



County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

AGENDA

Pwyllgor PWYLLGOR SAFONAU A MOESEG

Dyddiad ac amser y cyfarfod DYDD MERCHER, 22 MAWRTH 2017, 4.30 PM

Lleoliad YSTAFELL BWYLLGORA 4, NEUADD Y SIR, GLANFA IWERYDD CAERDYDD

Aelodaeth Aelodau Annibynnol: Richard Tebboth (Cadeirydd); Hollie Edwards-Davies, James Downe, Lizz Roe a Hugh Thomas

Y Cynghorwyr Cowan a Phillips

Cynghorydd Cymuned John Hughes

*Tua
Amser.*

1 Ymddiheuriadau am absenoldeb

4.30 pm

Derbyn ymddiheuriadau am absenoldeb

2 Datgan Buddiannau

Derbyn datganiadau buddiannau (i'w gwneud yn unol â Chod Ymddygiad yr Aelodau).

3 Cofnodion (Tudalennau 1 - 4)

4.35 pm

Cadarnhau bod cofnodion cyfarfod 30 Tachwedd 2016 yn gywir.

4 Panel Dyfranu Cymru – Hysbysiad o Benderfyniad (Tudalennau 5 - 28)

4.40 pm

Adroddiad y Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol a Swyddog Monitro.

5 Cwynion dan y Côd Ymddygiad Aelodau - Chwarter 3, 2016/17 (Tudalennau 29 - 32)

4.50 pm

Adroddiad y Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol a Swyddog Monitro.

- 6 Protocol Datrysiad Lleol (Tudalennau 33 - 40)** 5.05 pm
Adroddiad y Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol a Swyddog Monitro.
- 7 Diweddariad Chwythu'r Chwiban (Tudalennau 41 - 42)** 5.20 pm
Adroddiad y Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol a Swyddog Monitro.
- 8 Arolwg Ymadael Aelod 2017 (Tudalennau 43 - 52)** 5.35 pm
Adroddiad y Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol a Swyddog Monitro.
- 9 Sefydlu Aelodau 2017 (Tudalennau 53 - 70)** 5.55 pm
Adroddiad y Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol a Swyddog Monitro.
- 10 Sylwadau are Cyfarfodydd Cyngor a Pwyllgorau**
Eitem ar gyfer trafodaeth

Davina Fiore

Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol a Swyddog Monitro.

Dyddiad: Dydd Iau, 16 Mawrth 2017

Cyswllt: Kate Rees,

029 2087 2427, KRees@cardiff.gov.uk

This document is available in English / Mae'r ddogfen hon ar gael yn Saesneg

STANDARDS & ETHICS COMMITTEE

30 NOVEMBER 2016

Present: Independent Members: Richard Tebboth (Chair),
Hollie Edwards-Davies, Dr James Downe and Hugh Thomas

Councillors Cowan, Margaret Jones, Phillips

Community Councillor John Hughes

14 : APOLOGIES FOR ABSENCE

Apologies had been received from Lizz Roe.

15 : DECLARATIONS OF INTEREST

Declarations of interest were received in respect of item 4 from Councillor G Phillips, Community Councillor J Hughes and Dr J Downe.

16 : MINUTES

The minutes of the previous meeting were agreed as a correct record and signed by the Chairperson.

17 : COMMUNITY COUNCIL CHARTER

Members were reminded that the Executive adopted a Community Councils Charter (“the Charter”) in March 2012, following consultation with relevant stakeholders, including the six Community Councils within the Council’s area and the Standards and Ethics Committee. The Charter reflects the model Charter issued by the Welsh Government under section 130-133 of the Local Government (Wales) Measure 2011.

In response to concerns about the implementation of the Charter, the Standards and Ethics Committee reviewed the Charter. The views of the Community Councils were conveyed by the Community Council representative on the Committee. The Committee noted that most of the Charter is still relevant and an important recognition of the role of Community Councils in representing their local areas. However, a few sections of the Charter were not being implemented and needed to be updated in the light of the reduced resources available to the Council. Accordingly, in January 2015 the Committee recommended to Cabinet a number of amendments to the Charter.

The Cabinet considered the Standards and Ethics Committee’s recommendations in June 2015. It reaffirmed a commitment to the aims of the Charter; delegated authority to the Monitoring Officer (in consultation with the relevant Cabinet Member, the Standards and Ethics Committee and the six Community Councils), to update the Charter; and authorised the relevant Cabinet Member to sign off the updated Charter on behalf of the City of Cardiff Council.

Following discussions and correspondence with the Community Council Clerks, the Standards and Ethics Committee received a progress report in December 2015 and a verbal update at its last Committee meeting, in July 2016.

The Monitoring Officer explained that a lot of work had been done on this and that changes had been incorporated into it, particularly in relation to Planning issues. Discussion had taken place and productive session had been held but there had been no absolute agreement in updating the Charter.

In brief, the Community Councils would like more involvement in S106 agreement discussions, however this was a part of the planning process that was conducted by officers, no Councillors were involved; officers then took this to Planning Committee. The Monitoring Officers explained and she and the Head of Planning agree that it would not be appropriate for Community Councils to be involved.

The Monitoring Officer considered that all efforts had been made and that the Community Councils now either had to agree the Charter as it is, i.e. without the planning issue in it, or leave it until after the elections in May.

Community Councillor Hughes stated that the Community Councils would not want to agree the Charter as it is. He added that the Community Councils had been invited to training on Community Infrastructure Levy and S106 agreements in August, a document was produced saying what was going to be done. Community Councillor Hughes undertook to discuss the matter further with fellow Community Councillors in an attempt to find a solution.

It was noted that there was no reference to Community Councils in the CIL register and that it could include a reference to discussions with Community Councils. It was further noted that this problem did not exist elsewhere across Wales.

It was considered that it was time to attempt to break the deadlock, 13 out of the 22 Local Authorities in Wales have the Charter and as Cardiff has the largest development going on there needed to be a structure in place.

