PLAN

The Committee received the revised Work Plan for 2018 and Members were invited to make comments and suggestions on the Work Plan.

The Committee was advised that the Standards Annual Wales Conference was scheduled for 14 September in Aberystwyth. Local Authorities would be invited to send two representatives.

It was noted that the Leaders and Whips had been invited to meet with the Committee for 30 minutes prior to the start of the next Committee.

RESOLVED – That the Work Plan 2018 was noted.

22 : DATE OF NEXT MEETING.

The next programmed meeting was Wednesday 13 June 2018 at 5.00pm

The meeting terminated at 6.20 pm

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**CYNGOR CAERDYDD
CARDIFF COUNCIL****STANDARDS AND ETHICS COMMITTEE:****13 JUNE 2018**

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

INDEPENDENT MEMBER VACANCY**Reason for this Report**

1. To inform the Committee of an Independent Member vacancy which has unexpectedly arisen and seek approval for arrangements to fill the vacancy.

Background

2. The Council has been notified that one of the Independent Members of the Standards and Ethics Committee, Mrs Thora Lewis, has sadly passed away. The Chair has conveyed deepest sympathies to Mrs Lewis' family on behalf of the Committee. The Committee will recall that Mrs Lewis was appointed to the Committee by Council on 25 January 2018 following a public appointments process, and has made a valued contribution to the work of the Committee during her short time in post.
3. The Council's Constitution (Article 9.2(a)(i)) provides that the Standards & Ethics Committee's membership shall include 5 Independent Members (who by law cannot be either a Councillor or an employee or the spouse of a Councillor or an employee of the authority or any other relevant authority, as defined by the Local Government Act 2000), who are to be appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 ('the Regulations').

Issues

4. When a vacancy arises on the Standards Committee for an Independent Member, the Council is obliged to carry out a publicly advertised appointments process to fill the vacancy. A public appointments process was last conducted in November 2017. The Appointments Panel convened in accordance with the Regulations did not recommend any reserve candidates suitable for appointment to the Committee.
5. The Regulations also provide, however, for the re-appointment of an Independent Member for one further consecutive term of up to 4 years. The obligation to carry

out a publicly advertised appointments process does not apply to reappointments made in accordance with the Regulations.

6. Hollie Edwards-Davies was appointed as an Independent Member of the Standards and Ethics Committee by Council on 26 June 2014, following a public appointments process conducted in accordance with the Regulations. She stood down from the Committee in November 2017 to take maternity leave. Ms Edwards-Davies has confirmed she would be happy to now resume her position on the Committee.
7. Council approval is required for any reappointment or new appointment of an Independent Member to the Committee.
8. The Committee is invited to recommend to Council the re-appointment of Hollie Edwards-Davies as Independent Member of the Standards and Ethics Committee for a further four year term.

Legal Implications

9. The relevant legal provisions are set out in the body of the report. The Committee will note that the Regulations allow an independent member to be re-appointed for one further consecutive term of up to four years.

Financial Implications

10. There are no financial implications arising from this report

RECOMMENDATIONS

That the Committee recommends to Council the reappointment of Hollie Edwards-Davies as an Independent Member of the Standards and Ethics Committee for a further four year term.

Davina Fiore

Director Governance and Legal Services and Monitoring Officer

6th June 2018

Background Papers

Council reports and Minutes 25 January 2018 and 26 June 2014

REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES

2017 MEMBERS ANNUAL SURVEY

Reason for this Report

1. To provide the Standards and Ethics Committee with the analysis of information gathered from the 2017 Members Annual Survey that fall within the remit of the Committee.
2. For the Committee to consider any trends or matters that should be further considered by the Committee.

Background

2. In 2016, the Chairs of the Standards and Ethics Committee and the Democratic Services Committee agreed that a Member Exit Survey be undertaken to enable lessons to be learned about the experiences of Councillors during their five year term of office, and reasons for leaving or not standing for re-election.
3. All Elected Members (81) who had held the Office of Councillor during the period 2012 to 2017 were invited to participate in the Exit Survey in early 2017.
4. The Standards & Ethics Committee 22 March 2017 (Min No: 30) considered the responses from the Exit Survey 2017 and one of the recommendations was that a repeat survey of the Elected Members from May 2017 be undertaken at the end of the 2017. This would allow the Committee to review and analyse responses and any trends.
5. The draft 2017 Member Annual Survey 2017 was considered and approved by the Democratic Services Committee 10 October 2017 (Min No: 43) and included questions from the June 2016 Annual Member Satisfaction Survey and the Member Exit Survey March 2017 for comparator analysis.

Issues

6. All 75 Councillors were invited to complete the survey either electronically or in hard copy from 30 November 2017 to 2 January 2018. 47 out of 75 Councillors (63%) answered all or part of the survey. 21 Councillors of the 47 who responded were newly elected in May 2017.

7. The Exit Survey, March 2017 provided Members feedback on the previous five years in office, in particular views of Members who had indicated that they were not standing for re-election or had resigned from the Office of Councillor during the term.
8. The 2017 Annual Survey provided Members feedback mainly on the Members Induction and to establish training and development needs, as well as identify some of the challenges Members may have encountered during the first six months of their term of office.
9. The 2017 Annual Survey had again encouraged Members to give feedback and have an opportunity to raise issues around their views on behaviours within the Council setting and the support provided when incidents may occur.
10. A detailed analysis of 2017 Annual Survey questions 19 – 26 *Knowledge and/or experience of unacceptable behaviour* are set out in **Appendix A**.
11. **Appendix A** (*Charts 10 – 18*) provides detailed analysis of Elected Members experiences by gender and age profile. The Committee will note that more female respondents in both Exit and Annual Survey experienced bullying, discriminatory or some form of unacceptable behaviour than their male colleagues.
12. The results in Chart 9 show that the number of Members elected in May 2017 who have experienced bullying is 7, experienced discrimination is 5 and experienced other unacceptable behaviours 7. During the previous administration (as shown in the Exit Survey 2017), the number of Members indicated that they had experienced bullying was 14 and / or discrimination was 12.
13. When asked whether Members (both male and female) reported incidents they have witnessed or experienced (Chart 18), the majority of respondents indicated that they did not report these, and reasons for not reporting included: -
 - Political environment reinforces the prevalence of bullying.
 - Part of the culture.
 - Covert nature of behaviour difficult to report.
 - Did not result in any change.
 - Incidents happened in presence of Monitoring Officer and other Members who were in the position to act on such displays of poor behaviour.
14. The results from the 2017 Annual Survey showed that 2 respondents who *had experienced an incident* had reported this to the Group Whip. Other respondents in this category reported their experience to the Monitoring officer (1 respondent) and/or to an undisclosed person (1 respondent).
15. The 4 respondents who *had experienced an incident* had differing levels of satisfaction with the responses. The one reported to Monitoring Officer was satisfied and of the two who reported to the Group Whip, one was not satisfied and the other did not provide a response.

16. Two respondents in this current term who had *witnessed an incident* cited that they had reported this to the Monitoring Officer. Of these two respondents, one stated that they were satisfied with how this was dealt with, however the other respondent did not provide a response.
17. As only a very small proportion of respondents (4 out of 15) in the new term chose to report incidents, the Committee may wish to explore the reasons or constraints as to why most (11 out of 15) chose not to report these to their Group Leader or Whip, or the Monitoring Officer and whether there is a need to clarify existing processes or whether there are any other concerns around reporting.
18. Set out in **Appendix B** are the key themes arising from the responses and comments and potential action/s that the Monitoring Officer suggests or can assist with, along with comments received from Party Group Whips on what can be put in place to address issues raised from the 2017 Annual Survey.

Legal Implications

19. There are no direct legal implications arising from the content of this report.

Financial Implications

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

Recommendations

The Committee is recommended

- (1) to consider the analysis of the responses received from the 2017 Member Annual Survey that fall within the remit of this Committee;
- (2) to consider potential actions to support responses received; and
- (3) to consider whether any areas require further consideration by the Committee as part of its 2018/19 Work Programme.

DAVINA FIORE

Director of Governance & Legal Services

6 June 2018 v1.0

Appendix A – Member Survey Autumn 2017 Results

Appendix B – Action Sheet 2018

Background papers

Member Survey Autumn 2017

Minutes of Standards & Ethics Committee 22 March 2017

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2017 MEMBERS' ANNUAL SURVEY 2017

OUTCOMES REPORT



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1. Background and introduction

In 2016, the Committee Chairs of the Standards and Ethics Committee and the Democratic Services Committee commissioned a Members' Exit Survey to seek the views of all Elected Members who had held the Office of Councillor on their experiences during their term in office (which for most members was five years up to May 2017). As part of this survey, Members were asked about their experiences of bullying, discrimination, and any other unacceptable behaviours.

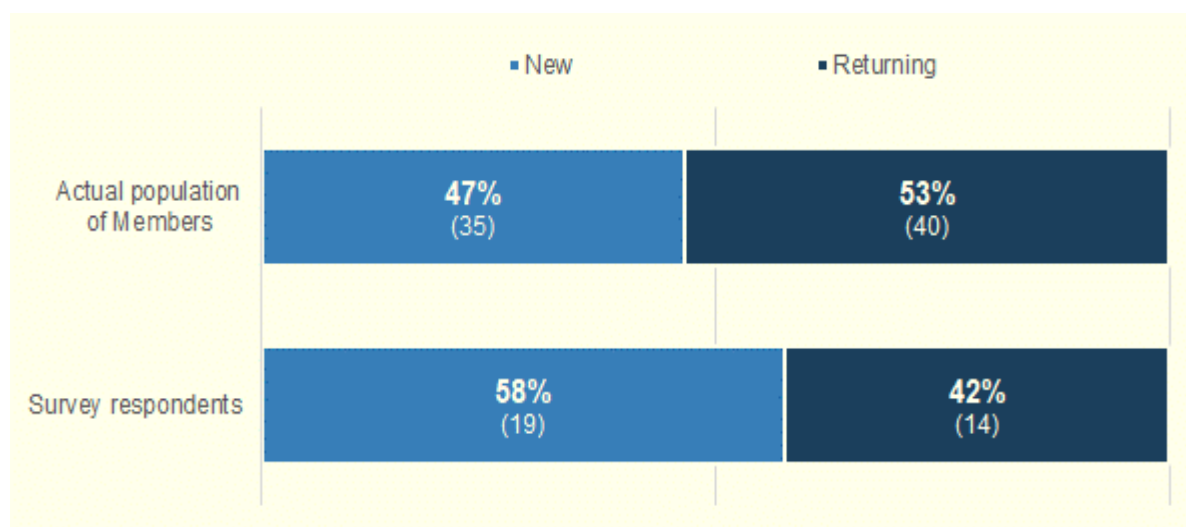
Following the Local Elections in May 2017, an Annual Survey of Members was undertaken in November 2017 to establish their training and development needs, as well as identify some of the challenges that they have encountered during the first six months of their term in office. In this survey, Members were also asked about their experience of bullying, discriminatory and unacceptable behaviours. To allow for comparability of responses, the 2017 Annual Survey on this subject area made use of the same questions that were used during the Exit Survey. In addition to the questions on "*Member's experience*" that used in the Exit Survey, a question on whether "*Members have witnessed*" an incident of bullying, discrimination and other unacceptable behaviours was also included in the Annual Survey.

To inform their work programme for 2018-2019, the Standards and Ethics Committee commissioned a short briefing paper that would provide a comparative analysis of the previous and recent Members' experiences of bullying, discriminatory behaviour, and other unacceptable behaviours during their term in office.

The data from the Members' Exit Survey in 2017 and the 2017 Members' Annual Survey will be the basis for this comparative analysis. The findings from cross-tabulation of the data using variables such as gender, age or political party have been presented where this is relevant.

2. Member Respondents' Profile

Chart 1. May 2017, Member Population by Number of “Returning” and “New” Council Members

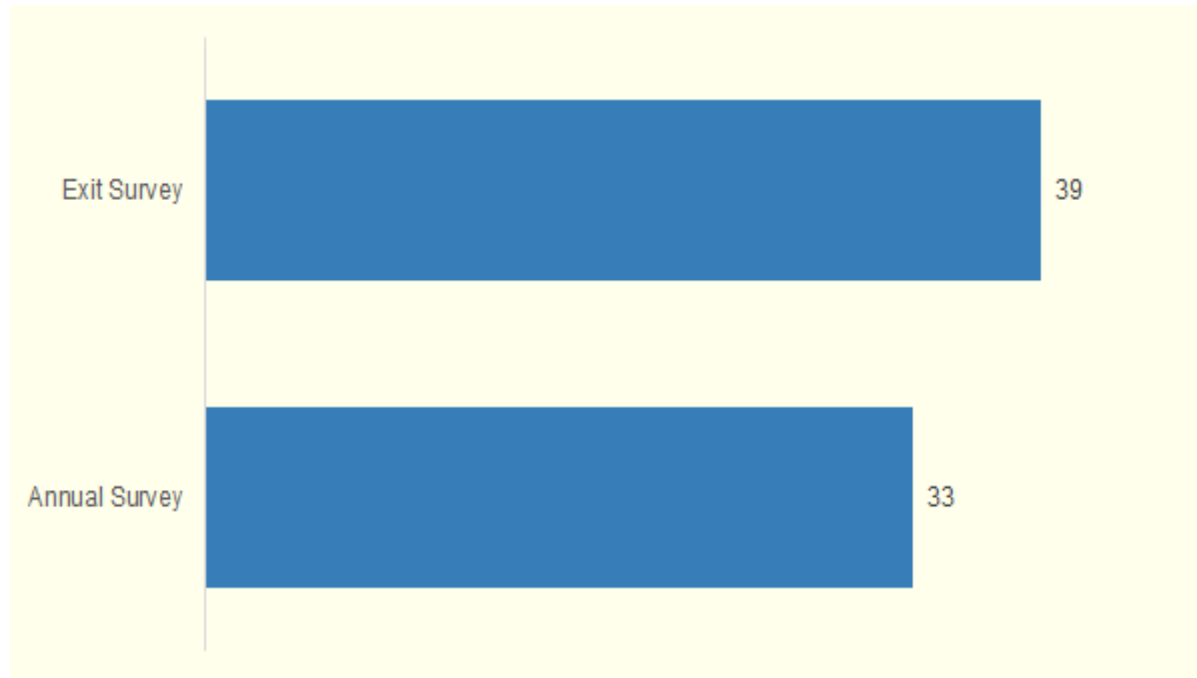


More than half of Members who were elected in the May 2017 election, (40) are “returning” (re-elected) Councillors from the previous administration and all others (35) are “newly elected” to this current term.

