

Standards and Ethics Committee Annual Report 2021/22

Cardiff Council



The Ten General Principles of Public Life

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

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Chair's Foreword

This is my first report as Chair of the Standards and Ethics Committee, since being elected as Chair from June 2022. I start by acknowledging our gratitude to the former Chair, Professor James Downe, whose term of office ended in November 2021; and my predecessor, Hollie Edwards-Davies, whose term of office ended in June 2022. Both served the Committee for the maximum term allowed under the Standards Committees Regulations and led the Committee ably during their respective times as Chair. In their place, we have been pleased to welcome two new independent members, David Mills (from January 2022) and Rashpal Singh (from June 2022). Our thanks also to Community Councillor Stuart Thomas of Pentyrch Community Council, who was our Community Council representative on the Committee from 2017 until the May 2022 elections. We welcome our new Community Council representative, Community Councillor Julia Charles of Radyr and Morganstown Community Council, and her substitute, Community Councillor Mike Jones-Pritchard of Tongwynlais Community Council. Finally, thanks also to County Councillor Joel Williams and former County Councillor Emma Sandrey, who served on the Committee from 2017 until May 2022; and welcome to County Councillors Jayne Cowan and Imran Latif, and our continuing County Councillor Stephen Cunnah.

It is with pleasure that I can report that standards of conduct during 2021/22 have generally remained high. Although the number of complaints recorded this year (20) marked a slight increase from the previous year (13), we have noted that several of these complaints involved the same Members and related incidents. We are also mindful of the fact that this report covers the highly pressurised lead up to the local government elections in May 2022, and that an increase in the number of complaints during this period may be expected. We are reassured by the fact that no breaches of the Code of the Conduct have been found, although 4 complaints are pending referral to the Local Resolution Hearings Panel as attempts to resolve them informally have been unsuccessful. We continue to encourage anyone with concerns about the conduct of an elected Member to raise their concerns with their group leader, group Whip, Community Council clerk, the Monitoring Officer, or if they are a member of the public and wish to lodge a formal complaint, with the Ombudsman, so that their concerns can be addressed.

As social media continues to be a common feature of many complaints, the Committee was pleased to be asked to develop Social Media Codes, following the resolution passed by full Council in March 2021. The Committee gave detailed consideration to these Codes, which were recommended to Council for approval in October 2021. We hope the Codes will help Members to use social media constructively, whilst upholding the high standards of conduct expected of them; and clarify the Council's expectations in relation to social media communications of its partner organisations.

The Committee has embraced the legislative changes introduced by the Local Government and Elections (Wales) Act 2021, noting that key provisions are essentially placing Cardiff's well-established arrangements onto a statutory footing. The Committee's annual report, introduced in Cardiff nearly 20 years ago, will be a statutory requirement from next year; and the new statutory duties placed on Group Leaders in relation to standards of conduct reflects the important role of Group Leaders, recognised by the Committee's long-established practice of meeting annually with Group Leaders and Whips.

We welcomed the report of the Independent Review of the Ethical Standards Framework in Wales (published in October 2021), which was commissioned by the Welsh Government, and were pleased to note the conclusion that the framework remains generally fit for purpose. We were particularly pleased to note that Cardiff has already taken action in respect of a number of recommended improvements identified in the report. We believe this demonstrates that Cardiff's approach to standards and ethics is in line with best practice.

We are pleased to note that 74 of the 79 Cardiff Councillors (94%) have completed the Code of Conduct training provided by the Monitoring Officer following the May 2022 elections. We hope that the 5 Councillors who have not yet done so, will make it a priority to contact the Monitoring Officer and arrange to complete this mandatory training in the very near future.

I would like to thank all my fellow Committee members, who have all contributed fully and diligently to the work of the Committee; and must also thank the Monitoring Officer and her staff who have continued, within limited resources, to provide us with efficient and effective support and advice.

As the Council faces the many challenges presented to it in the year ahead, we would urge Members to remain mindful of the fundamental importance of high standards of conduct in order for members of the public to maintain their trust and confidence in local democracy.

