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AGENDA

Committee	PWYLLGOR SAFONAU A MOESEG
Date and Time of Meeting	DYDD MAWRTH, 7 TACHWEDD 2023, 5.00 PM
Venue	YB 4, NEUADD Y SIR, CYFARFOD AML-LEOLIAD
Membership	Councillor Bartlett (Cadeirydd) Councillors Nicholls, Hallett, Mills, Singh, Brown-Reckless, Cunnah, Latif a/ac Charles

1 Ymddiheuriadau am Absenoldeb

Derbyn ymddiheuriadau am absenoldeb.

2 Datgan Buddiannau

I'w wneud ar ddechrau'r eitem agenda dan sylw, yn unol â Chod Ymddygiad yr Aelodau.

3 Cofnodion (*Tudalennau 3 - 8*)

Cymeradwyo cofnodion y cyfarfod blaenorol fel rhai cywir.

4 Aelodaeth y Pwyllgor

5 Croeso i'r Swyddog Monitro Dros Dro newydd

6 Adroddiadau Arweinydd y Grŵp i Bwyllgor Safonau a Moeseg

7 Diweddariad Cwynion Cod Ymddygiad Aelodau - Chwarter 2 2023/24; a Llythyr Blynyddol yr Ombwdsmon 2022/23

8 Adroddiad Blynyddol 2022/23

9 Arsylwi Cyfarfodydd (*Tudalennau 9 - 12*)

10 Cydbwyllgor Corfforaethol De-ddwyrain Cymru - Diweddariad yr Is-

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bwyllgor Safonau

- 11 Rhaglen Waith 2023/24**
- 12 Eitemau brys (os oes rhai)**
- 13 Dyddiad y cyfarfod nesaf**

Dyddiad cyfarfod nesaf y Pwyllgor yw dydd Mawrth 6 Chwefror 2024 am 5:00pm.

D Marles

Interim Monitoring Officer

Date: Dydd Mercher, 1 Tachwedd 2023

Contact: Mandy Farnham,
02920 872618, Mandy.Farnham@caerdydd.gov.uk

STANDARDS & ETHICS COMMITTEE

25 JULY 2023

Present: Independent Members: Jason Bartlett (Chair),
Arthur Hallett, David Mills and Chrissie Nicholas

Councillors Brown-Reckless, Cunnah and Latif

Community Councillor Julia Charles

1 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Rashpal Singh.

The Committee noted that Davina Fiore, Director of Governance and Legal Services was in attendance at the meeting remotely, however because of technical problems with the sound it was not possible to hear what she was saying.

2 : COMMITTEE MEMBERSHIP

RESOLVED:

- To note that Council, at its Annual meeting on 25 May 2023, approved the appointment of Councillors Brown-Reckless, Cunnah and Latif to the Committee.
- To note that that Jason Bartlett (Chair), Chrissie Nicholls (Vice-Chair), Arthur Hallett, David Mills and Rashpal Singh are the Independent Members of the Committee.
- To note that Julia Charles is the Community Councils representative on the Committee.

The Chair welcomed Councillor Brown-Reckless to her first meeting of the Committee.

3 : TERMS OF REFERENCE

RESOLVED:

To note that the Council, at its Annual meeting on 25th May, approved the Committee's terms of reference (with no amendments).

4 : DECLARATIONS OF INTEREST

Community Councillor Julia Charles declared a personal interest in Item 10 on the agenda, Observations of Meetings as she is a Community Councillor for Radyr and Morganstown Community Council, to which the observation feedback relates.

Davina Fiore, Director of Governance and Legal Services and Monitoring Officer declared a personal and prejudicial interest in Item 12 on the agenda, Senior Officers' Personal Interests Declarations, as she is a Senior Officer and said she would leave the meeting for consideration of that item.

5 : MINUTES

The minutes of the meeting on 9th May 2023 were approved as a correct record of the meeting and signed by the Chair.

6 : AMENDMENT OF THE MEMBERS' CODE OF CONDUCT - ATTENDANCE AT MANDATORY TRAINING

At its previous meeting, the Committee had agreed to recommend to full Council that a requirement to attend mandatory training should be incorporated as an amendment to the Members' Code of Conduct. It had been agreed that a reasonable time period for Members to complete the mandatory training would be 6 months, but that there should be provision for this time period to be extended if a Member had a good reason for requiring an extension of time, or if they could provide evidence of having already attended equivalent and up to date training.

Full Council, at its meeting on 29 June 2023 had considered the report and approved the recommended amendments subject to two points; clarification that the new requirements were not intended to have retrospective effect; and, that, if an enforceable duty to attend mandatory training was to be introduced, the designation of mandatory training should be subject to approval by full Council.

The Committee noted that it was agreed that the new requirements were not intended to have retrospective effect and that this has been clarified by inserting a footnote to that effect in the revised Code; and that a report is due to be submitted to full Council in September for confirmation of the currently designated mandatory training and that any future designations will be subject to approval by full Council.

Members sought clarification as to who would be responsible for determining whether a Member's explanation for not have completed mandatory training was reasonable. Officers advised that it had been agreed that if Members could provide evidence of having attended equivalent and up to date training or had a reasonable explanation for needing an extension, such as illness, then those would be taken into account and agreed in advance with the Head of Democratic Services.

The Committee RESOLVED to:

1. Note the information set out in the report, including the revised Members' Code of Conduct approved by Council on 29th June 2023 (Appendix A to the report).

7 : WELSH GOVERNMENT STATUTORY AND NON-STATUTORY GUIDANCE FOR PRINCIPALS COUNCILS IN WALES (INCLUDING GUIDANCE ON STANDARDS OF CONDUCT)

The report presented the Welsh Government's Statutory and Non-Statutory Guidance for Principal Councils in Wales (the Democracy Handbook'), issued in June 2023, which included finalised guidance on the new duties of political group leaders in relation to standards of conduct and corresponding new duties placed on standards committees (introduced by Part 4 of the Local Government and Elections (Wales) Act 2021).

Members note that it was a consolidated set of guidance which covered a number of other democracy-related issues, most of which were outside the remit of the Committee. Another issue which was within the Committee's remit was the publication of Members' home addresses in their Register of Interests. It was noted that the guidance stated the Welsh Government's view (confirmed in the Ombudsman's statutory guidance on the Code) that Members' Registers of Interests did not need to include their full home addresses, and just a street name or postcode would suffice. One member submitted that they had a different legal view and had raised this in email correspondence with the Monitoring Officer.

The Committee RESOLVED to:

1. Note the information set out in the report and the Appendix (the Welsh Government's statutory guidance).

8 : STANDARDS COMMITTEE FORUM - WALES

The Committee were provided with information about the second meeting of the national Standards Committees Forum – Wales; the group having been set up in response to a recommendation made following the independent review of the ethical standards framework for Wales, namely that there should be an All-Wales Forum for Independent Chairs of Standards Committees, to encourage consistency of approach and the adoption of best practice.

The Chair of this Committee had been elected Vice-Chair of the Forum, and attended its second meeting on 30th June 2023 together with the Monitoring Officer of Cardiff Council who had been asked to provide legal advice for the Forum.

It was noted that one of the topics discussed at the Forum was the support provided to Town and Community Councils, and that Cardiff had developed various different arrangements for engaging with its Community Councils in this regard. As part of the arrangements in Cardiff, the Committee were informed that a presentation for Community Councils outlining the work of the Standards & Ethics Committee had been prepared by the Community Council Member of the Committee, together with the Monitoring Officer. The presentation, which had been delivered to Radyr and Morganstown Community Council and was to be offered to the other community councils also, was outlined to the Committee by Community Councillor Julia Charles.

The Committee RESOLVED to:

1. Note the information set out in the report and its appendices.

9 : MEMBERS' CODE OF CONDUCT COMPLAINTS UPDATE - QUARTER 1 OF 2023/2024

The report provided the Committee with an update on complaints made against Members of Cardiff Council or any of Cardiff's Community Councils alleging a breach of the Members' Code of Conduct, in particular, complaints notified to the Monitoring Officer during Quarter 1 of 2023/24 (the period running from 1st April 2023 to 30th June 2023). Two complaints alleging a breach had been notified to the Monitoring Officer in this period, one by the Ombudsman and the other under the Local Resolution Protocol.

The Committee was pleased to note that all 79 Cardiff Councillors had now completed the mandatory Code of Conduct training.