Of the 75, Elected Members, a total of 47 responded to the Annual Survey. Of this number, 33 Members (44%) responded to the 2017 bullying discriminatory and unacceptable behaviours questions.

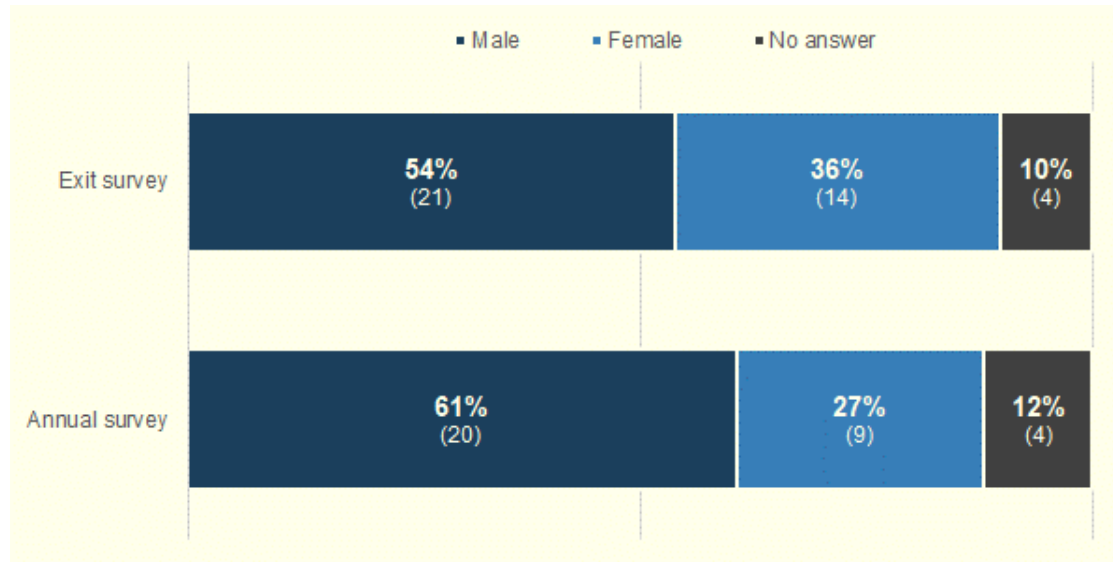
The majority (58%) of those who completed these questions are Members (19) who have been “newly elected”. The “returning” Councillors (14) who completed the survey account for 42% of total respondents.

Chart 2. Respondents to Bullying and Unacceptable Behaviour questions in 2012 – 2017 Exit Survey and 2017 Annual Survey



The results in Chart 2, above show that a smaller number of Members (33) during this administration, completed the questions on their experience of bullying, discrimination and other unacceptable behaviours in the 2017 Annual Survey, compared to the number of Members (39) who completed these questions during the Exit Survey 2017.

Chart 3. Exit Survey and 2017 Annual Survey Respondents by Gender type



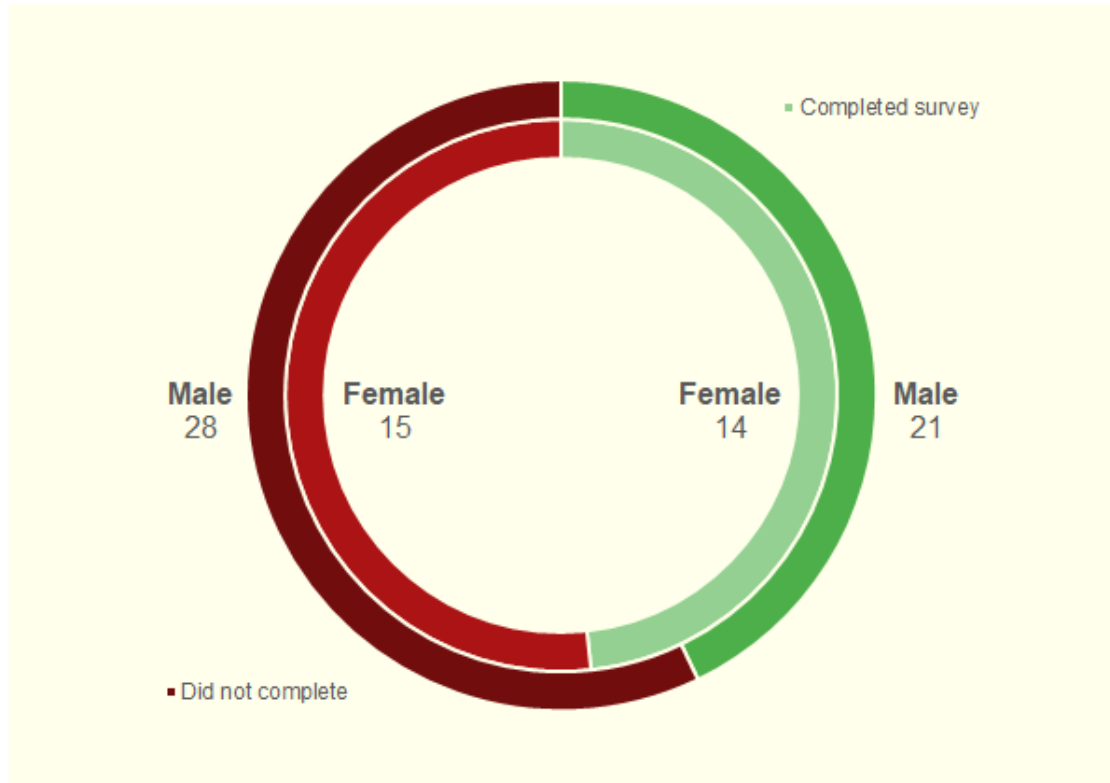
The result in Chart 3 above, show most respondents to the Exit Survey and the Annual Survey are “Male”.

Nearly two-thirds (61%) of respondents to the 2017 Annual Survey are “Male”, and just over a quarter (27%) are “Female”.

Similarly, most respondents to the Exit survey are “Male” (54%). There is a greater proportion (36%) and number of “Females” (in total 9 respondents) who completed the Exit survey compared to the 2017 Annual Survey.

In both surveys, a few respondents did not disclose their gender category.

Chart 4. Male and Female Respondents to Bullying Questions in Exit survey



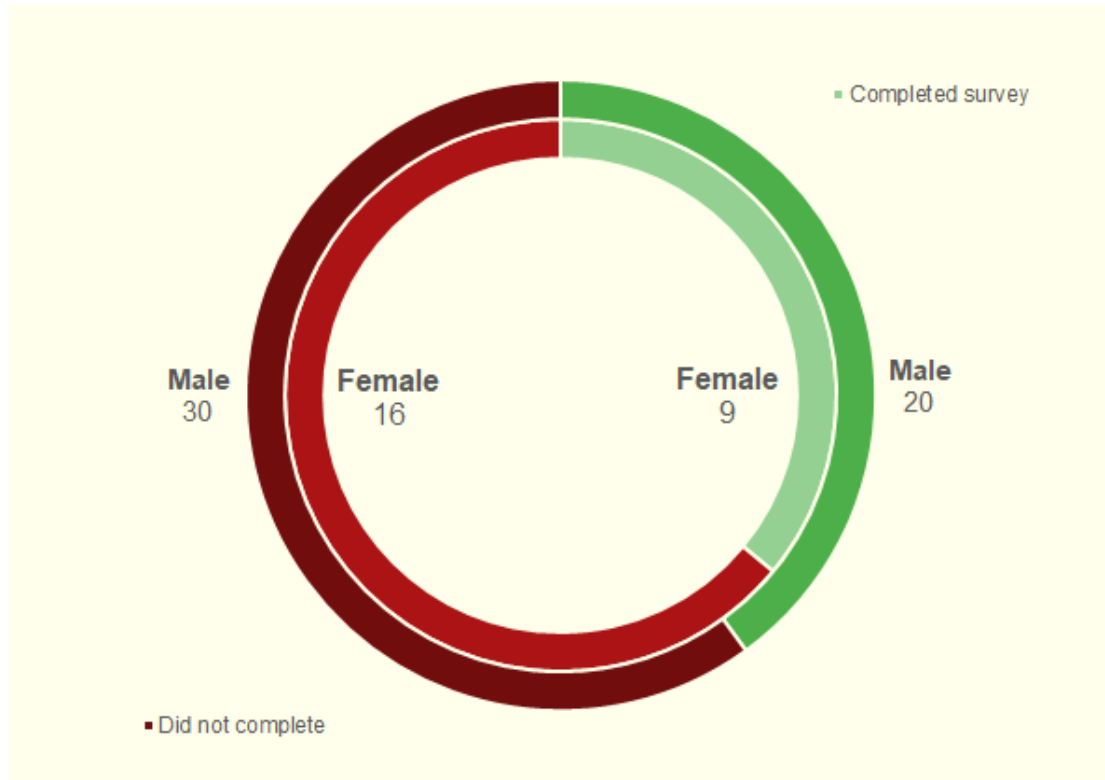
The total number of Members who were invited to complete the Exit Survey was 81. This included 6 former Elected Members who had left the Council before the end of their term.

Chart 4 above shows that less than half of all elected Members in the previous administration completed the bullying and questions survey. Most of those who responded are “Male” Members.

These “Male” respondents (21 out of 49 total “Male” Members), account for 43% of all “Male” Members in the previous term who were invited to complete the survey.

In the Exit survey, there was a greater proportion of “Female” Members (14 out of 29 total “Female” Members) who completed the survey. They account for 49% of all “Female” Members in the previous term who were invited to complete the survey.

Chart 5. Male and Female Respondents to Bullying Questions in 2017 Annual Survey



All of the 75 Members in the current administration were invited to complete the survey.

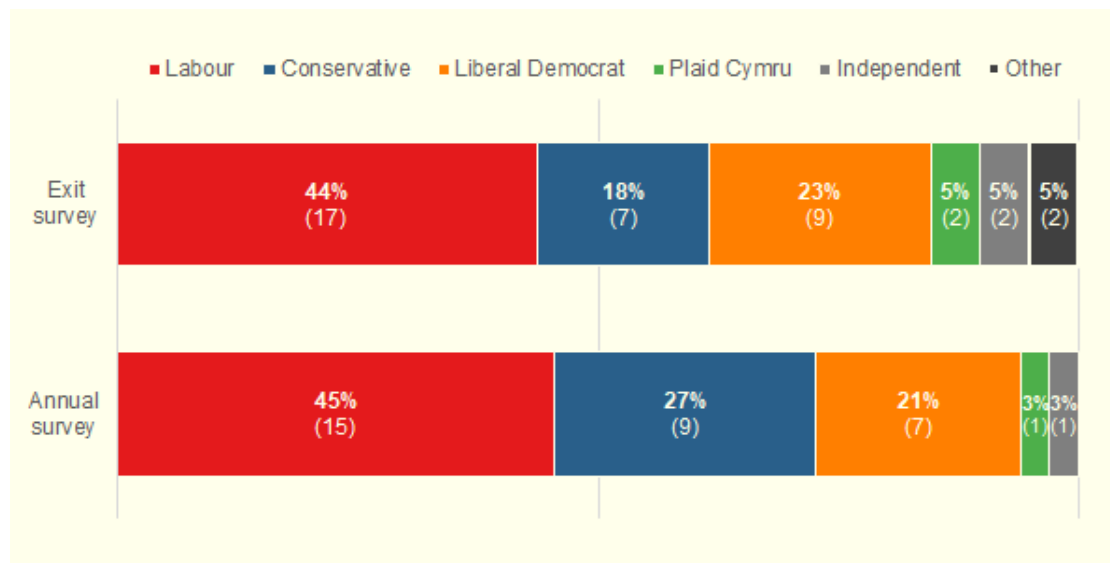
20 “Males” and 9 “Females” completed the survey, and 4 Members who did not provide details of their gender type.

Chart 5 above shows that less than half all elected Members in the current administration, completed the survey. Of those who responded, most of them are “Male” Members.

The total number of “Male” respondents who completed the survey (20 out of a total 50 “Male” Members) account for 40% of total number of Members in this current administration who are Male.

The total number of “Female” respondents who completed the survey (9 out of 25 “Female” Members) account for 36% of total Members in this current administration who are “Female”.