RESOLVED: To

- i) note the contents of the report;
- ii) agree that the Monitoring Officer look further at the issue in conjunction with Planning officers

18 : MEMBERS' GIFTS AND HOSPITALITY REGISTER

Members were advised that the report was provided for regular update to committee and for monitoring purposes.

It was noted that occasionally there was blanket approval given for ongoing work undertaken by officers.

In relation to the RAG status it was noted that Members like this format as it is transparent.

A discussion took place about the number of Lord Mayor entries and officers explained that every entry over £25 was included so there were often many entries for functions and events. It was further explained that this was introduced after an Audit recommendation.

RESOLVED: To note the information supplied at Appendix B on the registration of Members' hospitality, gifts and other benefits during the period from 17th September 2015 to 30th September 2016.

19 : MEMBERS' CODE OF CONDUCT COMPLAINTS - QUARTER 2: 2016/17

Members were advised that this report was for information. The number of complaints overall had decreased, there had been two complaints resolved and one was active.

Dr Downe considered it would be useful to receive the casebook which is produced quarterly by the Public Services Ombudsman.

It was noted that the Monitoring Officer could carry out early interventions with Community Councils and that the Chairs and Clerks of Community Councils could be invited along to Standards and Ethics meetings.

RESOLVED: To note the contents of the report.

20 : MEMBER INDUCTION AND DEVELOPMENT

Members were advised that Member Induction sets the tone for the future administration; it was important to respond to Members' needs and there was a need to be agile as there was a short time scale between when new Members are elected and when the Member induction happens.

It was considered that this had been a good piece of work, and that the competency framework could match with the training and be included in the Induction.

A discussion on competencies took place and it was noted that it was important to have personal discussions with individual back bench Members to see what help they needed to undertake their roles, as happens with Cabinet and with Chairs of Scrutiny, Planning and Licensing. It was considered that this could be available to Standards and Ethics Members too, particularly in relation to Hearings where training should take place immediately before a hearing to be fresh.

It was noted that it would be useful for Standards and Ethics Members to attend the Code of Conduct training session after the election and contribute to the session.

RESOLVED: To

- i. note that a refresh of the Member Development Strategy in collaboration with the Member Steering Group and the Officer Project Group is to be completed for sign off by the Democratic Services Committee and the Standards & Ethics Committee by March 2017;
- ii. receive and note the 2016/17 Member Development Programme booklet as attached to the report;
- iii. receive the essential Member Induction Curriculum prepared by the WLGA and identify any additional local training requirements that the Committee would wish to see in the programme.

21 : OBSERVATIONS OF COMMITTEE MEETINGS

Members were provided with a pro-forma entitled 'Feedback on Observations of Council and Committee Meetings' and asked to provide their comments.

It was considered that at Council the Public Question should be available; Officers explained that the question is available online and linked to the appropriate item in the webcast.

Members were concerned by some behaviour they witnessed at Council meetings and also considered that the meetings went on for too long. Further observations included bad acoustics in the chamber, the timing of the break, Councillors talking over each other, disrespect for the Chair and Councillors leaving the meeting early.

Officers stated that some key things had happened over the last 12 months, there used to be a break where all Councillors from all parties would have refreshments together, this naturally allowed an element of self regulation to happen. Currently all councillors go to separate group rooms and issues can escalate.

The Monitoring Officer stated that as well as being challenged by her, it was important for party groups to challenge individuals; this was something that was considered important for the Member Induction.

22 : DATE OF NEXT MEETING.

The next meeting of the Standards and Ethics Committee is scheduled for 1 February 2017 at 4.30pm in Committee Room 4 County Hall Cardiff.

**DINAS A SIR CAERDYDD
CITY & COUNTY OF CARDIFF**



**STANDARDS AND ETHICS
COMMITTEE**

22 MARCH 2017

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

ADJUDICATION PANEL FOR WALES – NOTICE OF DECISION

Reason for this Report

1. To inform Members of the Committee of the recent decision of the Adjudication Panel for Wales (APW) in relation to a complaint against Councillor McEvoy.

Background

2. In August 2015 the Council's Monitoring Officer referred to the Public Services Ombudsman for Wales a number of complaints she had received from staff members, members of the public and other councillors alleging that Councillor Neil McEvoy's conduct on and about Thursday 23rd July 2015 had breached the Members' Code of Conduct and put Council employees at risk.
3. The Ombudsman investigated the complaints and issued a report of his findings under section 69 of the Local Government Act 2000. The Ombudsman's finding was that the report of his investigation should be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

Issues

4. A Case Tribunal was convened by the President of the Adjudication Panel for Wales and a public hearing was held on Thursday 2nd and Friday 3rd March 2017 at the Cardiff and Vale Magistrates Court.
5. The Case Tribunal "*found by unanimous decision that Councillor McEvoy failed to comply with Cardiff Council's Code of Conduct*" and "*that Councillor McEvoy should be suspended from acting as a member of Cardiff Council for a period of one month*". A copy of the APW's Notice of Decision dated 3rd March 2017 is appended as **Appendix A** to this report. Members will note that Councillor McEvoy has the right to seek the leave of the High Court to appeal against the decision. Permission to appeal must be requested by filing a notice at the High Court within 21 days from the date of the decision (Civil Procedure Rules, Rule 52.12(2) (b)).

6. The APW's full Decision Report has also now been published on the APW website dated 14th March 2017, and a copy is appended as **Appendix B**. The Committee will note that the Decision Report sets out in full the relevant facts and the reasons for the decision.
7. The implications of the Adjudication Panel's decision are that Councillor McEvoy is suspended from the Office of Councillor for 1 month from 3 March 2017 to 3 April 2017. The suspension means that his allowance as Councillor has been stopped; his email account suspended; and a note put on the website to advise of his suspension. Mr McEvoy may raise matters in his role as Assembly Member or as a member of the public during his suspension period.