It was observed that two of the complaints made under the local resolution protocol and reported previously were effectively two years old and no progress appears to have been made by the Monitoring Officer. Members were advised that the Monitoring Officer had been unable to resolve these informally, and would be discussing these with the Chair to decide whether or not there is sufficient evidence of a breach of the Code and a public interest in referring the complaints to a Hearings Panel.

The Committee RESOLVED to:

1. Note the contents of the report.

10 : OBSERVATIONS OF MEETINGS

The Committee was provided with feedback in relation to observation of the Annual meeting of Council on the 25 May 2023, Radyr and Morganstown Community Council meeting on 22 June 2023 and the Old St Mellons Community Council meeting on 13 July 2023. It was noted that the feedback had been shared with the respective Chairs for each meeting that was observed.

Community Councillor Julia Charles declared a personal, non-prejudicial interest in relation to the feedback on the Radyr and Morganstown Community Council meeting, in view of her being a member of that council.

In relation to the feedback on the community council meetings, it was suggested that the Committee should recognise the important work done by those who represented community councils and take care not to over-professionalise a system that relies on attracting volunteers committed to public service. It was also suggested that a matrix or checklist of best practice may be helpful for community councils, however, it may not be possible to list everything and the Council needs to prioritise use of its limited resources.

The Committee RESOLVED to:

1. Note the meeting observation feedback received, as set out in Appendices A, B and C; and
2. Continue to observe meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

11 : WORK PROGRAMME 2023-2024

The report considered the Committee's updated Work Programme and sought to agree the items for consideration by the Standards and Ethics Committee in 2023/24.

The Committee RESOLVED to:

1. Note and agree the content of the Work Programme 2023/24

12 : SENIOR OFFICERS' PERSONAL INTERESTS DECLARATIONS

Davina Fiore, Director of Governance and Legal Services and Monitoring Officer, declared a personal and prejudicial interest in this item as she is a Senior Officer of the Council, and withdrew during discussion of this item.

The report enabled the Committee to review the personal interests declarations made by Senior Officers of the Council, in line with the requirements of the Council's Policy on Officers' Personal Interests and Secondary Employment. The Committee had made a number of recommendations in 2019 concerning the publication of interests and annual reviews, and these had now been implemented. It was noted that declarations are reviewed by Finance officers (specifically, any declarations made in Section B of the form in relation to 'Related Party' disclosure requirements for the Council's Statement of Accounts) and the Monitoring Officer; and further enquiries may be made as necessary. Further, that the new digital system being introduced would provide assurance that all declarations are reviewed by the Senior Officers' line managers.

The Committee RESOLVED to:

1. Exclude the public to discuss certain personal information contained within the appended declarations of interests (pursuant to the Local Government Act 1972, Schedule 12A, paragraphs 12 and 13); and
2. Note the information contained within the Senior Officers' Personal Interests Declarations attached in the appendices.

13 : URGENT ITEMS (IF ANY)

There were none.

14 : DATE OF NEXT MEETING

The next meeting of the Committee is on Tuesday 7th November 2023.

The meeting terminated at 6.10 pm

Mae'r dudalen hon yn wag yn fwriadol

**CARDIFF COUNCIL
CYNGOR CAERDYDD**



STANDARDS AND ETHICS COMMITTEE:

7 NOVEMBER 2023

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

**GROUP LEADERS' REPORTS TO STANDARDS AND ETHICS
COMMITTEE**

***PART OF APPENDICES A1, A2, A3 & A4 IS NOT FOR PUBLICATION AS IT
CONTAINS EXEMPT INFORMATION OF THE DESCRIPTION IN PARAGRAPHS
12 & 13 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972***

Reason for this Report

1. To allow the Committee to receive and consider the reports from political group leaders on the discharge of their statutory duties relating to standards of conduct of members of their groups (introduced under Part 4 of the Local Government and Elections (Wales) Act 2021).

Background

2. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), Part 4 introduced certain changes to the statutory ethical framework (set under Part 3 of the Local Government Act 2000), which took effect from 5th May 2022, including:
 - (a) New duties for leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by members of their group, and to co-operate with the standards committee in the discharge of its functions; and
 - (b) New duties for standards committees to monitor the compliance of political group leaders with their new duties; and for advising and training (or arranging training) of political group leaders in relation to those duties (referred to in paragraph (a) above); and to submit an annual report to full Council.

3. It is well established practice in Cardiff, since long before the introduction of the new statutory requirements under the 2021 Act, for the Standards & Ethics Committee to meet annually with group leaders and whips to informally discuss conduct issues.
4. The Committee considered the new statutory duties on group leaders at its meeting in October 2022, and in consultation with the group leaders, approved a proforma for the group leaders' new statutory reports. It was agreed that the Committee would receive such reports on a biannual basis (every six months).
5. At its meeting held on 9th May 2023, the Committee received reports from each of the political group leaders under the new legislative framework, providing information about compliance with their new statutory duties in relation to standards of conduct. The Committee considered the group leaders' reports in light of the draft statutory guidance on the new duties which had been issued by the Welsh Ministers.

Issues

Group Leaders' Reports to Standards and Ethics Committee

6. The Group Leaders' Reports, completed by the leaders of each of the four political groups represented on the Council, are appended as **Appendices A1-A4** (including mandatory training attendance figures for each group, with individual group members' training records attached on an Exempt basis), for the Committee's consideration. Group leaders and whips have also been invited to attend the Committee meeting to discuss their reports with the Committee.
7. In complying with the new statutory duties, political group leaders and standards committees must have regard to any guidance issued by the Welsh Ministers. The finalised statutory guidance has been issued within Part 2 of the Statutory and Non-Statutory Guidance on Democracy within Principal Councils ('also referred to as the Democracy Handbook'): [Statutory and non-statutory guidance on democracy within principal councils: members' support, training and development \[HTML\] | GOV.WALES](#) (**Appendix B** to this report).
8. In relation to the new duty placed on Group Leaders, Members will note that the guidance confirms that:
'The duty does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility and accountability. However, they do have a role in taking reasonable steps in maintaining high standards, setting an example, using their influence to support a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues of alleged non-compliance as soon as they arise.'

9. The guidance sets out the reasonable steps a Group Leader may take in this regard, and these are reflected in the agreed Group Leaders' Report proforma.
10. The statutory guidance also includes the following guidance in relation to Members' training:

'The importance of attendance at training on the Code of Conduct has been highlighted by the Ombudsman and was raised under the independent review of the Ethical Standards Framework and Model Code of Conduct carried out by Richard Penn. Leaders of political groups should actively encourage all members in their group to read the Ombudsman's Guidance and any local guidance issued by the monitoring officer or standards committee and to take up any offer of training. They should also work constructively with standards committees and monitoring officers to identify the training requirements for themselves and for their group members.

It is essential that relationships with members are established which encourage them to raise issues with the group leader. The group leader has a significant role to play in creating a culture of trust and mutual respect in their group. Where issues arise, the importance of resolving low-level complaints at a local level has been raised by the Ombudsman and the independent Review of the Framework. Typically, these complaints are about alleged failures to show respect and consideration for others and the making of frivolous and low-level complaints. The group leader should be pivotal in preventing the escalation of these complaints to the stage where more formal interventions become necessary. Leaders of political groups should have informal discussions with members who may be showing early signs of inappropriate behaviour to 'nip this in the bud' before it becomes problematic or in danger of breaching the Code. This may include suggesting and requesting appropriate training or refresher training for the members concerned, asking for social media posts they have made to be removed, and requesting they apologise where appropriate.'

11. The Committee will recall that, on the recommendations of this Committee, the Council has amended its Members' Code of Conduct (new paragraph 8(c)) to include a duty to:

'(c) undertake all training designated by your authority as mandatory to enable you to properly discharge your duties, within 6 months from the date on which the mandatory training is first made available to you*, unless:

(i) you can provide evidence of having attended equivalent and up to date training; or
(ii) you have reasonable excuse for requiring an extension of time',
which, in either case, should be agreed in advance with the Head of Democratic Services.'

[* the 6 months to start not earlier than 29th June 2023, when this requirement was introduced]

12. The Committee will be pleased to note that the Group Leaders' reports indicate that all Members have completed all mandatory training, with the exception of the following:

- (i) a recently appointed member of the Planning Committee, who is due to complete the mandatory training before attending his first Planning Committee meeting; and
- (ii) 1 member with mitigating circumstances who has now returned and been advised that the mandatory training must be completed.

13. In considering this matter, the Committee should note that the new statutory requirements in relation to the Committee's annual report to Council (also introduced under the 2021 Act, and to be considered under Agenda Item 8) require the Committee to include an assessment of group leaders' compliance with their new statutory duties, including the advice the standards committee has provided and the training it has suggested.