Jason Bartlett
Chair of Standards and Ethics Committee

The Role of the Standards and Ethics Committee

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

- (a) To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services, and to report to the Council on any matters of concern.
- (b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.
- (c) To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application.
- (d) To consider and determine the outcome of complaints that Councillors and Co-opted Members have acted in breach of the Code in accordance with procedures agreed by the Standards Committee, including the imposition of any penalties available to the Committee.
- (e) To oversee and monitor the Council's whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.
- (f) To grant or refuse requests for dispensations in respect of Members' interests under the Members Code of Conduct in accordance with the relevant statutory provisions.
- (g) To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law.
- (h) To recommend to Council and the Cabinet any additional guidance on issues of probity.
- (i) To hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer, whether on reference from the Ombudsman or otherwise.
- (j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.
- (k) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.

The Committee has identified its major role as being to:

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

The Committee operates on the clear understanding that Elected Members that sit on the Committee are independent of political allegiance and that all discussions and decisions are taken with ethical principles at the forefront. The Committee is mindful that not all political groups are represented on the Committee, and welcomes attendance by all Members at its meetings and is happy to receive contributions from those groups not so represented. The Committee wishes to do all it can to support Elected Members in their role.

The Committee's Work in 2021/22

SOCIAL MEDIA CODES

In response to a resolution passed by full Council in March 2021, the Committee gave detailed consideration to the development of the following 2 Social Media Codes:

- (i) A Members' Code of Principles on Social Media Use – to assist Members to ensure that their use of social media complies with the statutory duties imposed under the Members' Code of Conduct; and
- (ii) A Partner Organisations' Code of Practice on Social Media – setting out the Council's expectation in relation to the use of social media by partner organisations (groups and organisations who work with the Council) when engaging with the Council or Council business.

The content of the Codes was discussed with Members during the Members' Code of Conduct refresher sessions run by the Monitoring Officer in the Summer of 2021. Draft Social Media Codes were then prepared for consultation with all Members and partner organisations, respectively; and discussed with Group Leaders and Whips. Various amendments were made to the draft Codes in response to a number of constructive responses received from Members and partner organisations.

On the recommendations of the Committee, full Council approved and adopted the Social Media Codes in October 2021. It was agreed that the Members' Code of Principles on Social Media Use should be incorporated as an annex to the Members' Code of Conduct; and the Members' Code of Conduct has been revised, re-published and incorporated within the Council's Constitution accordingly. The Partner Organisations' Code has been shared with partner organisations and is published on the Council's website.

The Committee notes that social media continues to feature frequently in Member conduct complaints, and hopes that the new Social Media Codes will help Members to use social media constructively, whilst upholding the high standards of conduct expected of them; and clarify the Council's expectations in relation to social media communications of its partner organisations.

SENIOR OFFICERS' PERSONAL INTERESTS

The Committee completed its annual review of Senior Officers' personal interests declarations for 2021. The purpose of the review was to satisfy the Committee that Senior Officers' personal interests are being appropriately managed and that there are no ethical issues arising. The report to Committee was presented by the Deputy Monitoring Officer, as the Monitoring Officer is one of the Council's Senior Officers and therefore has a personal interest in this matter. As the declarations include the

personal information of Senior Officers, the review was conducted on a confidential and exempt basis. However, the Committee noted that a register of Senior Officers' outside business interests is published on the Council's website in the interests of transparency and accountability.

Having carefully reviewed all declarations made, the Committee was pleased to note that there were no concerns arising in this regard.

RECRUITMENT OF NEW INDEPENDENT MEMBERS

In the Autumn of 2021, the Committee carried out a public appointments process to recruit two new independent members to fill the vacancies which arose upon the expiry of the terms of office of Professor James Downe and Hollie Edwards-Davies. The appointment of independent members of the Standards and Ethics Committee is governed by statutory regulations. In accordance with those regulations, the vacancies were advertised widely and applicants were shortlisted and interviewed by an Appointments Panel, comprised of the Chair, a lay member and the Committee's Community Council representative.

In January 2022, on the recommendations of the Appointments Panel, full Council approved the appointment of Mr David Mills, with immediate effect; and Mr Rashpal Singh, with effect from June 2022 (when the second vacancy arose). The new independent members have been inducted to their roles and, alongside other members, they have become valued members of the Committee.

WHISTLEBLOWING REPORTS

The Committee received its regular annual report setting out the number of whistleblowing reports made during 2020, noting the nature of the concerns raised and outcomes in relation to each case. The Committee was content that the Council's whistleblowing arrangements were operating satisfactorily and that there were no ethical concerns arising.

It was noted that the Whistleblowing Policy was due to be reviewed, but had been delayed in order to allow the review to take account of the outcomes of an internal audit review of the Council's whistleblowing arrangements. Accordingly, the review of the policy has been rescheduled for 2022/23.