Legal Implications

8. Under Part III of the Local Government Act 2000 ("the Act"), the Public Services Ombudsman may investigate complaints of misconduct by elected Members. Following such an investigation, the Ombudsman may determine that the matters which are the subject of the investigation should be referred to the president of the Adjudication Panel for Wales for adjudication by a tribunal falling within section 76(1) of the Act ("a case tribunal").
9. This is the first time Cllr McEvoy has been found to be in breach of the Code of Conduct. If there were to be any further breaches of the code, this breach would be taken into account in deciding on an appropriate sanction.

Financial Implications

10. There are no direct financial implications arising from the content of this report.

Recommendations

The Committee is recommended to note the findings of the Adjudication Panel for Wales in relation to this case.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING
OFFICER
15 March 2017

Appendix A – Adjudication Panel for Wales, Notice of Decision, Tribunal Case Reference APW/002/2016-017/CT, dated 3rd March 2017

Appendix B - Adjudication Panel for Wales, Decision Report, Tribunal Case Reference APW/002/2016-017/CT, dated 14th March 2017

Panel Dyfarnu Cymru Adjudication Panel for Wales

NOTICE OF DECISION

TRIBUNAL REFERENCE NUMBER: APW/002/2016-017/CT

RESPONDENT: Councillor Neil McEvoy

RELEVANT AUTHORITY: Cardiff Council

1. A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
2. In a letter dated 9 November 2016 the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales ("the Ombudsman") in relation to allegations made against Cllr McEvoy. The allegations were that Cllr McEvoy had breached Cardiff Council Code of Conduct by way of his conduct towards an officer of the council following a court hearing at the Cardiff Civil and Family Justice Centre on 23 July 2015.
4. At a hearing on Thursday 2 and Friday 3 March 2017 at the Cardiff and the Vale Magistrates Court, the Case Tribunal found by unanimous decision that Cllr McEvoy failed to comply with Cardiff Council's Code of Conduct as follows:
 - 4.1 Paragraph 4(b) of the Code of Conduct states that [You must] show respect and consideration for others.
 - 4.2 The Case Tribunal found that Cllr McEvoy breached this paragraph by directing the words "I can't wait until May 2017 when the restructure of the Council happens" to Mrs Deborah Carter, a finance team manager of Cardiff Council in a manner designed to upset her and cause her to be afraid her job was at risk while she was performing her duties on behalf of the Council.
 - 4.3 Paragraph 4(c) of the Code of Conduct states that [You must] not use bullying behaviour or harass any person.
 - 4.4 The Case Tribunal found that Cllr McEvoy had bullied Mrs Carter, but not harassed her, when behaving as outlined above.
 - 4.5 The Case Tribunal found that Cllr McEvoy had not breached Paragraph 6.1 (a) of the Code of Conduct, in that his conduct did not bring his office or authority into disrepute.
5. The Case Tribunal decided by unanimous decision that Cllr McEvoy should be suspended from acting as a member of Cardiff Council for a period of one month with effect from the date of this notice.
6. Cardiff Council and its Standards Committee are notified accordingly.

7. The Respondent has the right to seek the leave of the High Court to appeal the above decision.

Signed..........

Date.....3.3.17.....

Claire Sharp
Chairperson of the Case Tribunal

Susan Hurds
Panel Member

Glenda Jones
Panel Member

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/002/2016-017/CT

**REFERENCE IN RELATION TO A POSSIBLE FAILURE TO FOLLOW THE
CODE OF CONDUCT**

RESPONDENT: Councillor Neil McEvoy

RELEVANT AUTHORITY: Cardiff Council

1. INTRODUCTION

1.1 A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.

1.2 A hearing was held by the Case Tribunal at 10 am on 2 and 3 March 2017 at the Cardiff and Vale Magistrates Court. The hearing was open to the public.

1.3 Cllr McEvoy attended and was represented by Mr Mendus Edwards, Counsel.

2. PRELIMINARY DOCUMENTS

2.1 Reference from the Public Services Ombudsman for Wales

2.1.1 In a letter dated 9 November 2016, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales ("the Ombudsman") in relation to allegations made against Cllr McEvoy. The allegations were that Cllr McEvoy had breached Cardiff Council's Code of Conduct by way of his conduct towards a council official following a court hearing at the Cardiff Civil and Family Justice Centre on 23 July 2015. The Ombudsman's Director of Investigations made the reference as the evidence suggested Cllr McEvoy had failed to show respect and consideration to the official (paragraph 4(b) of the Code of Conduct), had conducted himself in a bullying manner to the official (paragraph 4(c) of the Code of Conduct), and had brought his office or the relevant authority into disrepute by such conduct (paragraph 6(1)(a) of the Code of Conduct).

2.1.2 The complaint had been made to the Ombudsman by the Monitoring Officer of Cardiff Council on behalf of Cllr Paul Mitchell. Cllr Mitchell also submitted a complaint form to the Ombudsman. At first, Cllr McEvoy's Counsel referred to the council officer as the complainant in the formal response to the

reference by the Ombudsman; by the final stages of the proceedings, Cllr Mitchell was described by Mr Mendus Edwards as the complainant. The entity who brought these proceedings to the Case Tribunal was the Ombudsman, whose staff attended the hearing and was legally represented.

2.1.3 On 23 July 2015, Cllr McEvoy attended the hearing of the second application to suspend a warrant for possession obtained by Cardiff Council as the “Mackenzie friend” of his constituent, Ms Amanda Williams. Cllr McEvoy had not attended the previous hearing. The hearing took place in the County Court at Cardiff (based in the Cardiff Civil and Family Justice Centre) before District Judge Morgan. The application was dismissed and Ms Williams was evicted later that day. Mrs Deborah Carter, Finance Team Manager, and Mr Dale Skinner, Welfare Liaison Officer, attended the hearing on behalf of the Council. Mrs Carter was the person who addressed the Judge on behalf of the Council.