Legal Implications

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

Financial Implications

15. There are no financial implications directly arising from this report.

RECOMMENDATIONS

The Committee is recommended to:

- (1) Note the Group Leaders Reports on the discharge of their new statutory duties in relation to standards of conduct (**Appendices A1-A4**);
- (2) Provide any appropriate comments in relation to the Committee's assessment of Group Leaders' compliance with their new statutory duties and any advice provided and or training suggested by the Committee; and
- (3) Agree to receive an update report from Group Leaders in six months time.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

25 October 2023

Appendices

Appendices A1-A4 Group Leader's Reports to Standards and Ethics Committee (with individual Members' training records Exempt from publication)

Appendix B Statutory and Non-Statutory Guidance on Democracy within Principal Councils ('also referred to as the Democracy Handbook'): [Statutory and non-statutory guidance on democracy within principal councils: members' support, training and development \[HTML\] | GOV.WALES](#)

Background papers

Standards and Ethics Committee report, 'Group Leaders' Duties in Relation to Standards of Conduct', 25th October 2022: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk)

Standards and Ethics Committee report, 'Group Leaders' Reports to Standards and Ethics Committee; and Potential Changes to the Members' Code of Conduct (Mandatory Training) and the Cardiff Undertaking', 9 May 2023: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk)

Standards and Ethics Committee report, 'Amendment of the Members' Code of Conduct – Attendance at Mandatory Training', 25 July 2023: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk)

Mae'r dudalen hon yn wag yn fwriadol

Yn rhinwedd paragraff (au) 12, 13 Rhan (nau) 4 a 5 o Atodlen 12A
o Ddeddf Llywodraeth Leol 1972.

Mae'r ddogfen yn gyfyngedig

Mae'r dudalen hon yn wag yn fwriadol

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Mae'r dudalen hon yn wag yn fwriadol

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

**MEMBERS' CODE OF CONDUCT COMPLAINTS UPDATE – QUARTER 2 OF
2023/24; AND OMBUDSMAN'S ANNUAL LETTER 2022/23 AND
QUARTERLY NEWSLETTER****Reason for Report**

1. To provide the Committee with:
 - (i) An update on complaints made against Members of Cardiff Council or any of Cardiff's Community Councils alleging a breach of the Members' Code of Conduct, in particular, complaints notified to the Monitoring Officer during Quarter 2 of 2023/24 (the period running from 1st July 2023 to 30th September 2023); and
 - (ii) The Public Services Ombudsman for Wales ('PSOW') Annual Letter 2022/23 for Cardiff Council and Quarterly Newsletter, to allow the Committee to consider its contents in relation to Code of Conduct complaints.

Background

2. The Committee receives quarterly 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 a complaint is formally referred to the Committee for a decision.
4. Complaints received during Quarter 1 of 2023/24 were reported to the Committee meeting on 25th July 2023.
5. Under the statutory ethical standards framework, the Public Services Ombudsman for Wales ('the Ombudsman') has responsibility for the investigation of complaints alleging a breach of the Members' Code of Conduct (as well as responsibility for complaints relating to maladministration and service failure by local authorities.) The Ombudsman issues an Annual Letter to each local authority providing an overview of complaints considered by the Ombudsman over the course of the year.

Issues

6. During Quarter 2 of 2023/24, covering the period running from 1st July 2023 to 30th September 2023, a total of 6 complaints alleging a breach of the Members' Code of Conduct were notified to the Monitoring Officer by the Ombudsman.
7. The table below shows the number and type of complaints notified to the Monitoring Officer during Quarter 2 of 2023/24, alongside comparative figures for previous quarters:

	Q2 Jul – Sept 2022	Q3 Oct – Dec 2022	Q4 Jan – Mar 2023	Q1 Apr – Jun 2023	Q2 Jul – Sept 2023
Local Resolution	1	0	0	1	0
Ombudsman*	1	2	1	1	6
Total	2	2	1	2	6

* Reported on the basis of the date upon which the complaint is notified to the Monitoring Officer.

Type of Complaint

	Q2 Jul – Sept 2022	Q3 Oct – Dec 2022	Q4 Jan – Mar 2023	Q1 Apr – Jun 2023	Q2 Jul – Sept 2023
Member on Member	0	0	0	1	0
Public on Member	2	2	1	0	4
Officer on Member	0	0	0	0	0
Community Councillors	0	0	0	1	2
Total	2	2	1	2	6

8. Although there is an increase in the number of complaints reported to the Monitoring Officer during Quarter 2, compared to previous quarters, the Committee will recall that, following a recent change in the Ombudsman's notification procedure, the Monitoring Officer is only notified after the Ombudsman has considered a complaint, which means that the 6 complaints notified to the Monitoring Officer during Quarter 2 may have been submitted to the Ombudsman during one or more previous quarters. This makes it difficult to make meaningful comparisons in relation to the number of complaints made during each quarter.
9. Brief details of the 6 complaints notified to the Monitoring Officer during Quarter 2 are as follows:
- (i) A community councillor submitted a complaint to the Ombudsman alleging that another community councillor (of the same community council) had made unfounded comments about them and disclosed information relating to an ongoing Ombudsman investigation (relating to the same two councillors) and in doing so had discriminated against the complainant, failed to show respect and consideration and used bullying behaviour towards them. The Ombudsman found that the Member's comments could reasonably be regarded as political expression and would therefore benefit from enhanced protection under Article 10 of the European Convention on Human Rights. The comments were not considered to be sufficiently offensive, intimidating or insulting to amount to bullying behaviour or a breach of the Code. The Ombudsman also found no evidence that the Member had disclosed confidential information or prejudiced the ongoing Ombudsman investigation. On this basis, the Ombudsman decided not to investigate the complaint.
 - (ii) A member of the public submitted a complaint to the Ombudsman alleging that a Member had breached the Code of Conduct by sharing an email from a constituent on social media. The Ombudsman found that there was nothing within the email which indicated that it was intended as private correspondence, nothing relating to Council business and nothing which identified the complainant. Therefore the

complainant could have no reasonable expectation that it would be treated as private. The email contained uninvited comments about the Member's private life, which the Member was entitled to view as intrusive and upsetting. The Member's actions were not suggestive of a breach of the Code and the Ombudsman therefore decided not to investigate the complaint.

- (iii) A member of the public submitted a complaint to the Ombudsman alleging that a Member had breached the Code of Conduct by failing to respond to the complainant's concerns in an appropriate manner. The Ombudsman found there was no evidence of a breach of the Code and decided not to investigate the complaint. Members may find it helpful to note the explanation given by the Ombudsman, which included the following:

'Whilst I can appreciate that the complainant is disappointed that the Member did not support his concerns, I consider that the Member is entitled to her opinion. It is not the Member's place to consider complaints of ASB or noise which are for the Police, the Council and the relevant Housing Organisation to consider, and these bodies are already engaged in the matter. It is for Members to determine what concern it is appropriate for them to respond to and to choose how to represent their constituency. The Member is entitled to support the causes within the community that she wishes to. If the complainant is dissatisfied with the way that the Member is representing the community, it is open to the complainant to vote for an alternative candidate at the next election. I am not persuaded that the evidence presented is suggestive of a breach of the Code or, even if it could amount to a breach of the Code, that it would be in the public interest to pursue the matter.'

- (iv) A member of the public submitted a complaint to the Monitoring Officer alleging that they had been assaulted (subjected to a verbal and physical attack) by a Member. The Monitoring Officer advised the complainant to refer any alleged assault to the Police and to report any alleged breach of the Code of Conduct to the Ombudsman. At the complainant's request, informal resolution was also considered. However, on the basis of the evidence supplied, the Monitoring Officer found there was insufficient evidence of a breach of the Code. The Monitoring Officer has since received confirmation that the Ombudsman is investigating this complaint and the outcome is awaited.
- (v) A community councillor complained that another community councillor (from the same council) had failed to show respect, had bullied and harassed them and failed to implement a council decision. The Ombudsman considered the complaint and found that the Member's comments related to Community Council business and could reasonably be regarded as political expression, benefiting from enhanced protection under Article 10 of the European Convention on Human Rights. The Ombudsman accepted that the complainant may have felt intimidated and threatened by the Member's emails, but was not persuaded that the contents of the emails were sufficiently offensive, intimidating or insulting to amount to bullying or a lack of respect and consideration. In relation to the alleged failure to

implement a council decision, the Ombudsman found there was no evidence that the alleged failure could be attributed to the Member's individual conduct. On this basis, the evidence was not suggestive of a breach of the Code and the Ombudsman decided not to investigate the complaint.