MEMBERS BRIEFING

A Member Briefing was issued in April 2022 to all Cardiff Councillors and Community Council Clerks, for forwarding to their Community Councillors. The issue of the Briefing was scheduled for the lead up to the local government elections, as a timely reminder for Members of the importance of maintaining high standards of conduct during this politically pressurised period, whilst recognising that robust political debate and freedom of expression cannot be censored. The Briefing outlined changes to the Committee's membership, introducing the two new independent members and

reminded Members of the Social Media Codes, revised guidance issued by the Public Services Ombudsman for Wales on the Code of Conduct and the rules requiring registration of gifts and hospitality. It also reported on the Committee's annual meeting with Group Leaders and the discussions held about their new statutory duties, and gave an overview of Member conduct complaints received during the first three quarters of 2021/22.

Community Councillors were reminded that they were welcome to attend any of the Committee's meetings. All Members were invited to contact the Chair if they wished to provide any feedback on the Briefing or required any further information about the work of the Committee.

Following the May 2022 elections, the Briefing was also issued to all newly elected Councillors.

PREPARATION FOR LOCAL ELECTIONS 2022

In early 2022, the Committee received a report on the arrangements being made to promote and maintain standards of conduct in preparation for the May 2022 local government elections. The Committee noted that the draft Outline Member Induction Programme 2022 included a Welcome and Introduction session, at which the Chair of the Standards and Ethics Committee was to be invited to speak and the Monitoring Officer's staff would be available to assist Members with their Register of Interests; and mandatory training on the Members' Code of Conduct, Ethical Standards and Interests; along with a comprehensive programme of other relevant training.

The Committee also agreed to follow up on the suggestion made at the annual meeting with Leaders and Whips for the Committee to write to all election candidates to explain the standards of conduct required of elected Members under the Members' Code of Conduct, including the Members' Social Media Code, and ask them to comply with those standards, in the interests of ensuring a fair and honest election. A letter was duly sent from the Chair of the Committee to all election candidates.

MEMBERS' GIFTS AND HOSPITALITY REGISTER

Under the Members' Code of Conduct, Members are required to register the receipt of any gifts and hospitality which exceeds the threshold value set by their authority, which in Cardiff is £25. The Committee has carried out its annual review of the Members' Hospitality Registers covering the period from 1st November 2020 to 31st December 2021. It was observed that there were relatively few register entries during this period, for Members outside the Lord Mayoralty, although this may be attributable to reduced social engagements due to Covid restrictions. The Committee noted that Members had been reminded of the need to register gifts and hospitality during the Code of Conduct refresher sessions run during the Summer of 2021, and agreed that a further reminder should be included in the next Member Briefing.

The Committee was content that there were no concerns regarding the entries made in the register.

OBSERVATION OF MEETINGS

Independent members of the Committee and the Community Council representative have continued to observe meetings of Full Council and its Committees, as well as Community Council meetings and record their observations using the Committee's standard template form. Observations have been discussed at Standards and Ethics Committee meetings to inform the Committee's work and understand the work of the Council and Community Councils.

The Committee has been pleased to observe that standards of Member conduct and management of the Council, Planning Committee and Community Council meetings attended were all generally good. In relation to one of the Community Council meeting observed, feedback indicated that there had been some difficulty accessing the minutes of the previous meeting which should have been published online. This issue has been addressed through subsequent discussion with the Clerk to the Council.

Committee members are encouraged to continue attending different Council and Committee meetings for observation and feedback to the Committee.

COMMUNITY COUNCILS

The Committee has continued to engage with Community Councils to promote and maintain high standards of conduct within those Councils and build good working relationships with them. Members of the Committee have attended Community Council meetings to familiarise themselves with the work of Community Councils and raise the profile of the Standards and Ethics Committee.

The Monitoring Officer has continued to hold regular meetings with the Community Council Clerks to discuss and provide support and advice to Clerks in relation to Member conduct issues and good governance.

REVIEW OF THE ETHICAL FRAMEWORK

An independent review of the ethical standards framework in Wales, commissioned by the Welsh Government, considered whether the Framework remains fit for purpose. As part of the investigation undertaken for the review, the former Chair of the Standards and Ethics Committee and the Monitoring Officer for Cardiff Council were amongst the wide range of stakeholders who were interviewed to share their experiences and views about the operation of the ethical standards framework in Wales.