2.1.4 Following the hearing, Ms Williams, Cllr McEvoy, Mrs Carter and Mr Skinner exited the courtroom and entered the secure corridor which led to the usher’s point and the public waiting area. It was accepted by all four persons that during the period of time they were in the secure corridor, Cllr McEvoy said “I can’t wait until May 2017 when the restructure of the Council happens”. What was disputed was whether the comment was directed at or meant to be overheard by Mrs Carter and was a threat against her continued employment by the Council, or whether it was part of a conversation between Cllr McEvoy and his constituent, overheard by the officers. It was also disputed as to how the words were uttered – were they spoken with “a degree of spite and anger”, or merely spoken as part of normal conversation?

2.2 The Councillor’s Written Response to the Reference

2.2.1 Mr Mendus Edwards on behalf of Cllr McEvoy responded to the report from the Ombudsman’s Director of Investigations. He made a number of allegations regarding the Ombudsman and his Director of Investigations. It was alleged that the investigation was motivated by politics and that the complaint included elements which had previously been dismissed by the Investigating Officer. Mr Mendus Edwards said the Ombudsman had previously been in business with a person who was a member of the Labour party (and now an Assembly Member) and had asked a member of Plaid Cymru to persuade Cllr McEvoy to co-operate with the investigation.

2.2.2 Mr Mendus Edwards alleged that the Director of Investigations was biased due to his previous employment in the Highways Department of Cardiff Council and in the Finance Department of South Glamorgan Council. It was also alleged that Cllr Mitchell was obsessed with damaging Cllr McEvoy’s political career and the Labour party felt similarly. Mr Mendus Edwards asked the Case Tribunal to investigate the Ombudsman and his staff, and to hear from witnesses about the conspiracy against Cllr McEvoy.

2.2.2 Matters commented on by Mr Mendus Edwards referred to by paragraph numbers of the Ombudsman’s report:

- a) **Paragraph 38** – it was accepted that Cllr McEvoy did say the words “I can’t wait until May 2017 when the restructure of the Council happens”.
- b) **Paragraph 54** – it was denied that the words were directed at Mrs Carter; Cllr McEvoy’s position was that the words were addressed to Ms Williams. He accepted that it was possible that his words were overheard by Mrs Carter, but they were part of a personal conversation with a constituent. Cllr McEvoy also said the words were a reference to a political policy of Plaid Cymru, and denied that they were a threat to Mrs Carter.

2.3 The Ombudsman’s Written Representations

2.3.1 In a letter dated 15 January 2017, Mr Hughes of Counsel made further representations on behalf of the Ombudsman. He noted the acceptance of the words said by Cllr McEvoy and commented that the proceedings would centre on whether the words were directed at Mrs Carter, what the words meant, and what was intended by those words when uttered. He denied that the proceedings were an abuse of process and noted the lack of any legal or factual basis for the arguments raised in the response on this subject.

2.4 Listing Direction

2.4.1 The members of the Case Tribunal considered the above arguments and on 27 January 2017 issued its listing direction. In summary, the Case Tribunal determined that a pre-hearing review would not facilitate its final adjudication. It noted that it had no power to dismiss a reference from the Ombudsman once made; it pointed out that if a party wished to challenge a decision made by a public body, it was open to that party to seek a judicial review from the High Court.

2.4.2 The Case Tribunal went on to note that the reference was about what happened in a court corridor on 23 July 2015. It was not persuaded that hearing evidence of an alleged conspiracy against Cllr McEvoy and from witnesses who were not present during the event would assist its adjudication. It decided that it would only hear from witnesses who were present and would limit its adjudication to the issues which it was required to determine.

2.5 Applications prior to the hearing

2.5.1 On 8 December 2016, Cllr McEvoy asked for an extension of time to submit his response to the report of the Ombudsman. He said that the future of the City of Cardiff was at stake. The President of the Adjudication Panel for Wales refused the application as all that was required was for Cllr McEvoy to set out his position. On 9 December 2016, Cllr McEvoy made allegations against the Ombudsman’s Director of Investigations and made other observations. The President notified him that these were points best dealt within his response.

2.5.2 On 18 December 2016, Cllr McEvoy required the President to investigate and obtain on his behalf full disclosure of the Ombudsman's emails in relation to his case. On 19 December 2016, the President declined on the basis that it was not her role to investigate the Ombudsman, and pointed out that the Case Tribunal would consider relevant evidence submitted by the parties and could request further evidence if it decided that it was required to fairly determine the proceedings. Cllr McEvoy asked the President to reconsider without success. On 9 January 2017, he again asked the President to order full disclosure of the Ombudsman's emails; the President reiterated her previous decision on 12 January 2017. It was a matter for the Case Tribunal as to what evidence it wished to consider, but it would consider relevant evidence submitted by the parties.

2.5.3 On 16 February 2017, eight applications were received from Mr Mendus Edwards on behalf of Cllr McEvoy. They were dealt with on the basis of the written representations from Mr Mendus Edwards by the Case Tribunal due to the short period of time until the public hearing was listed to take place, with the exception of three applications regarding the listing direction which were dealt with at the outset of the public hearing. The Case Tribunal dismissed the other five applications which sought a postponement of the public hearing, alleged the members of the Case Tribunal were biased against Cllr McEvoy on the basis of their gender, sought a permanent stay of the proceedings on the grounds the proceedings were an abuse of process, applied again for witnesses to give evidence about the wider political conspiracy against Cllr McEvoy, and for a preliminary hearing to take place. The decision of the Case Tribunal dated 21 February 2017 set out why these applications were dismissed.

2.6 Applications dealt with during the public hearing

2.6.1 A number of applications required consideration by the Case Tribunal during the hearing. Three applications were considered at the outset of the hearing regarding amendments to the listing direction after Mr Mendus Edwards confirmed the applications were not withdrawn:

2.6.1.1 Mr Mendus Edwards sought an additional undisputed fact to be added to the Annex to the listing direction, namely that Mrs Carter (i) is a Finance Team Manager and (ii) has 25-27 years' experience and (iii) had conduct of Court proceedings in serious matters. Mr Hughes on behalf of the Ombudsman submitted that these appeared to be relevant disputed facts. Mr Mendus Edwards did not object, and made the point that either way the relevant facts would need to be determined. The Case Tribunal decided to add 2.5 to the Annex – "Was Mrs Carter as at the 23 July 2015 (i) a Finance Team manager; (ii) had 25-27 years' experience, and (iii) had conduct of court proceedings in serious matters?"