- (vi) A member of the public complained that a Member had behaved unprofessionally in a public meeting, which was described as 'throwing a tantrum'. The complaint was submitted to the Monitoring Officer, but the Monitoring Officer subsequently received notification that the complainant had also complained to the Ombudsman about the Member's behaviour at this meeting. The Ombudsman found there was no specific evidence of disrespectful, offensive or intimidating comments or intentionally false, misleading statements or any other breach of the Code and therefore decided not to investigate the complaint. As the complaint in relation to the Member's behaviour at the meeting in question has been determined by the Ombudsman, the Monitoring Officer was satisfied that the complaint does not require any further consideration under the Local Resolution Protocol.

- 10. The Committee will note that in five out of the six complaints notified to the Monitoring Officer by the Ombudsman during Quarter 2 of 2023/24, the Ombudsman decided not to investigate, because in each case, the evidence was not suggestive of a breach of the Code. In the one remaining case, the Ombudsman has decided to investigate the complaint and the outcome is awaited.

Update on Complaints reported previously

Quarter 1 of 2023/24

- 11. The report to the last Committee meeting included reference to a complaint about a Community Councillor, which the Ombudsman had decided to investigate, in part, following a review of her earlier decision not to investigate. The Monitoring Officer has not yet been notified of the Ombudsman's decision, so the details of this complaint must be kept confidential at this stage.

Quarter 2 of 2021/22

- 12. The complaints submitted during Quarter 2 of 2021/22 included a number of complaints which the Monitoring Officer had been attempting to resolve under the Local Resolution Protocol. Brief details of those complaints are provided below:
 - i. Two Members complained about allegedly inaccurate information contained in a political group leaflet. These complaints were raised with the leader of the group concerned, who was asked whether the inaccuracies were accepted and if so, whether they would be

corrected and an apology offered on behalf of the group. Agreement on a resolution has not been reached.

- ii. A Member (Cllr A) complained about comments made about them by another Member (Cllr B) during a meeting with other Members and Council officers. The complainant (Cllr A) considered the comments to be an unacceptable racist slur. In response, the Member (Cllr B) said that the offending comment was made following allegations made by the complainant (Cllr A) against them, which attacked their personal integrity, and Cllr B made a counter-complaint against the complainant (Cllr A). The counter-complaint was resolved informally, with Cllr B withdrawing the complaint and offering an apology to the complainant (Cllr A) for any upset caused by their comments. Cllr A has also been asked to apologise and consider withdrawing the complaint, but to date has not done so.
 - iii. A Member (the same Cllr A referred to in sub-paragraph (ii) above), complained about misleading information, which misrepresented what the complainant had said at a meeting with Members and Officers, being published on social media by another Member (the same Cllr B referred to in sub-paragraph (ii) above). To date it has not been possible to resolve this complaint by informal resolution.
 - iv. A Member (the same Cllr A referred to in sub-paragraphs (ii) and (iii) above) complained that another Member had posted untrue and misleading information about the complainant on social media. It has not been possible to resolve this complaint by informal resolution.
13. The Committee will recall that, in line with its recommendations, the Local Resolution Protocol has been revised to provide that an unresolved complaint shall not be referred to the Hearings Panel unless the Monitoring Officer is satisfied that there is direct evidence of a breach of the Code and that it is in the public interest to do so, with the proviso that any decision to not refer an unresolved complaint to the Hearings Panel must be made with the agreement of the Chair of the Standards and Ethics Committee (or Vice-Chair, in the absence of the Chair) - paragraph 3.5 of the Protocol.
 14. The Monitoring Officer has considered the four unresolved complaints referred to in paragraph 12 above, to determine whether or not a referral to the Hearings Panel is appropriate. In all four cases, the Monitoring Officer's view was that the conduct complained of was unlikely to constitute a breach of the Code of Conduct, because the Ombudsman's guidance and caselaw makes clear that Members are expected to have 'thick skins' in relation to political debates; and therefore, it would not be in the public interest for limited public resources to be used in referring these complaints to the Hearings Panel. Having reviewed the facts and the Monitoring Officer's advice in each case, the Chair has confirmed his agreement to the decisions not to refer any of these four complaints to the Hearings Panel. The parties have been notified accordingly.

Ombudsman's Annual Letter 2022/23

15. The Ombudsman's Annual Letter 2022/23 for Cardiff Council (attached as **Appendix A** to this report) provides an overview of complaints relating to maladministration and service failure, as well as complaints relating to alleged breaches of the Members' Code of Conduct, and the actions being taken to improve public services.
16. The contents of the letter in relation to complaints about maladministration and or service failure are outside the terms of reference of the Standards and Ethics Committee. Members may wish to note that the provisions in these regards are being considered by Cabinet and the Governance and Audit Committee at their October meetings.
17. The Committee is invited to consider the contents of the Annual Letter in so far as they relate to Member conduct complaints only, in particular, Appendices E and F to the Annual Letter.
18. Members should note that the Ombudsman's office has corrected the categorisation of the outcomes shown in Appendix E to the Annual Letter, to confirm that the decision made in each of the 11 cases, after the Ombudsman's initial assessment of the complaint (the Ombudsman's two stage test which considers (i) whether there is evidence to suggest a breach of the Code; and (ii) whether it is in the public interest to investigate the matter), was 'not to investigate' the complaint in each case.

Ombudsman's Quarterly Newsletter, August 2023

19. The PSOW has also commenced the production of quarterly Newsletters providing updates about casework trends and other work. The second edition of the Newsletter, issued in August 2023, is attached as **Appendix B**. The Newsletter provides a summary of the PSOW's work over recent months. Members' attention is drawn in particular to the decisions referred to within the Newsletter on referrals to Standards Committees and to the Adjudication Panel for Wales.

Legal Implications

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

Financial Implications

21. There are no financial implications arising directly from this report.

Recommendation

The Committee is recommended to note the contents of the report and **Appendices A and B**, and make any appropriate observations and comments.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

26 October 2023

APPENDICES

Appendix A Public Services Ombudsman for Wales, Annual Letter for Cardiff Council 2022/23

Appendix B Public Services Ombudsman for Wales, Quarterly Newsletter, August 2023: [Our Quarterly Newsletter – August 2023 \(ombudsman.wales\)](https://www.ombudsman.wales/our-quarterly-newsletter-august-2023)

Background papers

Standards & Ethics Committee report, 'Members' Code of Conduct Complaints Update – Quarter 1 of 2023/24', 25 July 2023: [Item 9 Report.pdf \(moderngov.co.uk\)](https://www.moderngov.co.uk/standards-ethics-committee-reports/members-code-of-conduct-complaints-update-quarter-1-2023-24)

Monitoring Officer's correspondence in relation to complaints (various)



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Ombudsman**
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Communications



01656 641150



Communications

@ombudsman.wales

Date: 17 August 2023

Cllr. Huw Thomas
Cardiff Council
By Email only: huw.thomas@cardiff.gov.uk

Annual Letter 2022/23

Dear Councillor Thomas

I am pleased to provide you with the Annual letter (2022/23) for Cardiff Council which deals with complaints relating to maladministration and service failure, complaints relating to alleged breaches of the Code of Conduct for Councillors and the actions being taken to improve public services.

This letter coincides with my Annual Report – “[A year of change – a year of challenge](#)” – a sentiment which will no doubt resonate with public bodies across Wales. My office has seen another increase in the number of people asking for our help – up 3% overall compared to the previous year, and my office now receives double the number of cases we received a decade ago.

In the last year, I have met with public bodies across Wales – speaking about our casework, our recommendations, and our proactive powers. The current climate will continue to provide challenges for public services, but I am grateful for the positive and productive way in which local authorities continue to engage with my office.

1,020 complaints were referred to us regarding local authorities last year - a reduction of 11% compared to the previous year. During this period, we intervened in (upheld, settled or resolved at an early stage) 13% of local authority complaints.

We received fewer Code of Conduct complaints in 22/23 compared to the previous year, relating to both Principal Councils and Town and Community Councils. My role is such that I do not make final findings about breaches of the Code of Conduct. Instead, where investigations find the most serious concerns, these are referred to the Standards Committee of the relevant local authority, or the

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Adjudication Panel for Wales. In 2022/23, the Ombudsman made 12 such referrals – a welcome reduction from 20 last year.