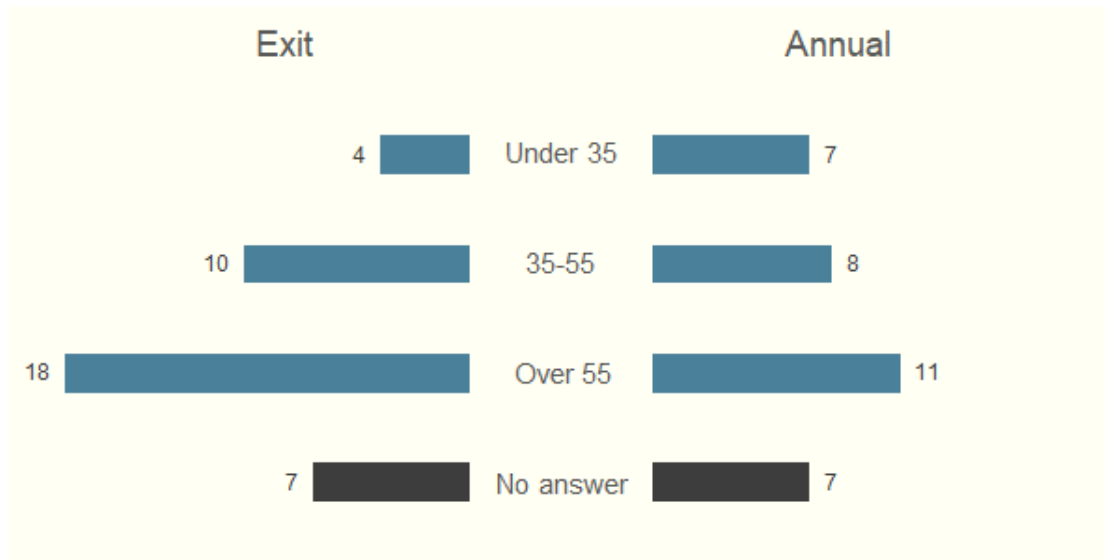
Chart 6. Distribution of respondents by political group



More respondents to bullying and other discriminatory behaviour questions in the Exit Survey (44%) and the 2017 Annual Survey (45%) are from the Labour group.

There was also more respondents from the Conservative group in the 2017 Annual survey (27%) compared to the number of Conservative group respondents (17%) in the Exit survey. This would be as a result of the increase in Conservative Councillors from 11 to 20 after May 2017.

Chart 7. Number of respondents by age group



The Chart above illustrates the age distribution of Members who responded to the Exit Survey and the 2017 Annual Survey.

Just over a third (36%) of respondents to the Exit Survey were under 55, while nearly half (46%) were over 55.

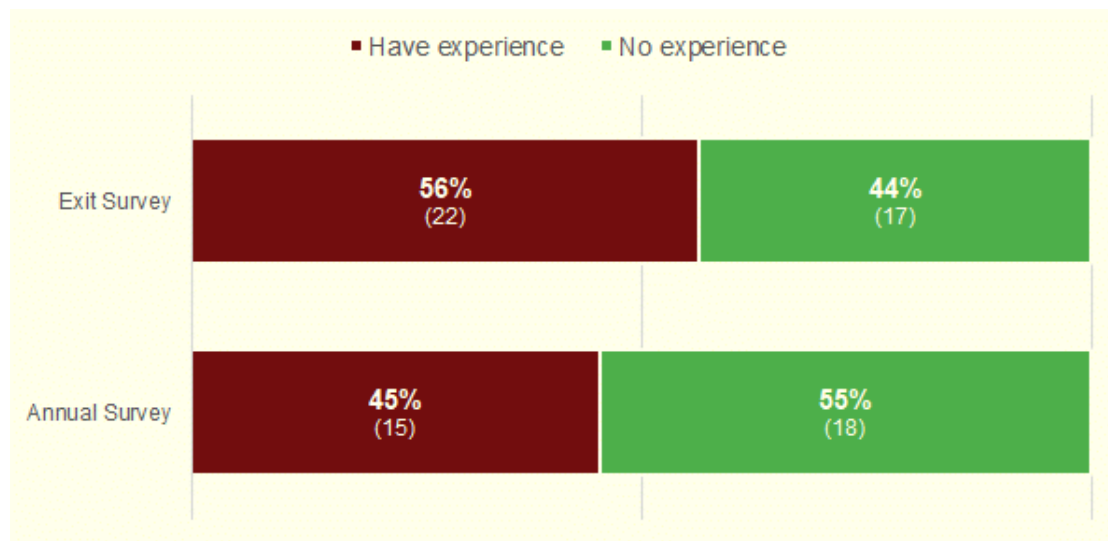
In comparison, the age distribution of respondents to the 2017 Annual survey show that most of the respondents (45%) to this section of the survey are under 55 years old. Those who are over 55 years old account for 33% of total respondents.

In both the Exit Survey (18%) and the 2017 Annual Survey (15%), several respondents have not disclosed their age.

3. Comparative analysis of Exit and 2017 Annual Survey

3.1. Respondents' experience of unacceptable behaviours

Chart 8. Respondents who had experienced bullying, discrimination, or other unacceptable behaviours

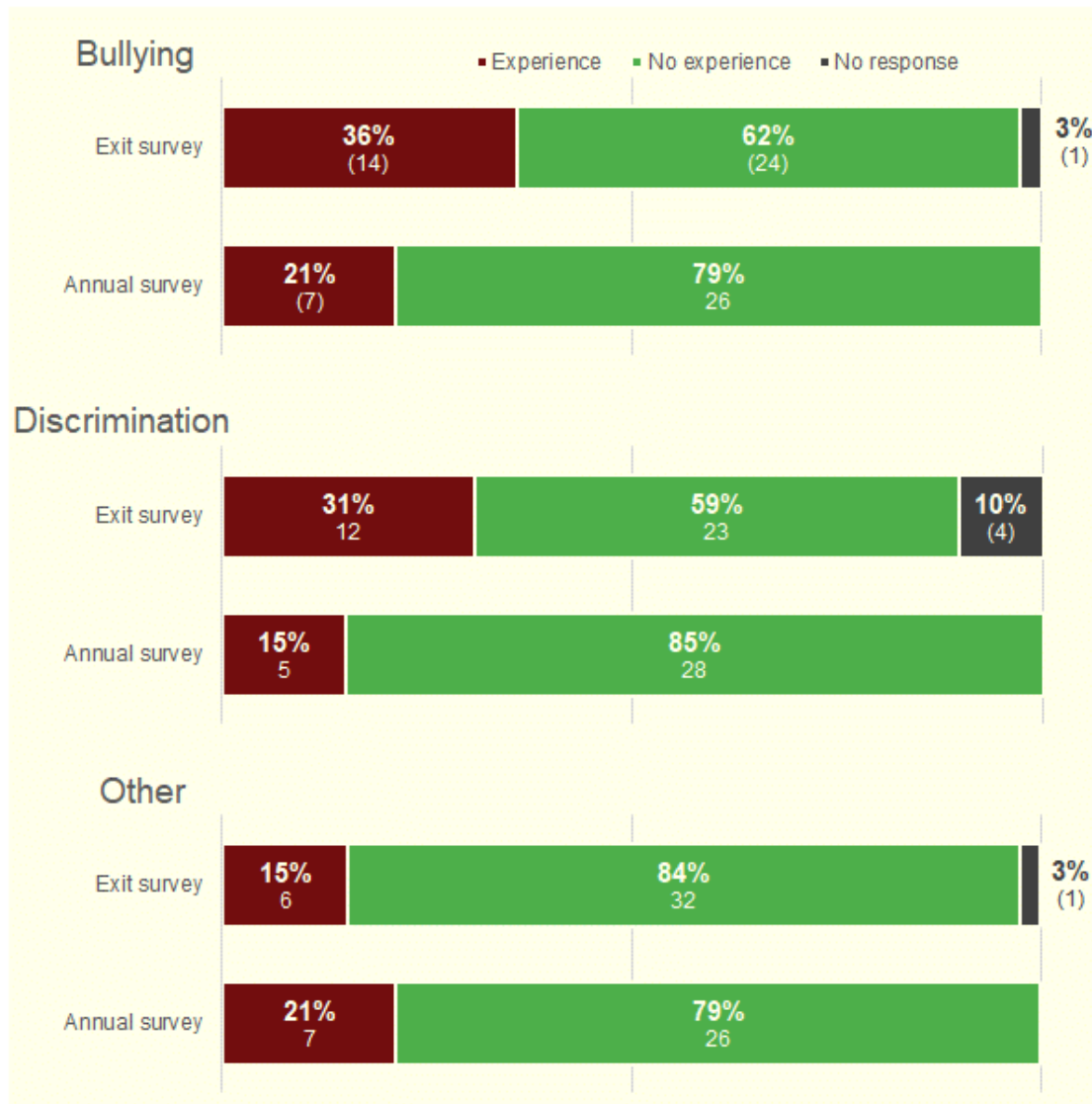


As part of the outgoing Members' Exit Survey and the 2017 Annual Survey, respondents were asked, "During your term in office have you personally experienced bullying, discriminatory behaviours or any other unacceptable behaviours?"

The results above show that a substantial proportion (in the range of 45% - 56%) of Members indicated that they have experienced either bullying, discriminatory or other unacceptable behaviours. A higher proportion of respondents (56%) in the Exit Survey confirmed that they have experienced an incident compared to respondents in the 2017 Annual Survey (45%) who indicated the same response.

Those who responded to the 2017 Annual Survey have only been in office for six months when the 2017 Annual Survey was conducted and this may account for the difference in their experiences.

Chart 9. Comparison of respondents' experiences by type of unacceptable behaviour



The results above show that only a small proportion of all Members elected during the 2017 election have experienced bullying (21%) and discrimination (15%) other unacceptable behaviours (21%).

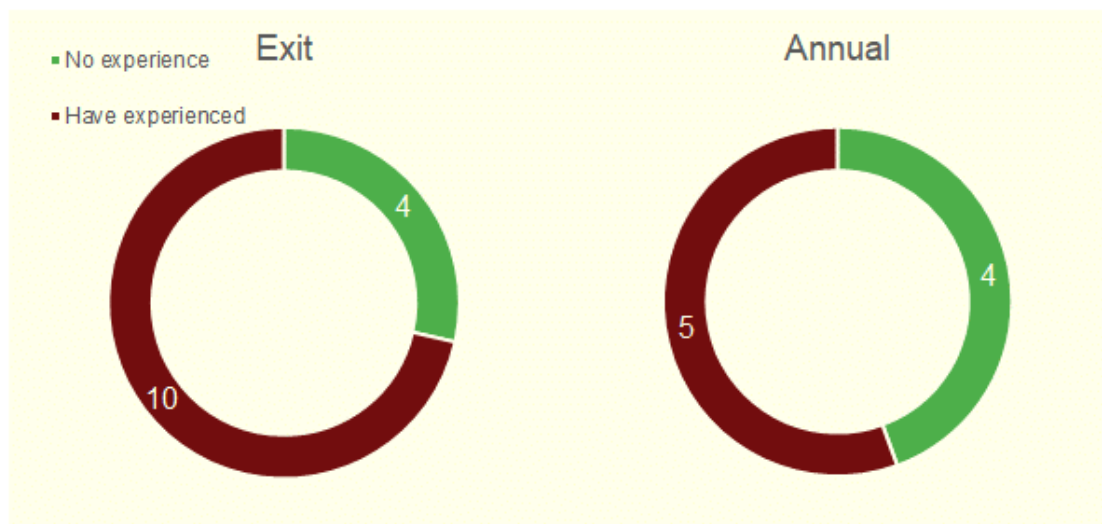
During the previous administration, (as shown by results of the Exit Survey), a comparatively higher proportion of Members indicated that they have experienced bullying (36%) and or discrimination (31%).

3.2. Experience of bullying, discrimination and other unacceptable behaviours by gender type

The following Charts illustrate the variation in respondents' experience of bullying and discriminatory behaviour by gender type.

3.2.1. Experience of Female respondents.

Chart 10. Number and distribution of female respondents who stated they have experienced bullying and other types of unacceptable behaviours

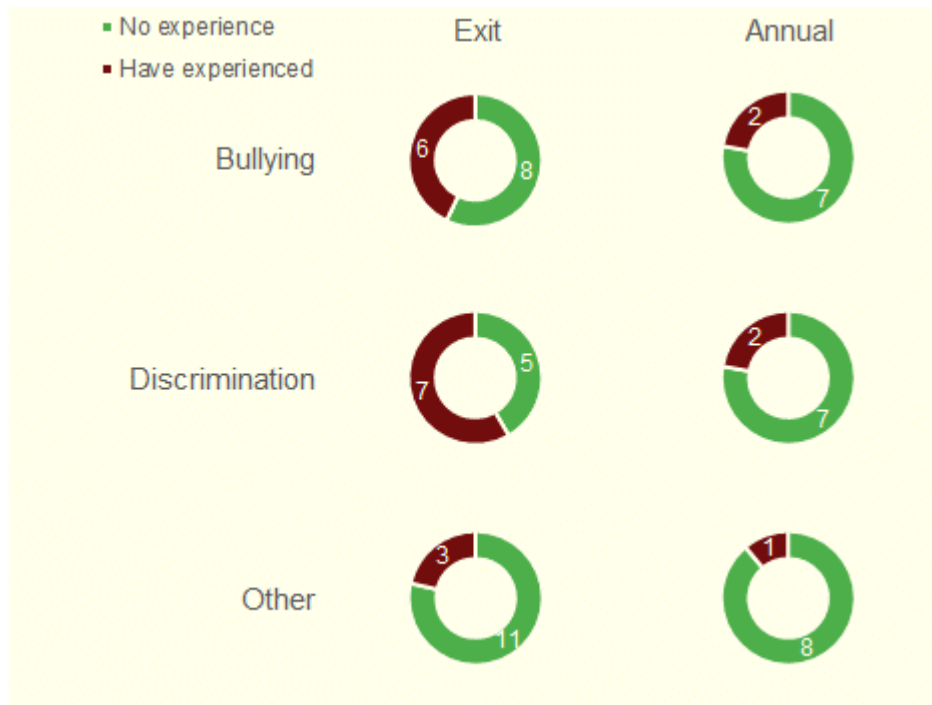


The results from the two surveys show that majority of the female respondents experienced bullying, discrimination, or other unacceptable behaviour.