The Committee considered the final report on the Independent Review, which was published in October 2021. It was pleased to note the conclusion that the current arrangements remain fit for purpose, and particularly pleased to note that

Cardiff had already taken action in respect of a number of recommended improvements identified in the report, including specifically in relation to:

- making Code of Conduct training mandatory for all Members;
- amending the Code of Conduct to include guidance on social media;
- providing training for members of the Standards and Ethics Committee on the conduct of hearings; and
- recognising the leadership role of the Chair of the Standards and Ethics Committee in promoting high standards of conduct across the Council.

The above findings serve to assure the Committee that Cardiff should be commended for demonstrating best practice in its approach to standards and ethics.

OMBUDSMAN'S ANNUAL LETTER, ANNUAL REPORT AND CASEBOOK 2020/21

The Committee received and considered various documents issued by the Public Services Ombudsman for Wales, specifically, the Annual Letter, Annual Report and Casebook for 2020/21.

The Committee noted the information provided an overview of all complaints considered by the Ombudsman during the year along with an analysis of the complaints received in relation to Cardiff Council. It was observed that the number of complaints in relation to Cardiff was low in comparison with the size of population. It was suggested that this reflected the fact that standards of behaviour had improved and that Cardiff Council should be proud of this.

The Ombudsman's Casebook was agreed to contain helpful guidance on the Ombudsman's interpretation of the Code in practice.

TRAINING

The Committee was pleased to note that refresher training on the Members' Code of Conduct was delivered by the Monitoring Officer in a number of sessions between June and September 2021, which had been made compulsory for all Members, with the agreement of the Democratic Services Committee.

Within the Member Induction Programme 2022 following the local government elections, the Monitoring Officer has delivered training on the Code of Conduct, in a number of repeat sessions offered both in person and remotely. This training was designated as mandatory and Democratic Services' records indicate that 94% of Members have now completed this training.

One of the key issues discussed during the training sessions is Members' use of social media and the principles of the Social Media Code, which is incorporated into the Members' Code of Conduct.

Feedback from Members indicates that they found these sessions helpful.

Training for Group Leaders to assist them to comply with their new statutory duties in relation to standards of conduct has been discussed with Group Leaders and Whips. In line with suggestions, training in mediation skills and conflict resolution is to be considered.

ANNUAL MEETING WITH POLITICAL GROUP LEADERS AND WHIPS

The Committee meets informally with Group Leaders and Whips each year to discuss issues relating to Members' conduct and ethics. The Committee met with Group Leaders and Whips in October 2021 and discussed the new draft Social Media Codes which had been developed in response to the Council's resolution in March 2021. It was suggested and agreed that candidates in the forthcoming local government elections should also be made aware of these codes, once approved and adopted by Council.

The new duties being introduced for group leaders in relation to Members' conduct were also discussed and it was noted that this formalised the role which many group leaders were already carrying out. It was agreed that training in mediation skills and conflict resolution would be helpful and that this training should be extended to deputy leaders and group whips.

Taking Action on Complaints

The Standards and Ethics Committee receives quarterly reports from the Monitoring Officer in respect of complaints made about Members' conduct. The Committee monitors the number of complaints and any themes or patterns emerging (but only considers specific details of individual cases if a complaint is formally referred to the Committee by the Monitoring Officer or the Ombudsman.)

During the period from 1st April 2021 to 31st March 2022, the Monitoring Officer was notified of a total of twenty complaints made against Members alleging breach of the Code of Conduct. The table below shows an analysis of the complaints on a quarterly basis.

	Q1 Apr, May, Jun 2021	Q2 Jul, Aug, Sept 2021	Q3 Oct, Nov, Dec 2021	Q4 Jan, Feb, Mar 2022	TOTAL
Member on Member	1	6	1	1	9
Public on Member	4	2	0	1	7
Officer on Member	0	0	0	0	0
Community Councillors	0	0	3	1	4
Total	5	8	4	3	20

The number of complaints received during 2021/22 (twenty in total) was slightly higher than the three previous years (thirteen complaints in 2020/21; nine complaints in 2019/20; and twelve complaints in 2018/19). The Committee noted that this reporting period includes the politically charged and pressurised period leading up to the local government elections, and considered that some increase in the number of complaints was to be expected.

An outline of the complaints submitted during each quarter of the year 2021/22 is set out below.