2.6.1.2 Mr Mendus Edwards sought redrafting of relevant disputed fact 2.3. He thought that "lack of respect and consideration" should be mentioned and references made to whether or not there had been a breach of the Code of Conduct. The Case Tribunal observed that it was not its standard

practice to include issues for the second stage of its proceedings in the factual matrix. Mr Hughes concurred. The Case Tribunal proposed that the issue could be resolved by simply adding a reference to “lack of respect and consideration” to point 2.3. Neither party objected. Accordingly, the Case Tribunal determined to amend 2.3 of the Annex – “Were the words used in a manner which could reasonably be interpreted as bullying and/or harassment and/or showing a lack of respect and/or consideration?”

2.6.1.3 Mr Mendus Edwards objected to use of the word “loudly” in paragraph 4.5(iii) of the listing direction. Mr Hughes submitted that how the words were said was a matter for the Case Tribunal to determine. The Case Tribunal noted the deletion of the word “loudly” would not prevent it finding facts about how the words were uttered. Neither party disagreed. The Case Tribunal deleted the word “loudly” from paragraph 4.5 (iii) of the listing direction.

2.6.2 Mr Mendus Edwards applied for the late submission of evidence from Cllr McEvoy during his cross examination of Mrs Carter in the morning of 2 March 2017. This evidence consisted of five budget proposals for the years 2013 to 2018 by the Plaid Cymru group for Cardiff Council (drafted by Cllr McEvoy) and the response to a freedom of information request to Cardiff Council made on 21 December 2016. After an adjournment to enable Mr Hughes to review the documentation, no objection was made to the inclusion of the bundle, marked “R1”.

2.6.3 Mr Mendus Edwards, following lunch on 2 March 2017, applied for the hearing to be moved to a larger room or a video link arranged so those members of the public not able to enter the hearing could still watch the proceedings. The Case Tribunal pointed out that it was the guest of Her Majesty’s Court and Tribunals Service and therefore it could not require a larger room to be provided. It did not believe that there was a larger room available within the building and the President had previously concluded that the Cardiff Civil and Family Justice Centre was not an appropriate venue given the circumstances of this case. The Case Tribunal noted that the room was of a reasonable size and larger than many tribunal rooms. The press had been afforded priority in order to ensure the proceedings could be reported to the wider public. The Case Tribunal had of its own volition ordered live tweeting by accredited journalists to be permitted and had allowed additional members of the public to be present and standing to hear the opening of the proceedings and understand the background. Regrettably, the Case Tribunal had by this point in the proceedings had to issue a number of warnings to the members of the public in attendance regarding their behaviour during the hearing; additional security and the police had been summoned as a result. It considered that it was not required to arrange a video link in the circumstances. The Case Tribunal did not have its own resources to arrange such a video link, and concluded it had taken sufficient steps to enable public access without unduly adjourning the hearing to another date, which in all likelihood would cause an adjournment of some months’ duration.

2.6.4 Mr Mendus Edwards, following the Case Tribunal’s decision on 3 March 2017 that Cllr McEvoy had breached two elements of the Code of Conduct,

applied for the proceedings to be permanently stayed on the basis that they were an abuse of process. He accepted in essence this was the same application as made on 16 February 2017, but with the difference that the Case Tribunal had now found facts and that there was an underlying case to be considered. Mr Mendus Edwards reminded the Case Tribunal of the case of *JSC BTA Bank v Ablyazov* [2011] EWHC 1136, a decision of the High Court. He submitted that despite the existence of an underlying case in these proceedings, a permanent stay should be put in place due to the political reasons behind a “manufactured complaint”.

2.6.5 Mr Hughes objected to the application and pointed out that the Case Tribunal had already considered the conspiracy arguments put to Mrs Carter and Mr Skinner by Mr Mendus Edwards, and had rejected those arguments. He submitted the *JSC* case was a civil case and about one party using the litigation process to gain a collateral advantage. Mr Hughes said it was akin to the situation when a party uses insolvency proceedings in order to stop litigation. He noted this case, which was about public law and the Code of Conduct for councillors, had been brought by a statutory independent body (the Ombudsman) to another statutory independent body (the Adjudication Panel for Wales).

2.6.6 Mr Mendus Edwards responded with an allegation that Wales was a “one party state”, and both the Ombudsman and the members of the Case Tribunal were appointed by members of the Labour party. Mr Hughes submitted if Mr Mendus Edwards was correct, the entire system in Wales was unworkable. He reminded the Case Tribunal of its findings of fact and its view of Cllr McEvoy’s evidence.

2.6.7 The Case Tribunal determined not to impose a permanent stay of proceedings. It noted that *JSC* case was not binding upon it, though persuasive, and emanated from a very different set of facts than those in the current proceedings. It pointed out that in its listing direction and subsequent decisions it had made it plain that if a party wished to challenge the actions of a public body, an application for judicial review to the High Court would be required. As at the date of the hearing, no such application had, to the Tribunal’s knowledge, been made.

2.6.8 The Case Tribunal considered that the responses under cross examination of Mrs Carter and Mr Skinner showed that they had no knowledge of Cllr Mitchell. Mrs Carter had explained she had reported to a more senior manager, Jane Thomas, about what had happened on 23 July 2015 on her return to the office, and that manager had taken the matter forward. Mrs Carter stated that she thought the manager’s response was an appropriate means to deal with the concerns she had reported. There was no evidence that Mrs Carter or Mr Skinner had any involvement in any conspiracy against Cllr McEvoy. The Ombudsman’s staff had investigated and interviewed a number of witnesses regarding the events of 23 July 2015. The Tribunal had heard from all the witnesses to the incident. The Case Tribunal did not accept that there was a collateral purpose on the part of Mrs Carter, Mr Skinner or the independent Ombudsman in bringing these proceedings to an independent

tribunal designed to consider potential breaches of the Code of Conduct. It had, as Mr Mendus Edwards accepted, found facts and breaches which constituted an underlying case which required resolution.