In the Exit Survey, as many as 10 (71%) female respondents experienced such incidents. There is a slightly smaller proportion 5 (56%) of female respondents in the 2017 Annual Survey who had similar experiences. Although the figures are lower in the 2017 Annual Survey, the results from both surveys would suggest that most female Elected Members have experienced either bullying, discrimination or other unacceptable behaviours.

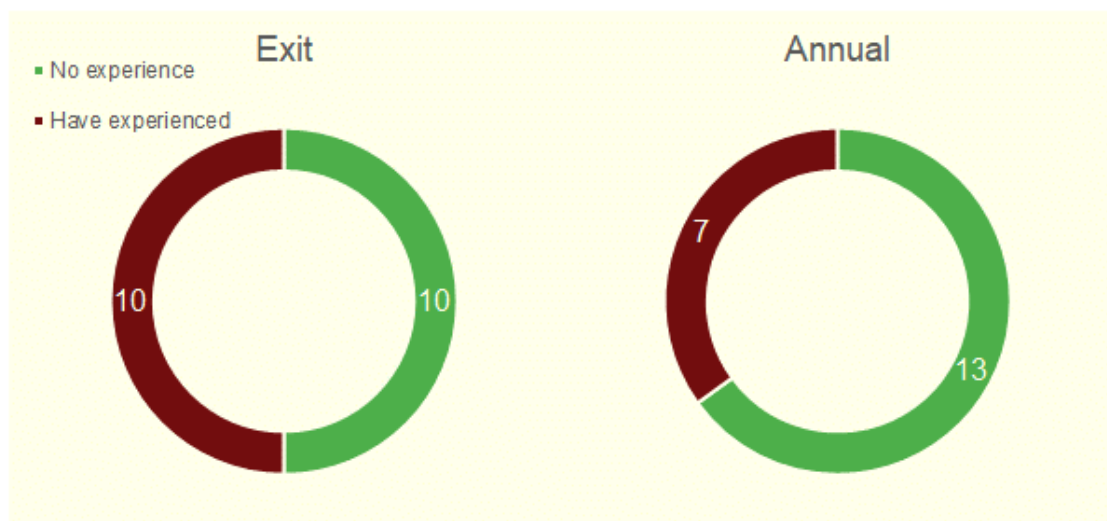
Chart 11 below illustrates in more detail the distribution of female respondents who have experienced bullying and other types of unacceptable behaviours.

Chart 11. Types of incidents experienced by female respondents



3.2.2. Experience of Male respondents.

Chart 12. Number and distribution of Male respondents who have experienced an incident



The results in Chart 12 above show that half of male respondents (50%) in the Exit Survey have experienced bullying or other unacceptable behaviours.

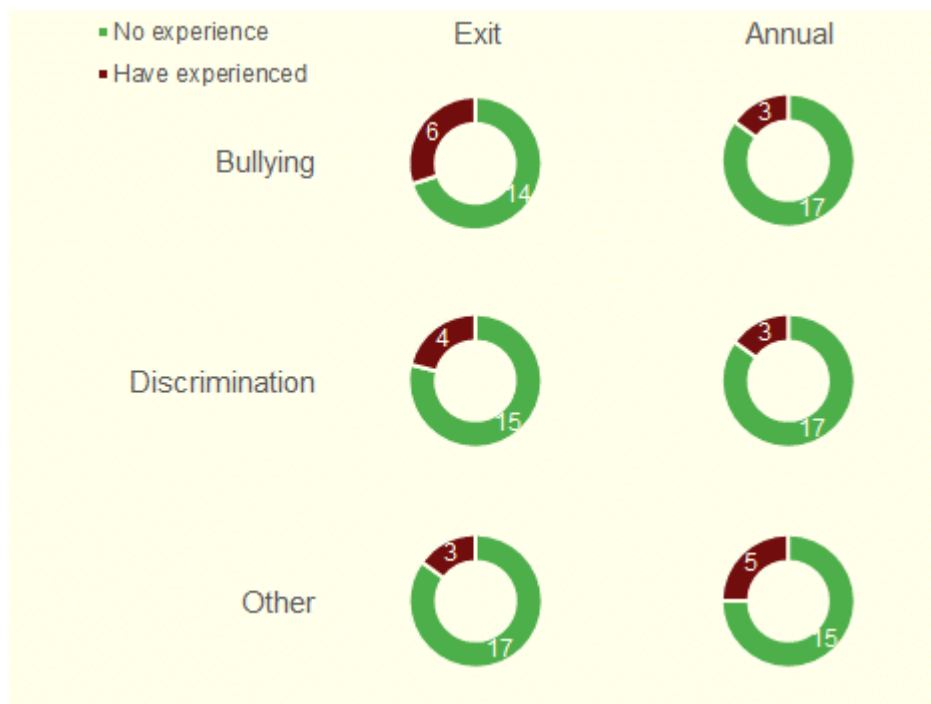
There is a smaller proportion of male respondents (35%) in the 2017 Annual Survey who have experienced similar incidents.

A comparison of the results on the experience of female respondent's vs male respondents (Chart 7 vs Chart 9) would suggest that female Members are more likely to experience bullying or any other type of unacceptable behaviours.

The Charts below illustrate in more detail the number and distribution of male respondents who have reported experiencing various types of unacceptable behaviours.

The results show in the Exit Survey that a greater number and proportion of male respondents have experienced bullying and other unacceptable behaviours compared with the male respondents in the 2017 Annual Survey

Chart 13. Types of incidents experienced by male respondents

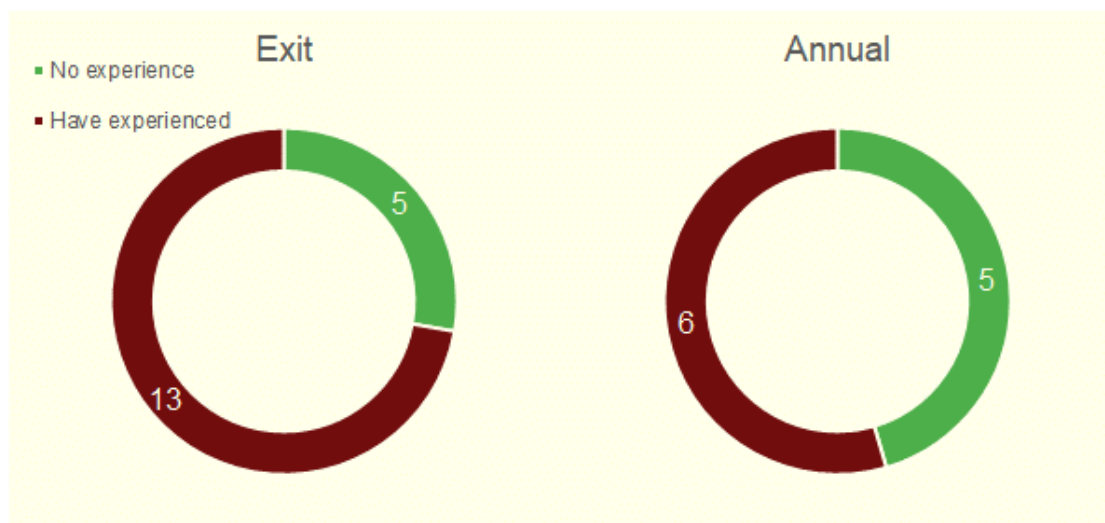


3.3. Experience of unacceptable behaviours by age group (under 55 years old vs over 55 years old)

The results in the Charts that follow will illustrate the distribution of respondents and their experience by age group.

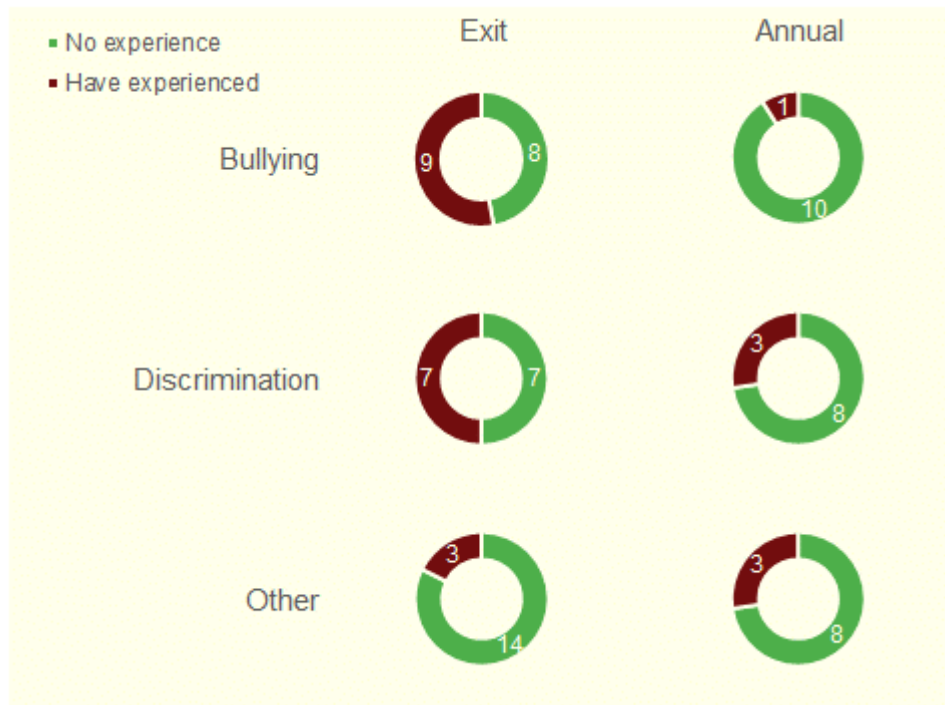
3.3.1. Experience of respondents over 55 years of age

Chart 14. Respondents over-55 years old who had experienced an incident



The Chart above shows that the majority of respondents over the age of 55 have experienced an incident of bullying, discrimination, or other unacceptable behaviour. In the Exit survey, this accounts for 72% of respondents while in the 2017 Annual survey 54%.

Chart 15. Types of incidents experienced by respondents over-55 years old



The results in the Chart above illustrates in more detail the number and proportion of male respondents who have experienced bullying and other types of unacceptable behaviours.

The results also show that during this term (as shown in the 2017 Annual survey) a smaller number and proportion of male respondents over 55 years old have so far experienced bullying or unacceptable behaviours.

3.3.2. Experience of respondents under 55 years old

Chart 16 below shows the number and proportion of respondents in Exit Survey (36%) and 2017 Annual Survey (33%) under 55 years of age who stated that they have experienced bullying and other unacceptable behaviours are not hugely dissimilar.