Quarter 1

Five complaints were submitted during Quarter 1 of 2021/22. Brief details of those complaints are as follows:

- (i) A Member complained about the responses given by another Member to their questions within email correspondence seeking information in relation to a resident's concerns. It was alleged that the Member had made personal attacks on them, which failed to show respect and consideration and constituted bullying behaviour. The Monitoring Officer's attempt to resolve the

complaint informally was unsuccessful. At the complainant's request, this complaint was referred to the Hearings Panel for determination under the Local Resolution Protocol. The Hearings Panel found that there was no breach of the Code of Conduct.

- (ii) A member of the public complained that a Member's support of objections to his planning application had supported harassment of the complainant. The complainant also submitted that the Member had not fairly represented him. The complaint was considered by the Ombudsman who found there was no evidence of a breach of the Code and decided not to investigate further.
- (iii) A member of the public complained about statements made by a Member during the Senedd election campaign, which were alleged to be outdated and disrespectful; and about false statements made about the election results. The complainant was advised on the application of the Code of Conduct to a Councillor's activities and advised to refer their complaint to the Ombudsman and or the Standards Commissioner, as appropriate.
- (iv) A member of the public complained about a comment made by a Member on social media, which was alleged to be threatening. The Ombudsman decided not to investigate the complaint.
- (v) A member of the public complained about the conduct of a Member in relation to an application being determined by a Committee. The Member was alleged to have made disrespectful comments, discriminated against an individual, misused their position and disclosed confidential information. The Ombudsman decided not to investigate the complaint.

Quarter 2

Eight complaints were submitted during Quarter 2 of 2021/22. Brief details of those complaints are as follows:

- (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 and so consideration is being given to a referral to the Standards Committee Hearings Sub-Committee.
- (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 on the complainant. 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. The Member (Cllr B) also made a counter-complaint against the complainant, alleging that the complainant (Cllr A) had made discriminatory comments about them during the same meeting. In response to the Monitoring Officer's attempts to informally resolve this matter, Cllr B offered an apology to Cllr A for any upset caused by their comments. Cllr A has been asked to apologise but to date has not done so. Consideration is being given to referral of Cllr A's complaint to the Standards Committee Hearings Sub-Committee.

- (iii) The counter-complaint (made by Cllr B) referred to in paragraph (ii) above, which has been recorded as a separate complaint. Following informal resolution discussions, Cllr B has withdrawn this complaint.
- (iv) A Member complained that another Member had threatened them during a meeting with other Members and Council Officers. The complaint was informally resolved by the Member offering an apology and clarifying that this was not their intention. The complainant then withdrew the complaint.
- (v) A Member (the same Cllr A referred to in sub-paragraph (ii) above) complained about misleading information, misrepresenting what the complainant had said at a meeting with Members and Officers, being published on social media. To date it has not been possible to resolve this complaint by informal resolution. Consideration is being given to a referral to the Standards Committee Hearings Sub-Committee..
- (vi) A Member complained that another Member had posted untrue and misleading information about the complainant on social media. It has not been possible to resolve this under the local resolution procedure. Consideration is being given to a referral to the Standards Committee Hearing Sub-Committee.
- (vi) A member of the public complained about comments made by a Member on social media, alleging that they breached the Member's duty to treat everyone equally, without discrimination. The Ombudsman decided not to investigate the complaint.
- (vii) Another member of the public complained about comments made by a Member on social media, alleging that they breached the Member's duty to treat everyone equally, without discrimination. The Ombudsman decided not to investigate the complaint.

It should be noted that four of the complaints (referred to in paragraphs (ii), (iii), (iv) and (v) above) all relate to the same meeting attended by Members and Officers; and three of those complaints involve the same two Members. The two complaints from members of the public both concern the same Member and the same issue.

Quarter 3

Four complaints were submitted during Quarter 3 of 2021/22. Brief details are as follows:

- (i) A Member complained about material posted on Twitter by another Member. The complaint was resolved by local resolution after the Member confirmed that the Tweet had been removed.
- (ii) A Community Councillor complained about material posted on social media by another Community Councillor and conduct associated with this. The complaint was submitted to the Ombudsman, who investigated the complaint. The Ombudsman decided that there was no evidence of a breach of the Code.
- (iii) A member of the public submitted a complaint against a Community Councillor alleging that they had used their position and the resources of the authority improperly. The complaint was submitted to the Ombudsman. The Ombudsman decided not to investigate this complaint.
- (iv) The same member of the public (referred to in sub-paragraph (iii) above) submitted a second complaint against another Community Councillor on virtually identical terms, alleging that they had used their position and the resources of the authority improperly. The complaint was submitted to the Ombudsman. The Ombudsman decided not to investigate the complaint.