Supporting improvement of public services

Despite the challenges of last year, we have pushed forward with our proactive improvement work and launched a new Service Quality process to ensure we deliver the standards we expect.

Last year, we began work on our second wider Own Initiative investigation – this time looking into carers assessments within local authorities. This investigation will take place throughout the coming year, and we look forward to sharing our findings with all local authorities – not just those involved in the investigation.

The Complaints Standards Authority (CSA) continued its work with public bodies in Wales last year, with more than 50 public bodies now operating our model policy. We've also now provided more than 400 training sessions since we started, with local authorities, in September 2020.

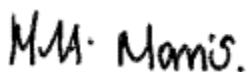
We continued our work to publish complaints statistics into a second year, with data now published twice a year. This data allows us to see information with greater context – for example, last year 5% of Cardiff Council's complaints were referred to PSOW.

I would encourage Cardiff Council, and specifically your Audit and Governance Committee, to use this data to better understand your performance on complaints and consider how well good complaints handling is embedded throughout the Authority.

Further to this letter can I ask that your Council takes the following actions:

- Present my Annual Letter to the Cabinet and to the Governance and Audit Committee at the next available opportunity and notify me of when these meetings will take place.
- Continue to engage with our Complaints Standards work, accessing training for your staff, fully implementing the model policy, and providing accurate and timely complaints data.
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters at the earliest opportunity.

Yours sincerely,



Michelle Morris
Public Services Ombudsman

cc. Paul Orders, Chief Executive, Cardiff Council.
By Email only: Rhian.Jones3@cardiff.gov.uk



Factsheet

Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
Blaenau Gwent County Borough Council	16	0.24
Bridgend County Borough Council	55	0.38
Caerphilly County Borough Council	49	0.28
Cardiff Council*	142	0.39
Carmarthenshire County Council	53	0.28
Ceredigion County Council	35	0.49
Conwy County Borough Council	31	0.27
Denbighshire County Council	32	0.33
Flintshire County Council	65	0.42
Cyngor Gwynedd	36	0.31
Isle of Anglesey County Council	25	0.36
Merthyr Tydfil County Borough Council	17	0.29
Monmouthshire County Council	23	0.25
Neath Port Talbot Council	39	0.27
Newport City Council	42	0.26
Pembrokeshire County Council	44	0.36
Powys County Council	38	0.29
Rhondda Cynon Taf County Borough Council**	54	0.23
Swansea Council	94	0.39
Torfaen County Borough Council	16	0.17
Vale of Glamorgan Council	49	0.37
Wrexham County Borough Council	65	0.48
Total	1020	0.33
* inc 9 Rent Smart Wales		
** inc 2 South Wales Parking Group		



Appendix B - Received by Subject

Cardiff Council	Complaints Received	% share
Adult Social Services	3	2%
Benefits Administration	1	1%
Children's Social Services	11	8%
Community Facilities, Recreation and Leisure	1	1%
Complaints Handling	31	22%
Covid19	0	0%
Education	3	2%
Environment and Environmental Health	5	4%
Finance and Taxation	6	4%
Housing	44	31%
Licensing	0	0%
Planning and Building Control	11	8%
Roads and Transport	9	6%
Various Other	8	6%
Total	142	

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Appendix C - Complaint Outcomes
(* denotes intervention)

Cardiff Council		% Share
Out of Jurisdiction	19	13%
Premature	30	21%
Other cases closed after initial consideration	71	49%
Early Resolution/ voluntary settlement*	23	16%
Discontinued	0	0%
Other Reports - Not Upheld	0	0%
Other Reports Upheld*	2	1%
Public Interest Reports*	0	0%
Special Interest Reports*	0	0%
Total	145	



Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	0	16	0%
Bridgend County Borough Council	5	57	9%
Caerphilly County Borough Council	6	52	12%
Cardiff Council	25	145	17%
Cardiff Council - Rent Smart Wales	1	9	11%
Carmarthenshire County Council	7	60	12%
Ceredigion County Council	13	44	30%
Conwy County Borough Council	5	35	14%
Denbighshire County Council	2	33	6%
Flintshire County Council	5	70	7%
Cyngor Gwynedd	5	33	15%
Isle of Anglesey County Council	5	25	20%
Merthyr Tydfil County Borough Council	1	18	6%
Monmouthshire County Council	1	22	5%
Neath Port Talbot Council	7	38	18%
Newport City Council	8	48	17%
Pembrokeshire County Council	3	45	7%
Powys County Council	8	44	18%
Rhondda Cynon Taf County Borough Council	2	54	4%
Rhondda Cynon Taf County Borough Council - South Wales Parking Group	0	2	0%
Swansea Council	10	99	10%
Torfaen County Borough Council	1	17	6%
Vale of Glamorgan Council	15	53	28%
Wrexham County Borough Council	6	67	9%
Total	141	1086	13%



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Appendix E - Code of Conduct Complaints

Cardiff Council

Decision not to investigate	0
Discontinued	11
No evidence of breach	0
No action necessary	0
Refer to Adjudication Panel	0
Refer to Standards Committee	0
Total	11

55
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1
Investigations

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Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Radyr and Morganstown Community Council	1	0	1	0	0	0	2



Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2022/23. These complaints are contextualised by the population of each authority.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2022/23. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2022/23. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2022/23. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area in 2022/23. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

From: Matthew Harris <[REDACTED]@ombudsman.wales>
Sent: 20 October 2023 13:44
To: Ariyadasa, Kumi <[REDACTED]@cardiff.gov.uk>
Cc: Fiore, Davina <[REDACTED]@cardiff.gov.uk>
Subject: RE: Ombudsman's Annual Letter 2022/23 for Cardiff Council

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.
ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Hi Kumi,

[REDACTED]

Please see below updated Appendix E, if any members have questions I'd be happy to field them.

Best Regards,

Matt

E. Code of Conduct Complaints Closed

		Cardiff Council
Investigations	Decision not to investigate	11
	Discontinued	0
	No evidence of breach	0
	No action necessary	0
	Refer to Adjudication Panel	0
	Refer to Standards Committee	0
	Total	11



Matthew Harris
Pennaeth Safonau Cwynion/Head of Complaints Standards
Ombwdsmon Gwasanaethau Cyhoeddus Cymru/Public Services Ombudsman for Wales
Ffôn/Phone: [REDACTED]

Mae gennym nawr logo a lliwiau newydd!



Rydym wrthi'n cyflwyno'r brand newydd yn raddol, a byddwch yn gweld ein logo a lliwiau blaenorol mewn mannau am sbel!

We now have new logo and colours!



We are introducing the new brand gradually and you will see our previous logo and colours in places for a while!

Mae'r dudalen hon yn wag yn fwriadol

**CYNGOR CAERDYDD
CARDIFF COUCIL**



STANDARDS & ETHICS COMMITTEE: 7 NOVEMBER 2023

REPORT OF THE INTERIM MONITORING OFFICER

ANNUAL REPORT 2022/23

Reason for this Report

1. To enable the Committee to consider the contents of its Annual Report 2022/23 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 has a long-established practice of presenting an annual report to full Council on the work it has undertaken during the municipal year.
3. The Committee's Annual Report 2021/22 was presented to full Council by the Chair of the Committee in January 2023.

Issues

4. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), section 63, introduces a new statutory requirement for Standards Committees to produce an annual report on the exercise of their functions. The annual report is to relate to the financial year and must be presented to full Council as soon as reasonably practicable after the end of the financial year.
5. The new statutory requirements take effect from the financial year 2022/23, and must be reflected in the Committee's annual report for 2022/23.
6. Under the new statutory requirements and statutory guidance issued by the Welsh Ministers within Part 2, section 7 of the Statutory and Non-Statutory Guidance for Principal Councils in Wales: [Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government \(Wales\) Measure 2011 and the Local Government and Elections \(Wales\) Act 2021](#), the annual report 2022/23, as a minimum, must:

- (i) describe how the Committee has discharged its functions during the preceding financial year;
 - (ii) confirm the operation of a local protocol for the resolution of complaints and provide an assessment of its impact. (Where no local protocol has been adopted, the standards committees must consider whether the adoption of such a protocol would support its functions in relation to promoting high standards of ethical conduct);
 - (iii) include an analysis of complaints. This analysis must include information about the number of councillors who have been the subject of a complaint which has been upheld, and whether they have or have not attended a training session on the Code of Conduct prior to or after the complaint was received;
 - (iv) include a summary of reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales relating to the investigation of alleged breaches of the member Code of Conduct, and any subsequent action taken by the committee;
 - (v) include a summary of notices given to the committee by the Adjudication Panel for Wales, relating to the Panel's decisions on possible breaches of the member Code of Conduct;
 - (vi) describe the advice it has provided on training for all members and how that has been implemented;
 - (vii) in the case of a principal council set out how it has worked with the town and community councils in its area to promote and maintain high standards of conduct amongst town and community councillors; and
 - (viii) in the case of a principal council, include the committee's assessment of how political group leaders have complied with the new duty under section 52A(1) of the 2000 Act (inserted by section 62 of the 2021 Act) to promote high standards of conduct, including the advice the standards committee has provided and the training it has suggested.
7. The statutory guidance indicates that the annual report may also include:
- (i) the number of cases considered under local resolution processes, which would help to capture data on an "all Wales" basis, on matters which do not reach the Public Services Ombudsman for Wales; and
 - (ii) the regular review of thresholds for declaration of gifts and hospitality.
8. The statutory guidance (at paragraph 7.7) also says that 'The standards committee should consider whether there are improvements that can be made to strengthen the standards of behaviour of members. This may include recommendations to the full council and town and community councils in its area about matters such as mandating training in equalities and the model code of conduct.'