2.6.9 The Case Tribunal also concluded that it was appropriate to consider Mr Mendus Edwards' application as a new bias argument, particularly as during the announcement of the findings of fact Cllr McEvoy had asserted that the panel had been appointed by the Labour party. The Case Tribunal explained that all the members of the Adjudication Panel for Wales had been selected on the grounds of merit by the Judicial Appointments Commission. The Commission had recommended the members for appointment to the First Minister for Wales, who was a member of the Labour party. The same process is used for the appointment of members of the judiciary, albeit the identity of the appointor changes from time to time (in the past, the Lord Chancellor was the appointor even after the role ceased to be held by a member of the judiciary; currently the Lord Chief Justice appoints new members of the judiciary). It is notable that judges appointed by Conservative or Labour Lord Chancellors are able to hear cases involving those parties. There is no scope in the process to select members on the basis of their political allegiance; in any event, no member of the Case Tribunal in this case was a member of any political party.

2.6.10 The Case Tribunal confirmed that it did not have any actual bias against Cllr McEvoy or members of Plaid Cymru. It applied again the test for apparent bias as outlined in the case of *Porter v Magill* [2002] AC 357 and judged that a fair-minded and informed observer, a person who would have knowledge of the appointments process, would not conclude that there was a real possibility the tribunal was biased because the First Minister was a member of the Labour party.

3. ORAL SUBMISSIONS

3.1. The Case Tribunal considered the contents of the hearing bundle and R1, and heard oral evidence and submissions as follows:

Public Services Ombudsman for Wales - submissions

3.2 Mr Hughes presented the report of the Ombudsman's Director for Investigations into this matter. The background set out was as outlined in paragraphs 2.1.3 and 2.1.4 above. Mr Hughes alleged that Cllr McEvoy had not been co-operative with the investigation, though he had eventually attended an interview with the Investigating Officer. He accepted that the witnesses (Tenant, Cashmore and Williams) who had not directly observed the encounter between Cllr McEvoy and Mrs Carter was not the strongest evidence, but he asserted that all three of these witnesses agreed that Mrs Carter had been upset following that encounter. Mr Hughes submitted Cllr McEvoy's words were meant in exactly the way they were interpreted – that if Plaid Cymru controlled the council from May 2017, there would be restructuring and Mrs Carter may find her job at risk as a result. He submitted that during his oral evidence Cllr McEvoy stated that only the ruling party had influence and that officers could

not be removed easily except through restructuring. Mr Hughes said those were exactly the circumstances Cllr McEvoy described in the words he used.

Cllr McEvoy's submissions

3.3 Mr Mendus Edwards on behalf of Cllr McEvoy submitted that Mrs Carter did not complain about his client's behaviour and the Ombudsman was scraping the bottom of the barrel. He said Cllr McEvoy was an experienced politician who made waves and was the subject of a sustained conspiracy by members of the Labour party. Mr Mendus Edwards accepted Mr Skinner was not a deceitful witness, but in essence politics in Wales could be compared to a number of films, such as *On the Waterfront*. He disputed that the words were directed at Mrs Carter, and said that they were not bullying or harassment, which required repetition. Mr Mendus Edwards said Mrs Carter was not a "snowflake" and could not be sacked by Cllr McEvoy. He also submitted that the words were a reference to a Plaid Cymru policy and said to reassure Ms Williams. Mr Mendus Edwards said Jane Thomas, an assistant director, was behind these proceedings and Mrs Carter had misled the court in 2015 and was not a credible witness.

Mrs Deborah Carter

3.4 Mrs Carter's evidence was that following a contentious hearing, she left the courtroom with Mr Skinner, behind Ms Williams and Cllr McEvoy. Mrs Carter saw Cllr McEvoy take a photo of the nameplate on the courtroom door, while Ms Williams went on ahead. Cllr McEvoy then caught up with Ms Williams. When all the parties were in the straight section of the secure corridor before reaching the usher's point, Mrs Carter said she asked Ms Williams if she needed transport to get back to her property, and Cllr McEvoy in a tight-lipped manner said that he was taking his constituent home. Her evidence was that Cllr McEvoy went on to say the eviction should not go ahead that day as it might be a "flashpoint".

3.5 Mrs Carter said Cllr McEvoy and Ms Williams then continued down the corridor; the Cllr then turned to Mrs Carter and said with a "degree of spite and anger" that "I can't wait until May 2017 when the restructure of the Council happens". Mrs Carter's evidence was that she perceived this to be a threat against her job and was upset. She did not respond and continued with her duties.

3.6 Mrs Carter then said she reported the taking of the photo to the court authorities, returned to her office and as her line manager was out, reported both what happened in the hearing and afterwards to the next senior person Jane Thomas, an assistant director. She made two factual statements on 23 July 2015 (one handwritten and one typed), and responded to emails asking for more details about her interpretation of the words on 24 and 27 July 2015. Mrs Carter confirmed she later gave a witness statement to the Ombudsman, which included answers to questions his staff had asked her.

3.7 Under cross-examination, Mrs Carter confirmed she did not know Cllr Mitchell, and did not know exactly who Cllr McEvoy was (former deputy leader of the Council) when she attended the hearing. She also said councillors usually raise issues with directors or the chief executive, not with staff of her level. She agreed her employment was protected due to her length of service (about 35 years) and the need to follow due process; Mrs Carter did however make the point that Cardiff Council was member-led and she viewed councillors as being her employers. She found such comments from an employer distressing. Mrs Carter did accept once shown the Plaid Cymru group's shadow budgets that her role was not of such seniority that it would be affected by that restructuring process. She also accepted that she was a robust person undertaking a difficult job and that she had not made a formal complaint – Mrs Carter said she had reported the incident to a more senior manager, who in her view had taken the correct action to take the matter further.