It should be noted that two out of the four complaints made during Quarter 3 were made by the same individual and relate to the same issue.

Quarter 4

Three complaints were submitted during Quarter 4 of 2021/22. Brief details of the complaints are as follows:

- (i) A Member complained about comments made by another Member during a debate at a full Council meeting. The complaint was resolved informally by local resolution with the Member deciding not to pursue a complaint.
- (ii) A Community Councillor complained about the behaviour of another Community Councillor. The complaint was submitted to the Ombudsman, who noted that certain allegations would be tested during a related ongoing investigation and decided there was insufficient evidence of a breach of the Code to warrant any further investigation.
- (iii) A member of the public complained about the alleged failure by a Member to respond to correspondence and comments made at a meeting. The complaint was submitted to the Ombudsman who decided that there was

insufficient evidence of a breach of the Code of Conduct to warrant an investigation.

OUTCOMES

Of the twenty complaints received during 2021/22, four were resolved informally by the Monitoring Officer, in accordance with the Local Resolution Protocol; one was resolved by the Local Resolution Hearings Panel which determined there was no breach of the Code; and four complaints are pending referral to the Local Resolution Hearings Panel. One complaint was referred to other regulatory bodies.

Ten complaints were considered by the Ombudsman, who found insufficient evidence of a breach of the Code to warrant an investigation in nine of those cases; and following investigation of the remaining complaint, decided there was no evidence of a breach of the Code.

LOCAL RESOLUTION

The Committee considers that the Local Resolution Protocol adopted by Cardiff Council (and updated in November 2017) generally provides a helpful process for resolving relatively 'low-level' behavioural complaints made by Members about other Members, in a timely and proportionate way. However, it acknowledges that there has been some delay in referring certain complaints to a hearing, due to workload pressures on officers. The Protocol and associated procedures have been scheduled for review by the Committee in 2022/23.

The Committee encourages Community Councils to adopt their own local resolution protocols, using the model developed by One Voice Wales in consultation with the Ombudsman.

One complaint was referred to the Hearings Panel in 2021/22 under the Local Resolution Protocol. A hearing was held to determine the complaint on 12th January 2022 (using video conference facilities, due to Covid-19 precautions), in accordance with the Committee's adopted Local Resolution Hearings Procedure. Having carefully considered all the relevant evidence and legal advice, the Panel found no breach of the Code of Conduct. However, the Panel did make a recommendation to the respondent Councillor, with the intention of avoiding further complaints. The Panel's decision, with full reasons, was issued to both Councillors and published on the Council's website for a period of 21 days, in line with the provisions of the Hearings Procedure.

REFERRALS FROM THE OMBUDSMAN / ADJUDICATION PANEL FOR WALES

During 2021/22, no referrals were made to the Standards and Ethics Committee for determination by either the Public Services Ombudsman for Wales or the Adjudication Panel for Wales.

Future Priorities

The Committee regularly reviews its work programme and the following areas have been scheduled for consideration in 2022/23:

- **Code of Conduct Complaints** - To receive quarterly reports on complaints made against Members of the Council alleging breaches of the Code of Conduct.
- **Whistleblowing Policy** - To review the Council's Whistleblowing Policy and its implementation; and to receive information on reports made under the Policy and consider any ethical issues arising.
- **Training** - to oversee the provision of training for group leaders on their new statutory duties in relation to Member conduct.
- **Meeting with Group Leaders and Whips** - To facilitate ongoing engagement with representatives from all political groups; and provide a forum for discussions about discharging the new statutory duties.
- **Observation of Council and Committee Meetings** – the Committee will continue to observe proceedings at Council, Committee and Community Council meetings to give feedback on observations and inform its work priorities.
- **Member Briefings** To continue to publish Member Briefings on the work of the Committee, underlining the importance of Member conduct and behaviour.
- **Gifts and Hospitality** - To continue to monitor the registers of gifts and hospitality received by Members.
- **Senior Officers' Personal Interests** – to continue to monitor senior officers' personal interests declarations.
- **Local Resolution Protocol** – To review the Local Resolution Protocol and Procedure in light of operational experience to ensure it remains fit for purpose.
- **Cardiff Undertaking** – to review the Undertaking, its purpose and status.