Chart 16. Respondents under-55 years old who reported experiencing an incident

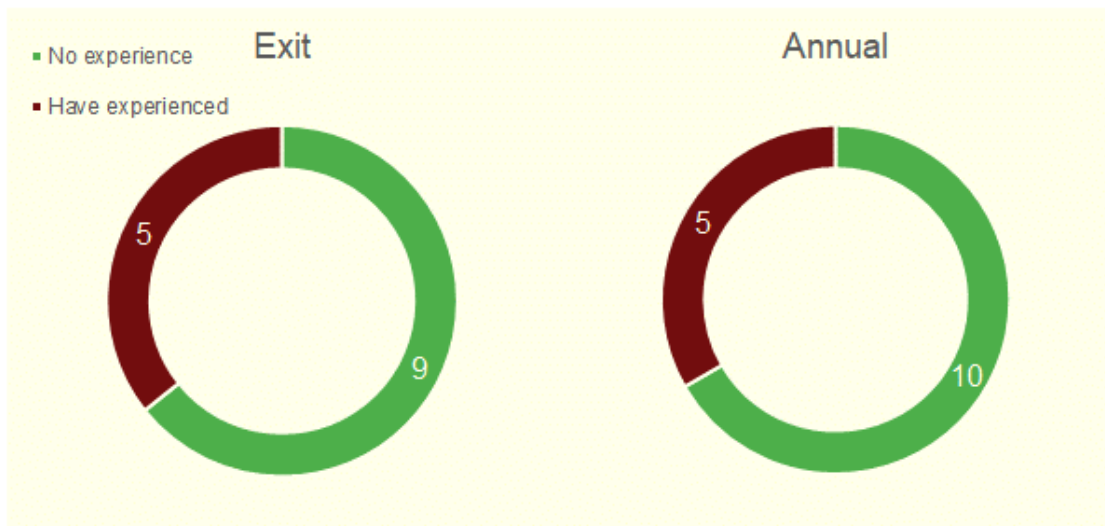
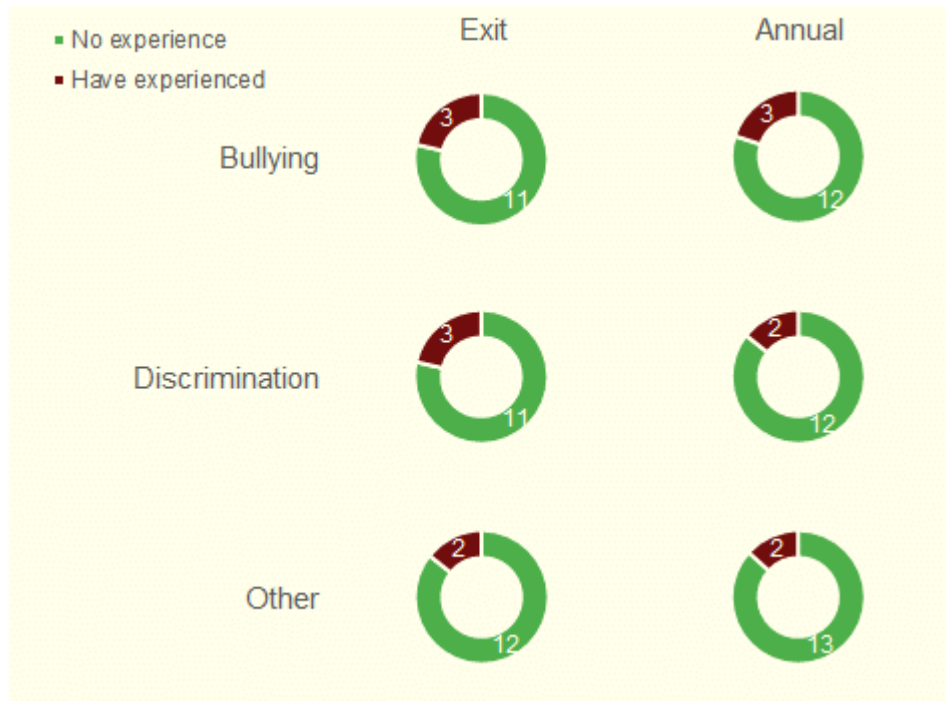


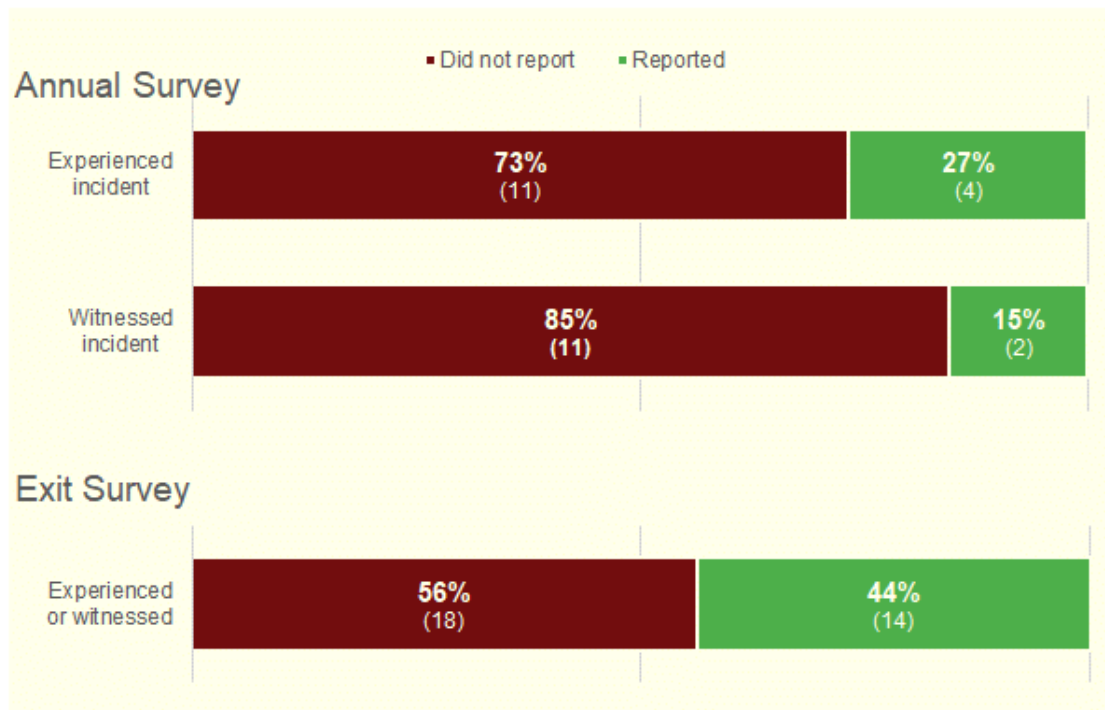
Chart 17. Types of incidents experienced by under-55s



3.4. Reporting of incident

3.4.1. Respondents reporting incidents

Chart 18. Respondents reporting bullying and other unacceptable behaviours, Exit Survey vs. 2017 Annual Survey



When asked whether they reported incidents that they have witnessed or experienced, the results Chart 18 above show that the majority of respondents in both the Exit Survey (56%) and the 2017 Annual Survey (in the range of 73% - 85%) did not report this.

Compared with the Exit Survey, there is a greater proportion of respondents to the 2017 Annual survey did not report the incidents that they have either experienced (73% of respondents) or witnessed (85% of respondents).

3.4.2. Reason for not reporting incidents experienced and witnessed

Respondents who did not report the bullying and discriminatory behaviours that they have been exposed to, have cited various reasons. An outline of these responses are in Appendix 1 of this document.

Three respondents to the Exit survey stated that the nature of the political environment reinforces the prevalence of bullying. There is a suggestion that such kind of behaviours are “prevalent in the political context” and is described by another as “part of the culture – quite laddish”

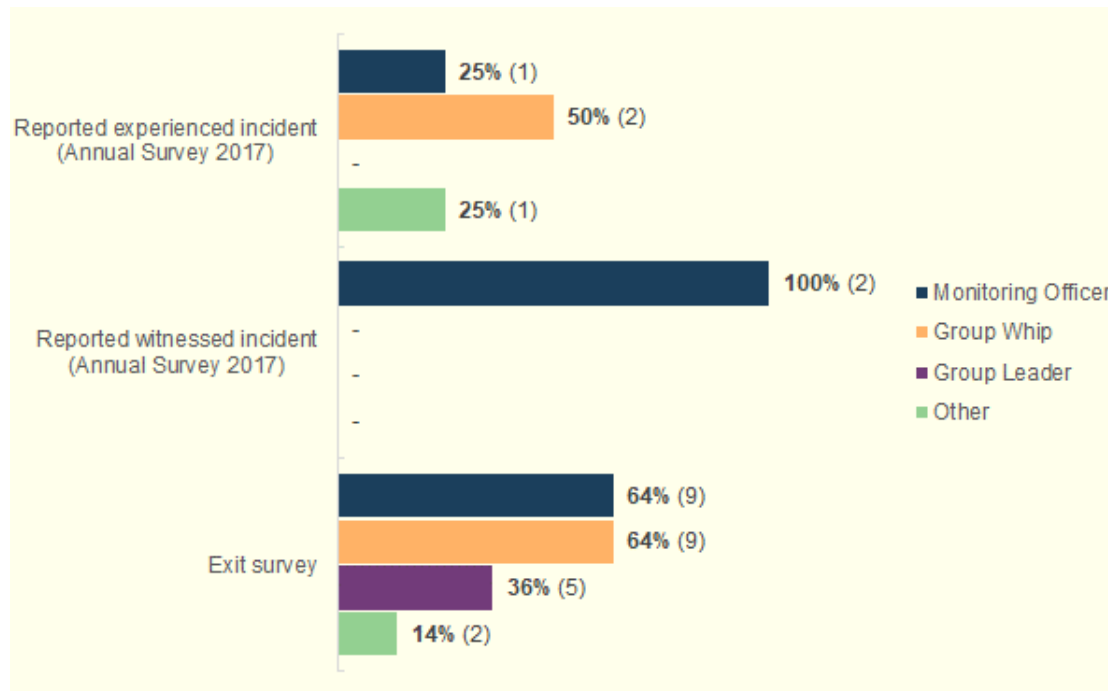
In both the Exit and 2017 Annual Surveys, there were respondents who cited that the covert nature of bullying and discriminatory behaviour makes it difficult to report.

There is also a widely shared belief by some respondents the Exit Survey and by many in the 2017 Annual Survey, that reporting of incidents will not result in change. Some Members cited their previous experience where bullying and unacceptable behaviours have not been effectively dealt with, due to a belief that there is no “sufficient impartiality” and a belief that there is “ruling group favouritism”.

Some respondents in the Exit Survey also felt that there was no need for them to reporting the incident as this had happened “publicly” in the presence of the Monitoring Officer and other Member colleagues who were in the position to later on act on such displays of unacceptable behaviours. It is possible that action will have been taken as those who witnessed the behaviour would not necessarily be aware of.

3.5. To whom incident was reported to

Chart 19. To whom respondents have reported the incident



When asked who they reported the incident to (incidents experienced and witnessed) *most* respondents in the Exit Survey and the 2017 Annual survey stated that they reported this to the Monitoring Officer and/or the Group Whip.

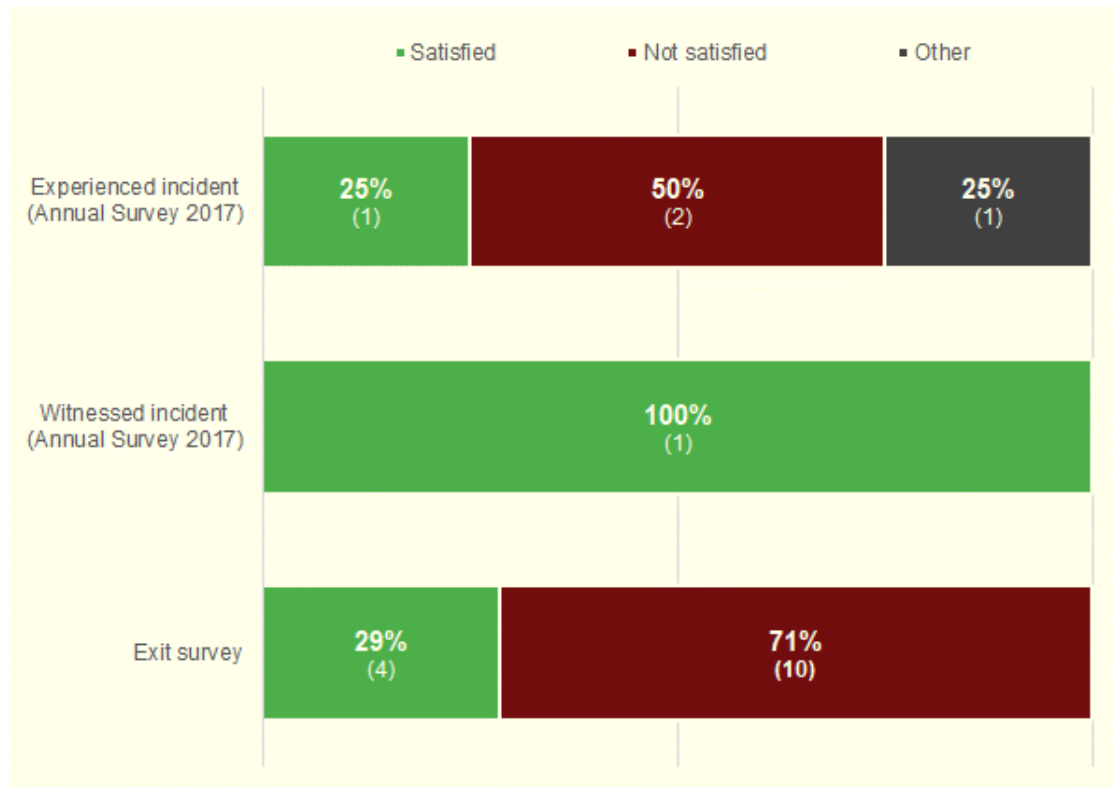
Although 45% of respondents (15 out of 33 in Chart 8) in this political term have either experienced or witnessed an incident, only 27% (4 out of 15) of respondents *who experienced incident* have chosen to report this to persons of authority or individuals who have responsibility for dealing with this matter. Of those who *witnessed an incident*, only 13% (2 out of 15) of respondents have chosen to report this.

The results from the 2017 Annual Survey also show that only 2 respondents who have *experienced an incident* indicated that they have reported this to the Group Whip. Other respondents in this category reported their experience to the Monitoring Officer (1 respondent) and to an undisclosed person (1 respondent).

Those Members (2 respondents) in this current term who have *witnessed an incident* cited that they have reported this to the Monitoring officer.

3.6. Satisfaction with how incident was dealt with

Chart 20. Respondent satisfaction of how incident was dealt with



Respondents were asked, “When you reported the incident, were you satisfied with how it was dealt with?”

The four respondents in the 2017 Annual Survey who experienced an incident had different views on their satisfaction with how the incident was dealt with.

The respondent (1) who reported to the Monitoring Officer was satisfied with how the incident was dealt with. Of the (2) respondents who reported to their Group Whip, one stated that they were not satisfied with how the incident was dealt with while the other respondent did not provide any response. It must be noted that the number of respondents who have reported an incident as with the number of respondents who confirmed their satisfaction of how this was dealt with are very small.