3.8 Mrs Carter denied misleading the court during the hearing. She said she told the District Judge that the arrears were one of the highest in Cardiff and commented that transcripts were not always perfect. Mrs Carter also confirmed that there was a beneficial transfer scheme to avoid evictions and on the two occasions she had needed the scheme, it had worked.

Mr Dale Skinner

3.9 Mr Skinner said following the court hearing, he and Mrs Carter exited the courtroom behind Cllr McEvoy. Ms Williams was in front of the Cllr. He saw Cllr McEvoy take a photo of the nameplate on the courtroom door and catch up with Ms Williams in the corridor. Mr Skinner stated that in the straight section of the secure corridor leading to the usher's point, Cllr McEvoy said that there may be a flashpoint at the property if the eviction went ahead. Mrs Carter asked Ms Williams if she needed transport home. Cllr McEvoy responded brusquely that he would take Ms Williams back to the property. Mr Skinner described Cllr McEvoy as "emotional".

3.10 Mr Skinner said as everyone moved down the corridor, Cllr McEvoy then directed the words to Mrs Carter "I can't wait until May 2017 when the restructure of the Council happens". He thought that this was a direct threat against Mrs Carter's job caused by Cllr McEvoy's frustration, though Mr Skinner observed the words seemed to have been said in the heat of the moment. He doubted if Cllr McEvoy really could threaten Mrs Carter's job, but said he would have been concerned if his employer had said that to him.

3.11 Mr Skinner said Mrs Carter did not respond, but was clearly upset. He described Mrs Carter as "hard", and usually able to respond to comments made to her, but said her voice was quavering as she spoke to people on the phone about the eviction. Mr Skinner confirmed that he did not know Cllr Mitchell and that councillors generally raised issues with senior staff.

Cllr Neil McEvoy

3.12 Cllr McEvoy confirmed that he had taken a photo of the nameplate of the courtroom room so he could remember the name of the District Judge involved in the hearing. He explained that he believed Mrs Carter had lied and misled the court during the hearing, particularly in relation to two points – a) whether his constituent had the highest amount of arrears in Cardiff at the time, and b) whether she had recently been offered a property and could be moved to a smaller property to avoid homelessness. He believed Mrs Carter reported his conduct in order to deflect from her lies, and he had chosen not to complain about her due to the pressure of his other work.

3.13 Cllr McEvoy under questioning from the Case Tribunal said after he had taken the photo, he caught up with Ms Williams, his constituent. He was very concerned about her, particularly as she told him while he was taking the photo, she'd had an altercation with a security guard and swore at him. Cllr McEvoy said that there was a brief conversation with the two council officers about transport and his concern that the eviction site would be a flashpoint for violence. He agreed that he was tight-lipped as he was frustrated with himself for letting his constituent down.

3.14 Cllr McEvoy said he then stopped in the corridor and held Ms Williams' arms to reason with her. He thought this might have been near the usher's point, but explained his focus was not on location, but on his constituent. His evidence was that Ms Williams was threatening to punch Mrs Carter or a security guard on the basis she would have a bed for the night. Cllr McEvoy said he told her to think about her 17 year old daughter who needed her, which seemed to calm Ms Williams down. He stated she then appeared to disassociate herself from the situation and asked about how to stop this happening to anyone else. Cllr McEvoy said he told her Plaid Cymru would not allow this kind of situation to happen and "I can't wait until May 2017 when the restructure of the Council happens". He was adamant that he was looking at Ms Williams when he said these words. Cllr McEvoy then said he left the building with Ms Williams without further incident.

3.15 Cllr McEvoy also explained that he had drafted the Plaid Cymru group's shadow budget proposals, including the one covering July 2015. He said that a £1m could be saved if the role of assistant director was deleted and senior staff salaries reduced. He confirmed these proposals did not cover staff at the rank held by Mrs Carter, though restructuring generally did mean job losses. Cllr McEvoy confirmed that he normally raised issues with directors and the chief executive, and noted that as his party was not currently controlling Cardiff Council, he was usually ignored until his election as an assembly member in 2016. He denied that councillors could in reality threaten a council official's job. When asked if councillors could ever get people sacked, Cllr McEvoy said that they could only do so through restructures.

Ms Amanda Williams

3.16 Ms Williams in her oral evidence said that the two council officers who attended the hearing were both women. She denied that any council officers were in the secure corridor after the hearing and alleged that they stayed

behind to chat to the Judge. Ms Williams said Cllr McEvoy took a photo of the door of the courtroom while she had an altercation with a security guard and swore at him. Her evidence was that Cllr McEvoy then tried to calm her down as she was angry at the council officers. Ms Williams said Cllr McEvoy took her down the stairs and straight out of the building.

3.17 In her witness statement, Ms Williams said Cllr McEvoy said “I can’t wait until May 2017 when the restructure of the Council happens” to her; under cross examination she said he mentioned restructuring to her.

The Case Tribunal’s assessment of the witnesses

3.18 The Case Tribunal found Mrs Carter to be a reliable and credible witness. Having considered the judgment of District Judge Morgan, it was evident the application to suspend the warrant of possession failed due to the amount of arrears and the history of non-payment. Nothing was said by the learned judge in his decision about the two points where Cllr McEvoy and Ms Williams alleged Mrs Carter was lying. That of course does not mean any possible misleading of the court would not be serious, but does mean Mrs Carter understood the basis for the judge’s decision to be simply the amount of arrears. The issue of whether they were the highest or one of the highest arrears in the city was irrelevant as a matter of law. Mrs Carter’s evidence under oath was that she did not know Cllr Mitchell and was effectively not part of the conspiracy alleged by Cllr McEvoy throughout the course of these proceedings. The Case Tribunal accepted that evidence and found no evidence existed that supported the argument Mrs Carter was seeking to “get her retaliation in first” or was part of any conspiracy.