The Committee recognises the challenging budget position of the Council and the limited resources available for the work of the Committee, and notes that the Committee's work will be progressed as resources permit.

Committee Membership 2021/22

INDEPENDENT MEMBERS



**Prof. James Downe
(Chair)**

James is a Professor in Public Management and Director of Research at the Wales Centre for Public Policy at Cardiff University. He has more than fifteen years' experience of managing large-scale evaluations of public policy. His current research interests are in evidence-informed policy-making, local government performance regimes, political accountability, and the ethical behaviour of local politicians. He was a member of the UK Government's Expert Panel on local governance and sat on the Welsh Government's Public Service Scrutiny Reference Group. He became an Independent Member of the Standards and Ethics Committee in November 2013 and was appointed Vice-Chair on 21 October 2014; and Chair from September 2019 until the end of his second term of office in November 2021.



**Hollie Edwards-
Davies (Vice-Chair)**

Hollie Edwards-Davies was brought up in Rhyl, North Wales and has lived in Riverside, Cardiff for 12 years. She studied for a LLB honours degree in Law with Legal Studies in Europe at the University of Reading, including a year in Germany at *Universität Trier*. She subsequently completed a degree in Applied Accounting by distance learning with Oxford Brookes University and continued her studies to become a member of the Association of Chartered Certified Accountants (ACCA) in 2010. Hollie served as Chair of the ACCA South Wales Members Network Panel between 2013 and 2015, and is still an active member of the network. Following a variety of roles in the private sector and some voluntary work, Hollie worked at the Welsh Government for ten years and departed in 2015 to pursue a career change. She joined the Standards and Ethics Committee in July 2014; stepped down in November 2017 and resumed her position in June 2018 following maternity absence. Hollie was elected as Vice-Chair in September 2019 and became Chair from 1st November 2021 until the end of her second term of office in June 2022.



Jason Bartlett

Jason Bartlett worked within the private sector running a number of businesses over a twenty five year period. He studied at the University of Glamorgan completing a post graduate course in Leadership and Management from the ILM (Institute of Leadership and Management). He has been a Magistrate in Cardiff since 2003, serves as a Chair for Social Care Wales on Fitness to Practice and was also appointed as an independent person to the Devon and Somerset Fire and Rescue Authority. He also served on the CHC (Community Health Council) for Cardiff and Vale. Other voluntary work included many years as a lay member for the Royal College of Anaesthetists as well as Chair for his local PACT meetings. Jason was appointed as an Independent Member of the Standards and Ethics Committee in November 2019 and was elected as Chair from June 2022.



Arthur Hallett

Arthur Hallett was born and brought up in Essex and came to South Wales in 1983. Arthur is a retired NHS Senior Manager having spent virtually all his working life in the public sector including over 30 years in the NHS specialising in Payroll, Pensions and Human Resources Management. He has a Masters Degree in Business Administration from Cardiff Business School. Previously he was a magistrate on the Cardiff and Vale of Glamorgan Bench as Chair in Adult, Youth and Family Courts; a member of the Independent Social Services Appeals Panels under the aegis of the Welsh Government; a member (including six years as Chair) of the Vale of Glamorgan Council's Standards Committee; and a member of the Institute of Personnel and Development and the Institute of Health Services Management. He is currently a member of the Wales Government sub-committee for NHS Consultants Clinical Impact Awards; sits as a Chair for the Valuation Tribunal for Wales; and is an Associate Hospital Manager, Power of Discharge for the Gellinudd Mental Health Recovery Centre, Swansea. Arthur became an Independent Member of the Standards and Ethics Committee in November 2019.




Chrissie Nicholls

Chrissie Nicholls has worked in the public and third sector for 20 years as an experienced senior and project manager for Local Government and a number of National and International charities. Since 2016 she has been working as an independent consultant, providing business development, governance and capacity building support to the third sector, and research and evaluation programmes for local authorities across Wales. She particularly specialises in violence against women, domestic abuse and sexual violence. Originally born in Cardiff, Chrissie studied in Nottingham before moving to London. She returned to Cardiff in 2012 and now lives in the Vale of Glamorgan. In addition to her work, Chrissie is a Trustee for Cancer Research Wales. Chrissie became vice-chair of the Committee on 1st November 2021.