Two respondents in the 2017 Annual Survey who have witnessed the incident have reported this to the Monitoring Officer. Of these (2) respondents, one stated that they were satisfied with how this was dealt with, however the other respondent did not provide a response.

Due to the very small number of responses to these questions, the results shown above may not be representative of the views of Members who are currently serving in this political term.

3.6.1. Reasons for dissatisfaction of how reported incident was dealt with

Respondents cited various reasons why they were dissatisfied with how the incident they reported was dealt with. A number of respondents to the Exit survey shared the view that “no effective action was taken to address the matter”. This view is also shared by at least 1 Member in this current term. On a similar note, there was also 1 Member who felt that “action took too long” and the lack of victim support from their political Group members.

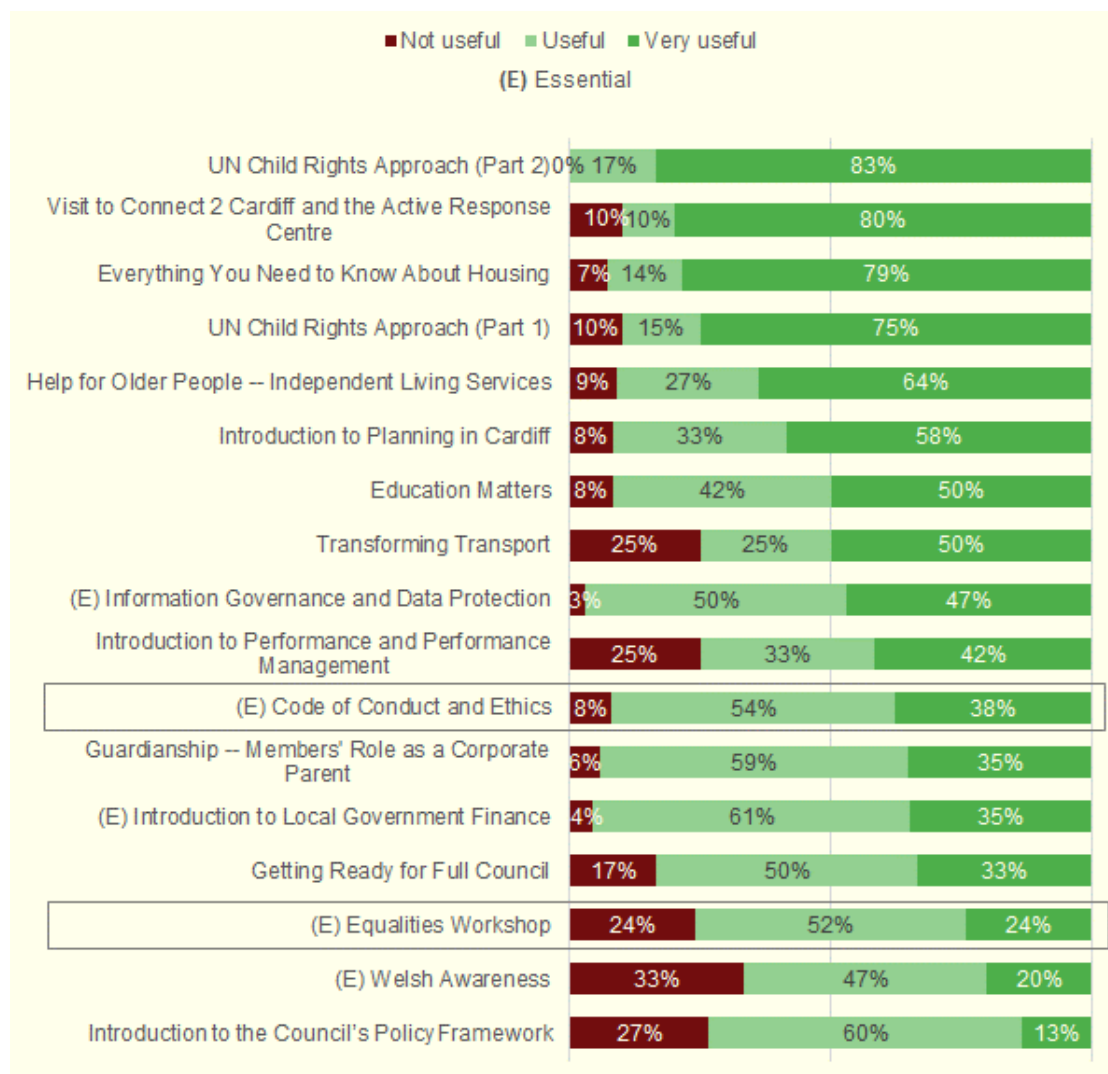
Some Members expressed concern that in raising these types of incidents, they have been subjected to further harassments or felt that they were not taken seriously. This sentiment is also shared by other Members who felt that these incidents were tolerated and is part of the pervading “culture” in politics.

3.7. How to prevent future incidents of unacceptable behaviour

Councillors were asked what they thought should be done to prevent bullying and discriminatory behaviours.

There was shared view from respondents to both surveys that attitudes among Councillors needed to change. Additionally, some respondents believe that Members need to be aware and be reminded of behaviours that are unacceptable in their role as an elected representative in the Council. In developing this awareness, several Members in both surveys highlighted the need to provide training “as part of induction” to members, which some suggested should be made “compulsory”. Members in this current political term specifically suggested that training on “communication skills” and on “how behaviours impact on others” and how to “deal with these types of behaviour” will be useful. Members also highlighted the need to challenge the display of these types of behaviours.

Chart 21. Percentage of respondents who rated induction sessions



These comments support a finding, shown in the chart above, that the Code of Conduct and Ethics event and the Equalities Workshop were given fewer “very useful” ratings than other training sessions. Officers have restructured the Equalities Workshop in response to comments on the 2017 Annual survey, including that the session should offer guidance that is more practical.

Many (12) respondents to the exit survey said that penalties for misbehaviour should be stronger. Although this attitude was expressed in the 2017 Annual survey, it was less common – only two written answers were given that fit this theme. One respondent to each survey suggested that, instead of officially reporting incidents, informal alternatives, such as discussions with Group Whips or education/warnings should be available.

Annex 1. Outline of reasons why Members did not report incident experienced or witnessed from Free Text Boxes

Exit Survey	2017 Annual Survey	
	<i>Experienced incidents</i>	<i>Witnessed incidents</i>
<p>Part of accepted culture “The discriminatory behaviour and bullying was so prevalent in a political context, its almost not perceived as the same as in a standard working environment.”</p>	<p>Part of accepted culture “Discriminatory behaviour is often unintentional. E.g. networking at a football match. Not a reportable issue but exclusive.”</p>	<p>Part of accepted culture “This is not a specific incident just a collection of small incidents which on their own are insignificant but collectively are concerning.” “Part of the culture - quite laddish, and women are excluded from the group if you are not a massive football or rugby fan”</p>
<p>Behaviour was covert “much of the discriminatory behaviour, including between Cllrs and officers was often not overt, and so difficult to report.”</p>		<p>Behaviour was covert “Discriminatory behaviour is often subtle and below the radar for reporting e.g. stating objection in a meeting, to signing a charter supporting women's equality.”</p>
<p>It would not result in change “Because I think it would have been a waste of time.” “The perpetrator is a serial offender who is impervious to censure.”</p>	<p>It would not result in change “No point” “it would not be taken seriously” “I do not feel that there is sufficient impartiality for reporting an issue not to</p>	<p>It would not result in change “Because experience tells me that it doesn't result in anything changing” “Would not be dealt with effectively.” “Ruling group favouritism”</p>

Exit Survey	2017 Annual Survey	
	<i>Experienced incidents</i>	<i>Witnessed incidents</i>
	make the current situation worse”	
<p>Occurred in the open</p> <p>“It was in the public arena in the presence of Monitoring Officer”</p> <p>“There were plenty of people present to witness this [incident in Council chamber]. I wonder if anyone has since been reprimanded or been pulled aside for a quiet word?”</p> <p>“They were carried out in full view of the monitoring officer, chief executive and cabinet members”</p> <p>“I consider the behaviour towards the mayor at January's council meeting to have been a form of bullying. It was visible to all and didn't, I feel, need direct reporting.”</p>		
<p>Reported by another</p> <p>“It was reported by the victim cllr”</p> <p>“It was reported by others.”</p> <p>“Already been logged by others.”</p>		

Exit Survey	2017 Annual Survey	
	<i>Experienced incidents</i>	<i>Witnessed incidents</i>
“Thought it a matter for the group and member concerned.”		
“Lack of proof and a desire not to sour member/officer relationship.”		
“My ward colleague sought advice. Whilst it was unpleasant and unreasonable, I'm not sure if it was a breach of code of conduct. Waiting to see if Data Protection is breached.”		
“The behaviour occurred within the group. When appropriate I challenged it. On other occasions I let party officers deal with it.”		
	“Only happened a few days ago and not yet spoken to anyone.”	“See previous answer [only happened a few days ago]”
	“I felt the discrimination came from Officers.”	
	“I took informal advice and dealt with to myself”	

Annex 2. Reasons for dissatisfaction on how the incident was dealt with taken from Free Text Box

Exit Survey	2017 Annual Survey
<p>Culture of silence</p> <p>“I was told in some instances to put up or shut up.”</p> <p>“No action was taken or follow-up fizzled out so culture of acceptance”</p> <p>“Scrutiny attendees need not always turn up and at my first year, the Conservative and Labour and Scrutiny Advisor (Officer) colluded often when imbalanced to vote down anything I suggested which resulted in a farce.”</p>	
<p>No effective action taken</p> <p>“In others ignored and others still had fruitless meetings which did not resolve the issue.”</p> <p>“Whip did not act upon the incidents.”</p> <p>“No action was taken regarding the incident when I felt I was bullied.”</p> <p>“No action was taken or follow-up fizzled out so culture of acceptance”</p> <p>“The incident XXXXXX was bullied has still, nearly two years later, not been resolved to XXXX satisfaction.”</p> <p>“The monitoring officer was informed of this incident, the name of the councillor and she did not act. I assume she was scared to do so”</p> <p>“Pressure was on the Monitoring Officer to refute or play down my complaints”</p>	<p>No effective action taken</p> <p>“Officers said nothing. Only fellow councillors got involved.”</p>
<p>Duration of action loo tong</p> <p>“others still had fruitless meetings which did</p>	

Exit Survey	2017 Annual Survey
<p>not resolve the issue.”</p> <p>One took 18 months to resolve and one still not resolved</p>	
<p>Resulted in further harassment of victim</p> <p>“When I reported the comments made by xxxxx regarding the xxxxx to the Chief Whip, he advised me to take the issue to a xxxxx Group meeting. I experienced considerable difficulty in getting the item included on an agenda. When it was, I was subjected to an angry xxx by xxx.”</p> <p>“I felt intimidated and threatened, especially as I was aware of the violence which has been shown to the xxxx. This is a very serious issue, the police subsequently contacted me (unsolicited) to ask if I felt safe.”</p> <p>“I advised the officer at the time that a member of my group chased me across the car park resulting in me falling over and grazing my knee. The Cllr then followed me into the lift, to my office where I had to lock the door. He then returned to my office at the end of the day and followed me into the lift, into the car park until I got in my car and shut the door. “</p>	
<p>No support from other Group Members</p> <p>“Not one member of the xxx Group spoke up to support me and I had to ask the chair to intervene during xxxxx tirade”</p>	

Exit Survey	2017 Annual Survey
<p>Difficulty in managing pervading “culture” and practice in the system</p> <p>“I am xxxx so this question is difficult to answer. There is such an inbuilt bullying culture within politics that try as I might, it has been virtually impossible to control”</p>	
<p>“Do not wish to elaborate”</p>	
<p>“The Chief Executive did, however, take action regarding false information regarding an issue raised with the protocol office.”</p>	

Annex 3. Preventing bullying and unacceptable behaviours in the future.

Exit Survey	2017 Annual Survey
<p>Offenders need to change</p> <p>“Mind sets need to change.”</p> <p>“It’s about respect. When you have Cllrs who have taken each other to court it is very difficult for them to put that aside outside the Council. Could more have been done to encourage those who genuinely dislike each other to put that aside when in the chamber?”</p> <p>“Officers and Members should recognise the value of each other’s views and respect those views even if they do not conform to theirs; not discriminate against the set up ‘minority’ ”</p> <p>“Mutual respect! These behaviour patterns appear in a particular generation & type of person.”</p>	<p>Offenders need to change</p> <p>“I think perhaps it's a combination of things. Getting people out of "old school" behaviour - more appropriate to older councillors - making councillors aware of the hurt it can cause, and an understanding of what bullying, discriminatory and inappropriate behaviour is.”</p>
<p>Clear expectations</p> <p>“I think there needs to be a very clear expectation of members that aggressive behaviour is not appropriate and that being an elected member places an additional responsibility in terms of their behaviour.”</p> <p>“Councillors need to understand their role and responsibility. They need to understand that if an officer can't help because of the policy then they need to make the case why something should be treated as exceptional or review the policy and not blame officers”</p>	<p>Clear expectations</p> <p>“Continuing to highlight that this behaviour is unacceptable”</p> <p>“Needs to be made clear in induction and in enrolment packs”</p> <p>“Clear expectations of the relationship between Elected Members and Officers, making both parties aware of 'the line'.”</p>

Exit Survey	2017 Annual Survey
<p>Training to change attitudes</p> <p>“Regular training on this – for example Induction has Equality Training and then no refresher. Once a year make it compulsory for a refresher besides compulsory induction.”</p> <p>“There should be compulsory training for all councillors”</p> <p>“Compulsory training Better commitment from political parties to do this at selection stage as well”</p>	<p>Training to change attitudes</p> <p>Awareness raising of how behaviours impact on others”</p> <p>“Communication skills training”</p>
<p>Challenging behaviour</p> <p>“Calling out behaviour”</p>	<p>Challenging behaviour</p> <p>“Constantly reiterate. Challenge bad behaviour.”</p> <p>“Peer pressure, effective chairing”</p>
<p>Training in dealing with others</p> <p>“Training councillors to develop strategies to deal with these behaviours is essential as these people won't change. Standing up to bullying & discriminatory behaviours is the key to stopping it. But Cllrs need specialist training on this. I have done this privately”</p>	<p>Training in dealing with others</p> <p>“training in managing behaviours of others”</p>
<p>Sanctions for behaviour</p> <p>“Should be dealt with harshly and constructively”</p> <p>“there should be agreed and established protocols by which they can be dealt.”</p>	<p>Sanctions for behaviour</p> <p>“Take very strong action against anyone found guilty of this behaviour”</p> <p>“full and proper sanctions when they occur”</p>

“Standards and Ethics needs to be given or start to use powers to address this. Seems to be a toothless com'tee and its role and future questionable.”