9. The Committee will be pleased to note that the information routinely included in the Committee's annual reports covers the new statutory requirements, although it may wish to give consideration to whether the Committee wishes to make any specific recommendations to the Council and or Community Councils in relation to matters within its remit.
10. During the financial year 2022/23, the Committee met on three occasions, on the following dates: 22 June 2022; 25 October 2022; and 14 February 2023. Based on the standard format of previous annual reports, the new statutory requirements and guidance on the contents of the annual report and the work undertaken by the Committee during the last year, suggested contents for the Committee's Annual Report 2022/23 include:
 - a) Chair's Foreword – the Chair is invited to introduce the report, noting that, following the Committee's long established practice of presenting its annual report to full Council, this is the first statutory report under the new provisions of the Local Government and Elections (Wales) Act 2021. The Chair may wish to note that the reporting period covers the first year of the new Council elected in 2022 and that the Committee has been pleased to observe that standards of conduct have remained generally high. The Chair may also wish to refer to changes in the Committee's membership (new County Councillors and Community Council member and substitute), welcoming new members and thanking the outgoing ones, as well as those who have remained on the Committee.
 - 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, including new statutory duties introduced under the 2021 Act, and how the Committee approaches its role.
 - d) Work undertaken by the Committee during 2022/23:
 - i. Members Survey – the Committee reviewed the outcomes from the Member Exit Survey 2022 in relation to standards of conduct issues, made comparison with outcomes from the previous Exit Survey in 2017 and changes to be made for future surveys.
 - ii. New duties for Group Leaders and Standards Committees – in consultation with group leaders and whips, the Committee considered the new statutory duties, draft statutory guidance and arrangements to be made for securing compliance with the new duties.
 - iii. Welsh Government Statutory Guidance on new standards duties – the Committee considered the consultation draft of the new statutory guidance and provided a response.
 - iv. Members' use of Council IT for remote / hybrid political group meetings – in response to a request, the Committee considered and

recommended an amendment to the Code of Conduct to permit such use, subject to compliance with an agreed protocol; and Council subsequently approved the same.

- v. Senior Officers' Personal Interests – to report on the Committee's regular annual review of the declarations of senior officers' personal interests and observations made.
 - vi. Whistleblowing reports 2021-22 – to report on the Committee's review of whistleblowing reports made during 2021-22 and observations made.
 - vii. National Standards Committee Forum – the Committee considered the proposed establishment of this Forum, in response to one of the recommendations of the Independent Review of the Ethical Standards Framework and agreed its terms of reference.
 - viii. Member Briefing – the briefing issued to update Members on the work of the Committee and provide advice and guidance on various relevant issues.
 - ix. Ombudsman's updated Code of Conduct guidance and procedures, consultation on Strategic Plan 2023-26, and Equality and Human Rights Casebook 2022/23 – considered by the Committee.
 - x. Local Resolution Protocol and Procedure – the Committee reviewed and amended the Protocol and Procedure.
 - xi. Cardiff Undertaking – the Committee reviewed and made a minor amendment to the Cardiff Undertaking.
 - xii. Gifts and Hospitality received by Members –the Committee carried out its routine review of the Members Hospitality Register, made minor amendments to the Council's guidance and considered proposals for harmonising thresholds nationally.
 - xiii. Observation of meetings - to report on the Committee's feedback following observation of various meetings of full Council, its Committees and Community Council meetings.
 - xiv. Committee membership –the Committee appointed a new Community Council representative, along with a substitute Community Council representative to act in case of a conflict of interest, and a new Chairperson.
- e) Complaints about Member conduct – to give an overview of complaints reported during the year, including those considered under the Local Resolution Protocol, and to note that no referrals to the Committee were received from the Ombudsman nor were any notices received from the Adjudication Panel for Wales

- f) Assessment of Group Leaders' compliance with their new statutory duties in relation to standards of conduct, having regard to the Committee's consideration of Group Leaders' Reports for 2022/23 presented to the Committee's meeting in May 2023;
- g) Future work priorities, to reflect the Committee's Forward Work Plan 2023/24 and note that work will be progressed as resources permit.
- h) Recommendations – any recommendations the Committee may wish to make to the Council and or Community Councils.
- i) Committee members' biographies and Committee meeting attendance figures.
- j) Contact details for the Chair, the new Interim Monitoring Officer and Deputy and the Ombudsman.

11. The Committee is invited to consider its Annual Report 2022/23, having regard to the suggestions above, and provide any appropriate comments.

Legal Implications

- 12. The statutory requirements in relation to the Committee's annual report are set out in the body of the report.
- 13. Under section 56B of the Local Government Act 2000, the Council must consider the annual report presented by the Standards & Ethics Committee within three months of its receipt.
- 14. The statutory guidance [Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government \(Wales\) Measure 2011 and the Local Government and Elections \(Wales\) Act 2021](#) paragraph 7.7, indicates that it is good practice for standards committees to share their annual reports with the Public Services Ombudsman for Wales and community councils in their area.

Financial Implications

- 15. There are no direct financial implications arising from this report.

RECOMMENDATIONS

The Committee is recommended to:

- 1) Provide comments on the contents of the Committee's Annual Report 2022/23;

- 2) Delegate authority to the Interim Monitoring Officer, in consultation with the Chair, to draft and finalise the Annual Report, having regard to comments provided by Members of the Committee;
- 3) Ask the Chair to present the Committee's Annual Report 2022/23 to the next suitable meeting of full Council; and
- 4) Ask the Monitoring Officer to send the Committee's Annual Report 2022/23 to each of the Community Councils in Cardiff, and a copy to the Public Services Ombudsman for Wales.

Debbie Marles
Interim Monitoring Officer
1st November 2023

Background papers

[Standards & Ethics Committee Annual Report 2021/22; and minutes of Council meeting January 2023](#)

[Standards and Ethics Committee minutes June 2022; October 2022; and February 2023](#)

Standards & Ethics Committee report, 'Group Leaders' Reports to Standards & Ethics Committee; and Potential Changes to the Members' Code of Conduct (Mandatory Training) and the Cardiff Undertaking', 9th May 2023 [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](#); and minutes thereof

STANDARDS AND ETHICS COMMITTEE:**7 NOVEMBER 2023**

REPORT OF THE INTERIM MONITORING OFFICER

OBSERVATION OF MEETINGS**Reason for this Report**

1. To allow the Committee to consider the feedback provided by Committee members following observation of meetings of the Council and Community Councils.

Background

2. The Committee has agreed that observation of Council, Committee and Community Council meetings is helpful for members, in particular the Independent Members of the Committee, to gain experience of the Council and Committee processes, and to provide opportunities for first hand feedback to the Committee of any issues relating to standards and conduct.
3. The Committee has approved a feedback proforma for use by the Members of the Committee when observing meetings. Members have been asked to complete a form for each meeting they attend and submit it for consideration at the next appropriate Committee meeting.
4. At its meeting on 25th July 2023, the Committee considered feedback provided in respect of observation of the Annual Council meeting held in May 2023, Radyr and Morganstown Community Council meeting held on 22nd June 2023 and Old St Mellons Community Council meeting held on 13th July 2023.

Issues

5. Meeting observation feedback has been received in respect of the St Fagans Community Council meeting held on 4th September 2023 (**Appendix A**).
6. Members will be pleased to note that no concerns have been raised in relation to Member conduct, standards and ethics issues or the management of the meeting.
7. The feedback has been shared with the Clerk to St. Fagans Community Council for information.