David Mills has worked in financial services for over 40 years in a number of senior roles across a variety of disciplines including IT services and operations, systems development and project & programme management. He has a Master's Degree in Business Administration from the University of Wales College Newport. Previously he sat on the governing body of a Cardiff primary school for 15 years, which included 5 years as chair and is currently a community governor at a Cardiff secondary school which he joined in 2011 and where he has also served as chair for 5 years. He has served on or chaired a number of other governing body committees over the years including an improvement group in 2018/19 which developed a range of resources for use by other governors across five Welsh local authorities. David was appointed as an Independent Member of the Standards and Ethics Committee in January 2022.

COMMUNITY COUNCILLOR MEMBER

 <p style="text-align: center;">Community Councillor Stuart Thomas</p>	<p>Community Councillor Stuart Thomas was appointed to the Standards & Ethics Committee at Full Council on 26 October 2017; and was the Community Council representative on the Committee until May 2022. Stuart has been a Member of the Pentyrch Community Council since May 1991 and has been Chair of the Community Council on numerous occasions. Stuart has a background in financial management and Banking</p> <p>For a time, he served as County Secretary for the Cardiff and the Vale Association of Local Councils, the local Association of NALC which has now been superseded as One Voice Wales the umbrella organisation that supports Community Council in Wales. He continues to represent his Community Council on the One Voice Wales Cardiff and the Vale area meetings. He has provided particular support in the Induction and ongoing training of Community Councillors on Pentyrch Community Council.</p>
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COUNTY COUNCILLOR REPRESENTATIVES

 <p style="text-align: center;">Councillor Stephen Cunnah</p>	<p>Serving the Canton Ward</p> <p>Term of Office: 04/05/2017 –</p> <p>Serving on the following committees:</p> <ul style="list-style-type: none"> • Children and Young People Scrutiny Committee • Council • Glamorgan Archives Joint Committee • Governance & Audit Committee • Standards & Ethics Committee <p>Outside Bodies:</p> <ul style="list-style-type: none"> • Chapter (Cardiff) Limited
 <p style="text-align: center;">Councillor Joel Williams</p>	<p>Serving the Pontprennau and Old St Mellons Ward</p> <p>Term of Office: 04/05/2017 –</p> <p>Serving on the following committees:</p> <ul style="list-style-type: none"> • Council • Council Appeals Committee • Governance and Audit Committee • Policy Review and Performance Scrutiny Committee • Standards & Ethics Committee <p>Outside Bodies:</p> <ul style="list-style-type: none"> • Cardiff University Court • South Wales Fire & Rescue Authority

 <p>Councillor Emma Sandrey</p>	<p>Serving the Pentwyn and Llanedeyrn Ward</p> <p>Term of Office: 04/05/2017 – 08/05/22</p> <p>Serving on the following committees:</p> <ul style="list-style-type: none"> • Council • Democratic Services Committee • Environmental Scrutiny Committee • Standards & Ethics Committee <p>Outside Bodies:</p> <ul style="list-style-type: none"> • Cardiff Bus
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Attendance Record

The Committee meets quarterly, with additional ad hoc meetings held as required. During 2021/22, the Standards and Ethics Committee met on the following dates:

- 7 July 2021
- 6 October 2021
- 9 February 2022

COMMITTEE MEMBER	ATTENDANCE MAIN COMMITTEE	
	Possible	Actual
Prof. James Downe (Chair - until end of term of office – 01.11.21)	2	2
Hollie Edwards-Davies (Vice-Chair – Chair from 01.11.21)	3	3
Jason Bartlett	3	3
Chrissie Nicholls	3	3
Arthur Hallett	3	3
David Mills (from 27.01.22)	1	1
Community Councillor Stuart Thomas	3	3
Councillor Stephen Cunnah	3	3
Councillor Emma Sandrey	3	3
Councillor Joel Williams	3	3

Helpful Contacts

Chair of Standards & Ethics Committee – Jason Bartlett

Email: Jason.Bartlett@Cardiff.gov.uk

Director of Governance & Legal Services and Monitoring Officer – Davina Fiore

Email: Davina.Fiore@cardiff.gov.uk

Contact: Committee & Members Services

Tel: (029) 2087 2020

Email: democraticservices@cardiff.gov.uk

Public Services Ombudsman for Wales – Michelle Morris (from 1st April 2022)

Tel: 0300 790 0203

Email: ask@ombudsman.wales

Webpage: www.ombudsman.wales