“More harsh consequences if proved.”

“Consequences management from the monitoring officer”

“Stronger penalties for those who frequently ignore the rules laid down”

“The council never takes action. The council needs to take action.”

“People who break rules being immediately suspended until an investigation takes place, rather than being present as though nothing had happened. Investigations are drawn out and ineffective. Unless action is taken immediately people will go on behaving badly.”

“strict discipline should be imposed so that bad behaviour is dealt with effectively and not allowed to escalate.”

“Action (not long winded) when behaviour is reported”

“real concerted follow-through and investigations, so that those reporting concerns believe that the system is 'listening and acting'.”

“give Standards and Ethics/ Monitoring officer some powers to deter this behaviour”

Exit Survey	2017 Annual Survey
Name and shame	Name and shame
"Name and shame."	"naming and shaming."
Reporting	Reporting
<p>"Encourage reporting with assurance it will be addressed immediately."</p> <p>"There should be member of council staff who is a named contact for councillors so they know who to go to for advice and support if they have any complaints regarding bullying and discrimination."</p> <p>"More openness to reporting behaviour."</p> <p>"Officers should be able to report bullying by Councillors, and not fear any effect on their job."</p>	<p>"Ensuring an transparent, confidential and independent mechanism for issues to be reported"</p> <p>"Support colleagues to report issues and ensure that all reports are investigated"</p>
Informal action	Informal action
<p>"There should be clearer ways for concerns/issues to be raised without necessarily it reaching formal complaint - perhaps through the whips?"</p> <p>"Regular one to ones with an objective outsidee"</p> <p>"Strong officer advice is needed."</p>	<p>"For minor matters informal education/warnings may help alleviate/address concerns before they escalate to more serious behaviour."</p>
<p>"Tensions are caused by austerity and an insufficiency of Council financial capacity. In</p>	

Exit Survey	2017 Annual Survey
<p>part, the solution for the eradication of the problem lies at core funding level from Westminster by a Welsh Government; that is not to excuse behaviour but is in part to explain what may allieviate it.”</p>	
<p>“A greater distribution of decision making roles and power across the authority. The current system effectively creates a Cabinet of Super Councillors that officers surround. The vast majority of councillors are backbench councillors with limited input into decision making hence huge frustration, rivalry and jealousy are fostered.”</p>	
	<p>“Prevent untrue statements and councillors telling lies.”</p>
	<p>“offer better protection to the accused as well as the accuser.”</p>
	<p>“Fairness across the Council”</p>

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POTENTIAL ACTIONS TO SUPPORT OUTCOMES FROM 2017 MEMBER ANNUAL SURVEY

WITHIN THE REMIT OF THE STANDARDS & ETHICS COMMITTEE

Themes	Comments from the Monitoring Officer	Comments from Party Whips
Clear Expectations		
(i) Member induction and ongoing learning and development to be used to continue to raise awareness of expectations and the ethical standards and principles Councillors must follow.	All 75 members have carried out Code of Conduct training as part of the member induction. I have noticed an improvement in behaviour at public meetings during this Council. I take every opportunity to challenge inappropriate behaviour.	<p>Agree with comments and recognise the need to continue to promote Members involvement and participation</p> <p>Induction programme has been well received.</p> <p>Party Groups and Whips have a role in party specific inductions.</p>
(ii) Training to be used to help influence (change) attitudes e.g. communication skills; chairing meetings and managing challenging behaviour.	<p>The member development programme will include these sessions, but at the moment there is no agreement in place for them to be compulsory.</p> <p>My experience is that challenging inappropriate behaviour when it occurs or soon after is the most productive way of dealing with it. As a Council officer I am not present at political group meetings to do so, however members of Standards and Ethics Committee, supported by their Group Leaders and Whips, could take this role.</p>	<p>Training to help influence attitudes (e.g. communication skills; chairing meetings and managing challenging behaviour) be agreed compulsory training for Members, including for returning Members.</p> <p>Agree that respectfully challenging inappropriate behaviour when it occurs (or as close as reasonably possible) is productive and is everyone's responsibility.</p>

Themes	Comments from the Monitoring Officer	Comments from Party Whips
		<p>Agree leadership from Standards and Ethics Committee Members, supported by Group leaders and Whips would reinforce this expectation.</p> <p>Agree with Monitoring Officer comment.</p>
(iii) Ensure a good understanding of what bullying, discriminatory and inappropriate behaviour is.	This should be covered in the next Standards and Ethics newsletter and at future training sessions.	<p>Agree with Monitoring Officer comment.</p> <p>In addition, incorporate a good understanding of what bullying, discriminatory and inappropriate behaviours is into equalities training.</p> <p>Agree with Monitoring Officer comment.</p>
(iv) Tackle the perceptions raised that things won't change.	Things have changed for the better during this Council and I believe they will continue to do so.	Agree things have changed for the better
(v) Cultural perceptions – e.g. laddish behaviours	This needs to be challenged appropriately when it occurs.	<p>Agree regarding appropriate and respectful challenge should this behaviour occur.</p> <p>Also, equalities training to positively reinforce inclusive behaviours & approaches.</p> <p>Agree with Monitoring Officer comment.</p>

Themes	Comments from the Monitoring Officer	Comments from Party Whips
(vi) Need for clear guidelines and protocols between Elected Members and Officers.	There is a Protocol on Member/Officer Relations in the Council's Constitution.	Agree with Monitoring Officer comments
Dealing with Incidents		
(i) Self-regulation through peer pressure and challenges of bad behaviour.	This is a good first step, but not everyone feels able to do this and so it is important that incidents can be raised with others.	<p>Agree with 'Dealing with Incidents' (i)</p> <p>Continue developing supportive and respectful culture.</p> <p>Encourage issues to be raised/discussed with Group Whips and/or trusted Member.</p> <p>Councillors need to raise issues with whips and leaders</p>
(ii) Informal action such as requirement to undertake essential training; or informal warnings to be used to address behaviours before they escalate to more serious behaviours.	As Monitoring Officer I do take informal action to address issues I am aware of.	<p>'Dealing with Incidents' (ii) seems quite a jump to formal action.</p> <p>Informal action to include Member/s discussion with Whips (and/or Officer) to establish issues. Exploration of what the Member/s would like to see happen (expectations). Reduce likelihood of escalation of identified behaviours through appropriate early/rapid intervention.</p>

Themes	Comments from the Monitoring Officer	Comments from Party Whips
		<p>Relevant Whips to be informed of issues raised and action taken by Monitoring Officer (reported anonymously as appropriate)</p> <p>Action stipulated in 'Dealing with Incidents' (ii) could be a possible option following discussions etc, although this is not an exhaustive list.</p> <p>Councillors need to raise issues with Whips and Leaders</p>
(iii) Clear, full and proper sanctions to be imposed on breaches of the Code of Conduct.	For serious breaches of the Code of Conduct suspension or disqualification from the role of councillor are the sanctions.	<p>Agree 'Dealing with Incidents' (iii) and Monitoring Officer comments. Follow procedures as required.</p> <p>Councillors need to raise issues with Whips and Leaders</p>
(iv) Elected Members who behave unacceptably should be named.	When Members are found to be in breach of the Code of Conduct after an investigation this is made public.	<p>Details of Elected Members who are found to be in breach of the Code of Conduct after an investigation will be published</p> <p>Agree with Monitoring Officer comment.</p>

Themes	Comments from the Monitoring Officer	Comments from Party Whips
(v) Signposting Members to how to report incidents and the support mechanisms available.	This was done during Code of Conduct training, and will be repeated and included in the next Standards Committee newsletter.	Agree, highlighting the approaches mentioned above
		Agree with Monitoring Officer comment.
Reporting		
(i) Ensure transparent, confidential and independent mechanism for reporting issues to ensure that Councillors feel that they can report incidents, and that they will be investigated.	This is in place, any suggestions for improvement are welcomed. There can be a conflict between it being transparent and confidential. In dealing with issues I am guided by the wishes of the complainant. In some circumstances complainants wish to make me aware of an issue in case it happens again, or to someone else, or becomes continuing behaviour, but they do not want any action initially.	Reporting (i) should be split into 2: Ensure transparent, confidential and independent mechanism for discussing and reporting issues. Ensure that Councillors feel that they can discuss or report incidents, and their concerns will be listened to, appropriately investigated and a way forward identified.
		No comment
(ii) Ensure fair treatment for all	This is an important principle of natural justice and is what the Code of Conduct processes are designed to achieve.	This is supportive for all involved in the process.
		No comment

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**CYNGOR CAERDYDD
CARDIFF COUNCIL**



**STANDARDS AND ETHICS
COMMITTEE**

13th JUNE 2018

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES & MONITORING OFFICER**

**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 4 OF
2017/18**

Reason for Report

1. To provide the Committee with an update on complaints made during Quarter 4 of 2017/18 (the period running from 1st January 2018 to 31st March 2018) against Members of Cardiff Council or any of Cardiff's Community Councils, alleging a breach of the Members' Code of Conduct.

Background

2. The Committee receives regular reports from the Monitoring Officer on complaints made against Members of Cardiff Council and Community Councils within its area, alleging a breach of the Members' Code of Conduct. (There are six Community Councils in Cardiff: Lisvane; Old St. Mellons; Pentyrch; Radyr and Morganstown; St. Fagans; and Tongwynlais.) These reports provide information to assist the Committee to discharge its functions, in particular:
 - i. 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;
 - ii. 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; and
 - iii. 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',

(paragraphs (a), (c) and (g) respectively, of the Committee's terms of reference).

3. The Committee considers the number of complaints made and any themes or patterns emerging, but does not consider the specific details of each individual case, unless the complaint is formally referred to the Committee for a decision.
4. Complaints received during Quarter 3 of 2017/18 were considered at the Committee's last meeting, in March 2018.

Issues

5. Two complaints alleging a breach of the Members' Code of Conduct were received by the Monitoring Officer during Quarter 4 of the current financial year, 2017/18, covering the period running from 1st January 2018 to 31st March 2018.
6. The table below shows the type of complaint received in Quarter 4 of this year and provides comparative figures for the previous 4 quarters.

	Q4 Jan, Feb, Mar 2017	Q1 Apr, May, Jun 2017	Q2 Jul, Aug, Sept 2017	Q3 Oct, Nov, Dec 2017	Q4 Jan, Feb, Mar 2018
Total	7	4	1	1	2
Member on Member	2	2	0	0	0
Public on Member	5	2	1	1	1
Officer on Member	0	0	0	0	1
Community Councillors	0	0	0	1	0

7. The complaint received from a member of the public related to comments made by a Councillor on social media, which the complainant considered were inappropriate. The Monitoring Officer's view was that there was no evidence of a breach of the Code of Conduct, but the complainant was informed of their right to complain to the Ombudsman if they remained dissatisfied.
8. The complaint received from a member of staff related to the tone of an email sent by a councillor which was considered to be unacceptable. The Monitoring Officer raised the concern with the Member who immediately apologised for any offence caused. The complainant agreed that no further action was necessary.

9. The Committee will note that the number of complaints received during Quarter 4 remains low; and that no breaches of the Members' Code of Conduct have been found.

Legal Implications

10. There are no legal implications arising from the recommendations of this report.

Financial Implications

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

Recommendation

The Committee is recommended to note the contents of the report.

Davina Fiore

Director of Governance and Legal Services, and Monitoring Officer

23 May 2018

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 3 of 2017/18', 28th March 2018.

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**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

R (HARVEY) v. LEDBURY TOWN COUNCIL (2018) – CASELAW UPDATE**Reason for this Report**

1. To provide the Committee with information about a recent High Court judgement concerning the lawfulness of sanctions imposed by a Town Council against a Councillor following a complaint about her conduct.