8. In relation to the feedback about remote access to the meeting, the Committee may wish to note that Community Councils are subject to the same requirements as principal authorities (County Councils) to make provision for remote attendance at Council meetings. However, for Community Council meetings, the requirement is for meeting attendees to be able to hear and be heard by other attendees (without a requirement for attendees to be able to see and be seen by other attendees – which applies to full Council meetings of a principal authority). The Committee will also be mindful of resource constraints for Community Councils, reflecting their comparatively smaller budgets, which will have a bearing on their IT capacity.
9. In relation to the observation on 'Agenda and reports availability', namely that: 'Agenda and Minutes provided prior to the meeting, although no reports available', Members may recall considering this issue previously (in December 2020 and July 2021). The legal requirements for Community Councils are to publish electronically the agenda and minutes of the proceedings of the council's meetings and, 'in so far as reasonably practicable, any documents relating to the business to be transacted at the meeting' (sections 55 and 57 of the Local Government and Democracy (Wales) Act 2013). The Committee has made a recommendation that any reports relating to business items to be discussed at the meeting should be published, as a matter of best practice, to facilitate transparency and public engagement and the Monitoring Officer discussed this issue with the Community Council Clerks at one of their regular meetings in 2021.
10. Details of all forthcoming Council, Committee and Cabinet meetings are listed in the calendar of meetings, which is regularly circulated to Standards and Ethics Committee members and is published on the Council's website, here: [Monthly meetings calendar - October 2023 : Cardiff Council \(modern.gov.co.uk\)](#) Independent members are encouraged to observe a full Council meeting and a Committee meeting.
11. Details of forthcoming Community Council meetings are published on the respective Councils' websites. Members are similarly encouraged to observe a Community Council meeting. Members are advised to contact the Clerk to confirm the meeting is going ahead and to check arrangements for attending. Community Council website links and Clerks contact details are accessible here: [Community councils contact details : Cardiff Council \(modern.gov.co.uk\)](#)

Legal Implications

12. Relevant legal provisions are set out in the body of the report. There are no direct legal implications arising from the recommendations of this report.

Financial Implications

13. There are no direct financial implications arising from this report. Any relevant payments and allowances associated with observing meetings would be payable in accordance with the rates set by the Independent Remuneration Panel for Wales,

reflected in the Members' Remuneration Schedule (in Part 6 of the Constitution), and met from the allocated budget.

RECOMMENDATION

The Committee is recommended to:

- (1) Note the meeting observation feedback received, as set out in **Appendix A**, and make any comments considered appropriate; and
- (2) Continue to observe meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

Debbie Marles
Interim Monitoring Officer
1st November 2023

Appendix

Appendix A Meeting Observation Feedback Form for St Fagans Community Council meeting held on 4th September 2023 (AH)

Background papers

[Standards and Ethics Committee report, 'Observation of Meetings', 25th July 2023: CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](#)

Mae'r dudalen hon yn wag yn fwriadol

STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	ST FAGANS COMMUNITY COUNCIL
Date:	4 TH SEPTEMBER 2023

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Meeting was hybrid (mainly in person, with myself on Zoom). Not all participants in the room could be seen on the screen, consequently on occasion I could not see who was speaking
Name plates/ identification of Committee; Witnesses and Officers:	Name plates were provided in front of members but could not be read on Zoom
Ability to hear proceedings:	The quality of sound was initially poor, but improved as the meeting progressed
Agenda and reports availability:	Agenda and Minutes provided prior to the meeting, although no reports available
Management of meeting:	Meeting progressed satisfactorily
Clarity of decision making:	No voting took place on matters discussed, but items appeared to be generally agreed upon at their conclusion

Possible Code of Conduct/ Standards and Ethics Issues:

There were no Code of Conduct/Standards and Ethics issues that need to be considered in relation to this meeting.

I agree that my feedback can be shared with the Council and/ or the Community Council (if applicable).

Name:	ARTHUR HALLETT
Date:	4 th September 2023

Mae'r dudalen hon yn wag yn fwriadol

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

**SOUTH EAST WALES CORPORATE JOINT COMMITTEE –
STANDARDS SUB-COMMITTEE – UPDATE****Reason for this Report**

1. To provide the Committee with an update on arrangements being made for Cardiff's Standards and Ethics Committee to be utilised as the Standards Sub-Committee for the South East Wales Corporate Joint Committee, on a temporary basis, until such time as the Corporate Joint Committee is fully operational and ready to establish its own Standards Sub-Committee.

Background

2. The South East Wales Corporate Joint Committee ('SEWCJC' or 'the CJC') was formally constituted (pursuant to the South East Wales Corporate Joint Committee Regulations 2021) with effect from April 2021, comprised of the leaders of Cardiff County Council, Monmouthshire County Council, Blaenau Gwent County Borough Council, Bridgend County Borough Council, Caerphilly County Borough Council, Merthyr Tydfil County Borough Council, Newport County Borough Council, Rhondda Cynon Taff County Borough Council, Torfaen County Borough Council, the Vale of Glamorgan County Borough Council, and a representative of the Brecon Beacons National Park Authority ('the Constituent Authorities'). The SEWCJC is the successor body to the City Deal Joint Committee and is responsible for strategic development planning, regional transport planning and promoting the economic well-being of the South East Wales region (the combined administrative areas of all of the Constituent Authorities).
3. Corporate Joint Committees ('CJCs') have broadly similar powers and duties to local authorities. They also have similar governance and administrative structures, with a level of discretion on constitutional and operational arrangements. CJCs can employ staff directly, hold assets and manage finances in the same way as a local authority. They are required by law to appoint a Chief Executive, a Finance Officer and a Monitoring Officer. They are also required to appoint various statutory sub-committees, including a standards sub-committee, with the statutory functions set out in section 54 of the Local Government Act 2000 in relation to the promotion and maintenance of high standards of Member conduct within the CJC and providing advice and training in relation to the CJC's Members' code of conduct.

4. The SEWCJC is currently in what it refers to as its 'Transition Phase', where it is building upon its established governance structures in preparation to becoming fully active from April 2024, when it also plans to assume the functions of the Cardiff Capital Region City Deal Joint Committee. The CJC has indicated that it is not minded to establish its own separate standards sub-committee at this early stage in its development and it is therefore looking to utilise an existing standards committee of one of its Constituent Authorities (which is recognised as a permission option within the statutory guidance on Corporate Joint Committees: [WG44355 \(gov.wales\)](#)).
5. The Standards & Ethics Committee received a report at its May 2023 meeting to consider a request for this Committee to act as the Standards Sub-Committee for the CJC on a temporary initial basis, until such time as the CJC establishes its own Standards Sub-Committee. The Committee agreed, in principle, to accede to the request, subject to the approval of full Council, formal delegation by the CJC and a Service Level Agreement to set out the agreed terms for the arrangements, such terms to include provision for any additional costs and liabilities incurred by Cardiff Council to be paid for by the SEWCJC and for the arrangements to be reviewed after 12 months, with suitable provision for termination of the arrangements.
6. This report provides the Committee with an update on the arrangements being made.

Issues

7. The proposal for Cardiff's Standards and Ethics Committee to be appointed as the Standards Sub-Committee for the SEWCJC, on a temporary initial basis, has now been formally approved by the CJC (CJC resolution dated 31st July 2023) and Cardiff Council (Council resolution dated 21st September 2023).
8. The approval by both Cardiff Council and the CJC is subject to the conclusion of a Service Level Agreement (SLA) between Cardiff Council and the CJC to set out the agreed terms. The terms are to include provision for any additional costs and liabilities incurred by Cardiff Council to be paid for by the SEWCJC and for the arrangements to be reviewed after 12 months, with suitable provision for termination of the arrangements. Officers are currently considering the operational details for the arrangements, which will be reflected in the SLA.
9. Once terms are agreed, the SLA will be signed off by each party under the approved officer delegated authority; and the Committee's terms of reference will be amended (in accordance with the Council's September decision) to cover the statutory functions in relation to the CJC by inserting an additional paragraph as follows:

'(l) In relation to the South East Wales Corporate Joint Committee ('the CJC'), to:
 - (i) Promote and maintain high standards of conduct by its members and co-opted members;