Background

2. Councillor Harvey was a member of Ledbury Town Council and came into conflict with the town clerk who brought a grievance alleging that Councillor Harvey had bullied, intimidated and harassed staff. The grievance was heard by a panel of senior councillors. Councillor Harvey did not attend, stating that she did not recognise the authority of the Panel, and she requested that the matter be properly investigated under the standards procedure. However, the Panel upheld the grievance in her absence, and the town council then resolved to impose a number of restrictions on Councillor Harvey, including that she should not sit on any committees, sub-committees, panels or working groups nor represent the council on any outside body, and that all communications between her and its clerk and deputy clerk should go through the mayor.
3. Councillor Harvey referred herself to the Monitoring Officer of Herefordshire Council as a Code of Conduct complaint. Herefordshire Council advised the Town Council that the complaint was sufficiently serious to require further investigation, and so it was making arrangements for the complaint to be investigated by an external investigator. The Monitoring Officer advised the Town Council that although these allegations were made under the grievance procedure, they were in fact allegations that a member had failed to comply with the authority's Code of Conduct and so had to be dealt with in accordance with the standards regime (for English authorities this regime is made under s.28(6) of the Localism Act 2011).
4. Nonetheless, the town council maintained its restrictions on Councillor Harvey; and subsequently decided that the restrictions should not only continue, but should also be expanded to prevent her from communicating with all staff.
5. The external Code of Conduct investigation was then concluded; and Herefordshire Council advised that the investigator had found no breach by

Councillor Harvey of the Town Council's Code of Conduct and so it would be taking no further action on the standards complaint.

6. Councillor Harvey then applied for judicial review to challenge the Town Council's decision to impose sanctions under its grievance procedures on the basis that (1) the restrictions were 'ultra vires' (unlawful) as they constituted sanctions which could only be imposed as a result of a standards process; and (2) the decision making process was unfair, substantively and procedurally.
7. The town council argued that its decision was not ultra vires, because it said that the standards regime set under the Localism Act 2011 did not prohibit it from instigating proceedings under its grievance procedure where what was in issue was a matter involving internal relations between its employees and staff. It also rejected the complaints that its decision making process was substantively and procedurally unfair.

Issues

8. The High Court judge ruled in favour of Councillor Harvey on both grounds of challenge. The judge said the Town Council's decision must be quashed. (The full judgement is accessible here:
<http://www.bailii.org/ew/cases/EWHC/Admin/2018/1151.html>)
9. Although the case related to a Town Council and the standards regime applicable in England, the key points from the case are relevant here in Wales, those being that:
 - i. The council were not able to sanction Councillor Harvey other than going through the procedural safeguards of a Code of Conduct process. The council's restrictions on Councillor Harvey (continued even after she was found not to have been in breach of the code) were an unlawful sanction; and
 - ii. The conduct of the grievance process through which the restrictions were imposed was unfair.
10. This case makes clear that a council cannot run a grievance procedure against a councillor alongside, or as an alternative to, a standards regime procedure, and that complaints regarding a councillor's conduct have to be dealt with under the authority's standards arrangements.
11. It also provides a reminder that any process must be fair and in accordance with the principles of natural justice, i.e. the right to a fair hearing by an unbiased and impartial body requires that individuals should have been given prior notice of the allegations made against them, a fair opportunity to answer them, and the opportunity to present their own side of the story. The right to a fair hearing is also guaranteed by Art.6(1) European Convention on Human Rights, which complements the common law rather than replaces it.
12. It should be noted that the issue of Councillor Harvey's conduct was not in dispute in this case, rather it was the process used to consider it.
13. Notwithstanding this judgment, it is clear that local authorities must continue to be mindful of their responsibilities to protect their employees from bullying,

intimidation and harassment, since the authority may be liable for the actions of its councillors (this was established in the case of *Moore v Bude-Stratton Town Council* [2000] EAT 313/99). However, the proper course for the investigation of behaviour of councillors is under the Code of Conduct and the statutory standards framework; and authorities must ensure that any hearing is fair and any informal action is proportionate in all the circumstances of the case.

Legal Implications

14. The relevant legal provisions are set out in the body of the report.

Financial Implications

15. There are no direct financial implications arising from the report.

RECOMMENDATIONS

That the Committee note the information set out in the report.

Davina Fiore

Director Governance and Legal Services and Monitoring Officer

6th June 2018

Background papers

Local Government Lawyer, Article 'Councillor succeeds in High Court challenge to imposition of sanctions', 21/05/18

https://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=35349%3Acouncillor-succeeds-in-high-court-challenge-to-imposition-of-sanctions&catid=59&Itemid=27

Bevan Brittan, Commentary 'Use of grievance procedures to impose sanctions for councillors' misconduct' 24/05/18 [https://www.bevanbrittan.com/insights/articles/2018/ledbury-use-of-grievance-procedures/?utm_source=Bevan%20Brittan%20LLP%20&utm_medium=email&utm_campaign=9514423_Alert%3A%20Use%20of%20grievance%20procedures%20to%20impose%20sanctions%20for%20councillors%27%20misconduct&utm_content=Ledbury20180524&dm_i=1DMN,5NXDJ,OMKGLU,M1AOV,1](https://www.bevanbrittan.com/insights/articles/2018/ledbury-use-of-grievance-procedures/?utm_source=Bevan%20Brittan%20LLP%20&utm_medium=email&utm_campaign=9514423_Alert%3A%20Use%20of%20grievance%20procedures%20to%20impose%20sanctions%20for%20councillors%27%20misconduct&utm_content=Ledbury20180524&dm_i=1DMN,5NXDJ,OMKGLU,M1AOV,1&utm_source=Bevan%20Brittan%20LLP%20&utm_medium=email&utm_campaign=9514423_Alert%3A%20Use%20of%20grievance%20procedures%20to%20impose%20sanctions%20for%20councillors%27%20misconduct&utm_content=Ledbury20180524&dm_i=1DMN,5NXDJ,OMKGLU,M1AOV,1)

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**CYNGOR CAERDYDD
CARDIFF COUCL**



STANDARDS & ETHICS COMMITTEE:

13th JUNE 2018

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

ANNUAL REPORT 2017/18

Reason for this Report

1. To enable the Committee to consider the content of its Annual Report 2017/18 and approve arrangements for the report to be finalised and presented to full Council.

Background

2. In order to maintain the profile of the Standards and Ethics Committee and awareness of the importance of high standards of Member conduct, the Committee prepares an annual report for presentation to full Council each year.
3. The Committee's Annual Report 2016/17 was presented to full Council by the Chair of the Committee in September 2017 and instigated a lively debate about conduct issues.

Issues

4. The Committee is invited to consider and provide comments on the contents of its Annual Report 2017/18, which is recommended to be presented to full Council in September.
5. Based on the standard format of previous annual reports and the work undertaken by the Committee during the last year, suggested contents include:
 - a) Chair's Foreword – to be drafted by the Chair
 - b) Principles of public life – to remind Members of the ten general principles of public life based on the principles originally set down by the Nolan Committee in 1995
 - c) Role of the Committee – to set out the Committee's terms of reference and how the Committee approaches its role

- d) Work undertaken by the Committee during 2017/18:
- i. Local resolution protocol – to report that the protocol continues to provide an effective approach to resolution of minor conduct complaints; and record that the protocol has been updated. Also to record the Committee’s endorsement of the local resolution protocol prepared by One Voice Wales in consultation with the Ombudsman for use by community councils
 - ii. Standards & Ethics Committee Members role descriptions – to report that the WLGA role descriptions were discussed and noted
 - iii. Selection and appointment of 2 new Committee members to fill vacancies, in line with the legal requirements – a new Community Council representative and one new Independent Member have been appointed and provided with induction training
 - iv. Code of Conduct training – the Committee has had oversight of the mandatory code of conduct training provided as part of the Members’ Induction Programme 2017 through workshop sessions and online modules. To report that this training was completed by all 75 councillors and with some positive feedback from Members
 - v. Member Briefings – issued by the Committee to raise awareness and understanding of conduct issues to all Members, including members of Community Councils in September 2017 (and June 2018?)
 - vi. Functions in relation to Community Councils – to report on the Committee’s work in relation to promoting and maintaining high standards of conduct by members of Community Councils and build relationships
 - vii. Gifts and hospitality received by Members – to report on the Committee’s routine review of the Members Hospitality Register and further enquiries made in relation to Cardiff Bus Travel Passes issued to Members appointed to Cardiff Bus Board of Directors. To report that the Committee was content, in light of the clarification obtained, that the acceptance of the Passes was not inappropriate and complied with the Council’s guidance and the Members’ Code of Conduct
 - viii. Dispensation for personal and prejudicial interests – to report the Committee’s review and update of the dispensations policy and procedure
 - ix. Social Media Guidance – to report the Committee’s review and update of the guidance for councillors
 - x. Whistleblowing – to report on the Committee’s review of cases reported in 2017 and the fact that the Committee was content there were no ethical issues arising

- e) Complaints about Member conduct – to give an overview of complaints reported during the year; and to note the reduction in the number of complaints
 - f) Observation of council and committee meetings – to note the Committee’s observation of a general improvement in conduct observed at Council meetings
 - g) Meeting with leaders and whips June 2018 – to give an overview of issues discussed.
 - h) Future work priorities, to reflect the Committee’s Forward Work Plan 2018/19
 - i) Committee members biographies and Committee meeting attendance figures
 - j) Contact details for the Chair, the Monitoring Officer and the Ombudsman
6. The Committee is invited to consider the contents of its Annual Report 2017/18 and provide any appropriate comments.

Legal Implications

7. There are no direct legal implications arising from this report.

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

- 1) Provide comments on the contents of the Committee’s Annual Report 2017/18;
- 2) Delegate authority to the Monitoring Officer, in consultation with the Chair, to draft and finalise the Annual Report, having regard to comments provided by Members of the Committee; and
- 3) Ask the Chair to present the Annual Report to full Council in September.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

6 June 2018

Background papers

Standards and Ethics Committee minutes September 2017; November 2017 and March 2018 draft minutes.

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**REPORT OF THE DIRECTOR OF GOVERNANCE & LEGAL SERVICES
AND MONITORING OFFICER**

WORK PLAN**Reason for this Report**

1. To consider the Committee's Work Plan and agree the items for consideration by the Standards and Ethics Committee in 2018/19.

Background

2. The Standards and Ethics Committee's Terms of Reference set out the remit of the Committee to monitor, review and advise on matters relating to the Ethical code; Members Code of Conduct; matters of governance and probity; and compliance of Members in completing the essential Code of Conduct session.
3. To enable the Committee to fulfil its role an annual work plan is developed to reflect the Council's Annual Governance Statement; give consideration to standard monitoring reports; and any issues arising from the Committee's work in promoting high standards of conduct and managing complaints. The views of this Committee assist in the development of an ongoing work plan.

Issues

4. Attached **as Appendix A** is the Work Plan for 2018/19 which reflects ongoing priorities and standard reports and the frequency of reporting. The Committee is invited to review the plan taking into account available resources, and add or remove items and agree the frequency of reporting.

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.*

6. The Committee has the same statutory functions in relation to Community Councils and Community Councillors as it has in relation to the County Council and County Councillors (pursuant to section 56(1) of the Local Government Act 2000).

Financial Implications

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

RECOMMENDATION

The Committee is recommended to consider the Work Plan as set out in Appendix A, and, taking into account its terms of reference and available resources, to agree with the Director of Governance and Legal Services and Monitoring Officer any amendments and how it wishes to progress the various items or topics contained therein.

Davina Fiore
Director of Governance and Legal Services and Monitoring Officer
6 June 2018

Appendix

Appendix A Work Plan 2018/19

Background Papers
Standards & Ethics Committee Annual Report 2016/17.

STANDARDS AND ETHICS COMMITTEE – WORK PLAN – 2018/19

APPENDIX A

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
(1) Annual Report	Prepare Annual Report	Committee Chair/ Monitoring Officer	High	On agenda	June 2018
(2) Annual Meeting with Group Leaders and Whips	To facilitate ongoing engagement with representatives from all political groups.	Elected Members	Medium	Ongoing	June 2018
(3) Gifts and Hospitality <i>Frequency of reporting – annual</i>	(1) To monitor and review the acceptance of gifts and hospitality by Members; and (2) To monitor and review the Councils procedures for the acceptance and provision of gifts and hospitality by Officers, and their implementation.	Monitoring Officer	Medium	(1) Scheduled	(1) November 2018 (2) Next meeting, date tbc
(4) Code of Conduct Complaints <i>Frequency of reporting – quarterly</i>	To receive information on complaints made against Members of the Council alleging breaches of the Code of Conduct.	Monitoring Officer	Medium	Ongoing	June 2018
(5) Member Briefings <i>Frequency of briefing - twice a year</i>	To publish biannual Member Briefings on the work of the Committee and member conduct issues	Chair / Monitoring Officer	Medium	Ongoing	Autumn / Winter 2018

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
(6) Training <i>Frequency of monitoring - twice a year</i>	To consider refresher training on the Members' Code of Conduct	Monitoring Officer	High	Ongoing	As necessary.
(7) Member Survey	To receive feedback from Members in relation to issues within the remit of the Committee	Monitoring Officer	High	On agenda	June 2018
(8) Feedback from Observation of Council & Committee meetings	Independent Members to attend Council, Committee and Community Council meetings to become more acquainted with the work of the Councils; and report feedback for consideration by the Committee	Independent Members of the Committee	High	Ongoing	Periodically, after receipt of feedback
(9) Whistleblowing Policy <i>Frequency of monitoring – annual</i>	To monitor and review the operation of the Council's whistleblowing arrangements; and consider any ethical issues arising.	Monitoring Officer	Medium	Scheduled	Autumn 2018, tbc
(10) Officers Personal Interests	To review the Councils procedures for managing officers personal interests	Monitoring Officer / HR	Medium	Scheduled	Autumn 2018, tbc