- (ii) Assist its members and co-opted members to observe the CJC's code of conduct;
 - (iii) Advise the CJC on the adoption and revision of a code of conduct;
 - (iv) Monitor the operation of the CJC's code of conduct;
 - (v) Advise, train or arrange to train its members and co-opted members on matters relating to the CJC's code of conduct; and
 - (vi) Make an annual report to the CJC describing how its functions have been discharged during the financial year.'
10. Until the CJC becomes fully operational, it has decided to designate a Monitoring Officer on an interim basis. The current Interim Monitoring Officer for the CJC (the Deputy Monitoring Officer for Cardiff Council, James Williams) will be leaving the Council at the end of October. The Council has therefore appointed, as a locum, another suitably qualified Interim Monitoring Officer for the CJC (and City Deal) functions, namely Jayne La Grua, who has been formally designated by the CJC as its Interim Monitoring Officer (CJC resolution dated 9th October 2023) with effect from 1st November 2023 (and as Interim Deputy Monitoring Officer for the CJC and City Deal with effect from 11th October 2023.)
11. As the Interim Monitoring Officer for the CJC, Mrs La Grua will be responsible for advising and supporting the Standards & Ethics Committee in relation to discharge of standards functions for the CJC. All other arrangements for the Committee and its work for Cardiff Council, including appointment of Committee members, Committee procedure rules, support provided by Cardiff's Monitoring Officer and Democratic Services staff and arrangements for Members to claim remuneration and expenses, will remain unchanged.
12. It should be noted that, under the new arrangements, Cardiff's Standards and Ethics Committee will take on responsibility for the standards functions of the CJC and its members, only in so far as they relate to the CJC. However, where a matter relates to a Member's conduct in general, and not specifically to CJC activities, then the Standards Committee of that Member's own council would have responsibility.
13. It is anticipated that the additional workload for the Committee will be relatively minimal as the CJC is not yet fully operational, but may include, for example:
- (a) an introductory report on the application of the statutory standards framework to the CJC, including reviewing its Code of Conduct and arrangements for Members' registers of interests and training on the Code;
 - (b) a report in around April / May 2024 to consider the Standards Committee's statutory annual report in relation to standards functions for the CJC; and
 - (c) any other report/s the Monitoring Officer for the CJC may wish to submit.
14. A further report will be submitted to the Committee on this matter in due course.

Legal Implications

15. The Ethical Framework established under Part III of the Local Government Act 2000 has been extended to apply to CJCs and their members and co-opted members in the same way as it applies to local authorities.

16. Statutory guidance on Corporate Joint Committees ([WG44355 \(gov.wales\)](https://www.gov.wales/guidance/wg44355)), specifically on the constitutional and operational arrangements to be adopted, includes guidance on the application of the Ethical Standards Framework to CJs in section 12 of the guidance. In particular, a CJC is required to:
- (i) adopt its own code of conduct for its members and co-opted members, based on the statutory model Code of Conduct set out in the Local Authorities (Model Code of Conduct) (Wales) Order 2008. The CJC adopted a revised Code of Conduct at its meeting in July 2023;
 - (ii) appoint a Monitoring Officer. The CJC's current and new Interim Monitoring Officer appointments are set out in paragraph 10 of the report;
 - (iii) maintain a register of interests, to be established by the Monitoring Officer, for its members and co-opted members. As the SEWCJC covers a different geographical area to its individual constituent councils, it is necessary for a separate register of interests to be maintained to cover the functions and geographic area of the CJC (and in relation to relevant matters outside the areas to which CJs may influence and to which members may benefit); and
 - (iv) appoint a standards sub-committee (as a CJC is a committee, this is referred to as a standards sub-committee), with the statutory functions set out in section 54 of the Local Government Act 2000 in relation to the promotion and maintenance of high standards of conduct within the CJC and providing advice and training in relation to the CJC's code of conduct.
17. Other relevant legal provisions are set out in the body of the report.

Financial Implications

18. The report outlines that the approval for Cardiff's Standards and Ethics Committee to be appointed as the Standards Sub-Committee for the SEWCJC, on a temporary initial basis, is subject to the conclusion of a Service Level Agreement (SLA) between Cardiff Council and the CJC to set out the agreed terms. The terms are to include provision for any additional costs and liabilities incurred by Cardiff Council to be paid for by the SEWCJC and for the arrangements to be reviewed after 12 months, with suitable provision for termination of the arrangements. Officers are currently considering the operational details for the arrangements, which will be reflected in the SLA.

RECOMMENDATION

To note the information set out in the report and receive a further report at the next suitable Committee meeting.

Davina Fiore
Director of Governance and Legal Services and Monitoring Officer
24 October 2023

Background Papers

Standards & Ethics Committee report, 'South East Wales Corporate Joint Committee – Standards Sub-Committee', 9th May 2023: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk/city-and-county-of-cardiff)

Cardiff Council report, South East Wales Corporate Joint Committee – Standards and Scrutiny Arrangements', 21 September 2023: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk/city-and-county-of-cardiff)

CJC report, SEWCJC, 'Statutory Sub-Committees Update', 31 July 2023 [item-5-statutory-subcommittees.pdf \(cardiffcapitalregion.wales\)](https://www.cardiffcapitalregion.wales/item-5-statutory-subcommittees.pdf)

Statutory guidance on Corporate Joint Committees ([WG44355 \(gov.wales\)](https://www.gov.wales/WG44355)),

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STANDARDS AND ETHICS COMMITTEE:

7 November 2023

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

WORK PROGRAMME 2023 - 24

Reason for this Report

1. To consider the Committee's Work Programme and agree the items for consideration by the Standards and Ethics Committee in 2023/24

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 programme.

Issues

4. Attached as **Appendix A** is the draft Work Programme for 2023/24 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 under the Local Government Act 2000 (section 54) set out below, which should be considered alongside its terms of reference when setting the Work Programme:

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.*

(2A) A standards committee of a county council or county borough council in Wales also has the specific functions of—

*(a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and
(b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.*

6. The Committee has the same general and specific statutory functions (set out under section 54(1) and (2) above) 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 the report. The work programme would need to be delivered with the resources available within the allocated budget.

RECOMMENDATION

The Committee is recommended to consider the Work Programme 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

26 October 2023

Appendix

Appendix A

Work Programme 2023 – 24

Background Papers

[Standards & Ethic Committee Work Programme 2023 – 2024 July 2023](#)

STANDARDS AND ETHICS COMMITTEE – WORK PROGRAMME – 2023/24

APPENDIX A

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TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
(1) Gifts and Hospitality	To monitor and review the acceptance of gifts and hospitality by Members (annually).	Monitoring Officer	Medium	Scheduled	Spring / Summer 2024
(2) Code of Conduct Complaints	To receive information on complaints made against Members of the Council alleging breaches of the Code of Conduct (quarterly).	Monitoring Officer	Medium	Ongoing	ON AGENDA
(3) Member Briefings	To publish Member Briefings on the work of the Committee and member conduct issues	Chair / Monitoring Officer	Medium	Scheduled	Spring 2024
(4) 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	Medium	Ongoing	ON AGENDA
(5) Whistleblowing Policy	(1) To monitor reports made under the whistleblowing policy and consider any ethical issues arising; and (2) To review the Whistleblowing Policy to ensure it remains fit for purpose.	Monitoring Officer	Medium	Scheduled	February 2024
(6) Officers Personal Interests	To receive a report on Senior Officers Personal Interests Declarations (annually)	Monitoring Officer / HR	Medium	Scheduled	Spring / Summer 2024

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
(7) Meeting with Group Leaders and Whips	To facilitate ongoing engagement with representatives from all political groups; to consider group leaders' new duties in relation to Members' conduct and relevant training	Political Group Leaders for complying with their new duty to promote high standards of conduct, and the Standards Committee for monitoring this	Medium	Scheduled	ON AGENDA & Spring 2024
(8) Annual Report 2022/23	Prepare Annual Report 2022/23	Committee Chair/ Monitoring Officer	Medium	Scheduled	ON AGENDA
(9) Cardiff Undertaking	To review the Undertaking, to ensure it remains up to date and fit for purpose	Monitoring Officer	Medium	Scheduled	Spring / Summer 2024
(10) Members' Use of Council IT for Political Group Meetings	To receive an information report on the adoption and implementation of the new Protocol agreed by Council on the recommendation of this Committee	Monitoring Officer	Low	Scheduled	Spring 2024
(11) South East Wales Corporate Joint Committee – Standards Sub-Committee Functions	To receive an update on proposals for Cardiff's Standards and Ethics Committee to discharge standards committee functions for the Corporate Joint Committee	Monitoring Officer	Medium	Scheduled	ON AGENDA