3.19 Mrs Carter explained clearly why she reported the incident to the assistant director and was satisfied that action was then taken. The Case Tribunal found Mrs Carter made a number of concessions in her evidence and was a honest witness. It noted the failure of Mr Mendus Edwards to put the account of Cllr McEvoy to her – she was not asked whether she heard the alleged altercation between Ms Williams and the security guard, and she was not asked whether Cllr McEvoy stopped in the corridor and was holding Ms Williams’ arms. Mrs Carter’s evidence has been consistent since 23 July 2015; the only additional information has come from questioning by managers and the statement takers. Even as early as 27 July 2015, Mrs Carter confirmed her interpretation of the words and how they were delivered.

3.20 Mr Skinner was similarly not asked under cross-examination about Cllr McEvoy’s account. His version of the incident has also remained consistent, and the Case Tribunal noted Mr Skinner’s scepticism about whether Cllr McEvoy could really threaten Mrs Carter’s job. Mr Skinner explained clearly why he believed Mrs Carter was being threatened, but not him – his evidence was Cllr McEvoy looked at Mrs Carter when he said “I can’t wait until May 2017 when the restructure of the Council happens” and said those words in a manner which showed it was a threat. Both Mr Skinner and Mrs Carter explained that councillors were viewed by them as their employers. The Case Tribunal found Mr Skinner to be a reliable and honest witness.

3.21 Cllr McEvoy's evidence in stark contrast to Mrs Carter and Mr Skinner was evasive and unclear at critical moments. He was unwilling to answer the questions which he was asked, as opposed to the questions he wished he'd been asked. It was not until the Case Tribunal asked questions that Cllr McEvoy tried to explain exactly what happened in the corridor. His formal response to the Ombudsman's Director of Investigation's report did not contain many of the points made by Cllr McEvoy in his oral evidence. The Case Tribunal found the account given by Cllr McEvoy unclear at times. It did not find his account credible – it did not accept that there was time for the lengthy conversation alleged by Cllr McEvoy to have taken place in the corridor while people were walking to the usher's point. His account was not put to the council officers.

3.22 The Case Tribunal appreciated that for Ms Williams, the most important part of that day's event was not what happened in the corridor following the eviction hearing. It was not able to place a great deal of weight on her account. Ms Williams' repeated denials that any council officials were in the corridor when everyone agreed that they were, and her confusion over the gender of one of the officers, meant her account in the judgement of the Case Tribunal could not be relied upon in its entirety. She accepted the word "restructure" was used, but said it was used to her as there was no-one else in the corridor. Ms Williams did not mention Cllr McEvoy holding her arms.

3.23 Fundamentally, this was a case where the panel has to decide whose evidence to prefer. There were two witnesses asserting the words were directed to Mrs Carter, and two witnesses who say otherwise. The Case Tribunal preferred the evidence of Mrs Carter and Mr Skinner for the reasons given above.

3.24 The Case Tribunal also noted the surrounding evidence from observers who did not hear what was said. While it could place little weight on those accounts as their contents conflicted sharply with the accounts of those who heard the words of Cllr McEvoy, the statements of Mr Tenant, Ms Cashmore and Mr Williams and the reports they made at the time confirmed something happened in the corridor. The panel concluded those reports confirmed Mrs Carter was upset, and it was noteworthy Mrs Carter was known to those staff members before due to her 18-20 years' experience of attending eviction hearings. These were people likely to notice an unusual change of attitude by Mrs Carter, particularly as she and Mr Skinner had to stay and make statements regarding the photo taken by Cllr McEvoy on court premises.

4. FINDINGS OF FACT

4.1 The Case Tribunal found the following **undisputed** material facts:

4.1.1 At the relevant time Cllr McEvoy was a member of Cardiff Council;

4.1.2 On the 8 May 2012 Cllr McEvoy signed a declaration to confirm that he agreed to observe the Code of Conduct of Cardiff Council;

4.1.3 On 23 July 2015, Cllr McEvoy attended Cardiff Civil and Family Justice Centre in order to speak on behalf of his constituent Ms Amanda Williams;

4.1.4 Ms Williams' application to suspend the warrant for possession obtained by Cardiff Council in the Cardiff County Court was unsuccessful;

4.1.5 Following the hearing, Cllr McEvoy was outside the courtroom, where Ms Williams, Mrs Carter and other persons were present;

4.1.6 Cllr McEvoy said "I can't wait until May 2017 when the restructure of the Council happens".

4.2 The Case Tribunal found the following **disputed** material facts:

4.2.1 The words of Cllr McEvoy were directed at Mrs Carter;

4.2.2 Cllr McEvoy intended by the use of the words to upset Mrs Carter and make her feel her job could be at risk if Plaid Cymru controlled Cardiff Council from May 2017;

4.2.3 The words were using in a manner which could reasonably be interpreted as bullying, showing a lack of respect and showing a lack of consideration;

4.2.4 The words were not a political expression;

4.2.5 Mrs Carter was a finance team manager with 18-20 years' experience of attending eviction hearings.

4.3 The Case Tribunal found the following in respect of the disputed facts:

4.3.1 The panel preferred the evidence of Mrs Carter and Mr Skinner and found that Cllr McEvoy turned to look at Mrs Carter when he said "I can't wait until May 2017 when the restructure of the Council happens". Both believed the comment to be addressed to Mrs Carter alone, and the panel accepts that evidence. It did not accept that Cllr McEvoy uttered the words as part of a lengthy conversation while he held the arms of Ms Williams.

4.3.2 The panel having found that the words were directed at Mrs Carter reflected on the evidence that it had heard, particularly that all parties in the corridor agreed that Cllr McEvoy was frustrated and unhappy about the outcome of the court hearing. The Case Tribunal found Cllr McEvoy's intention when uttering the words was not to reassure Ms Williams. It made little sense how a policy to cut jobs in two years' time could reassure a person about to lose their home that day. The Case Tribunal found Cllr McEvoy wanted to show the power he could hold in the future to Mrs Carter and Ms Williams, and was annoyed with Mrs Carter. The point that he was making was in the future he could do something if in power; by his own admission, restructuring meant job losses. The Case Tribunal judged that Cllr McEvoy wanted Mrs Carter to be

upset and to sow the seed that her job in the future could be at risk if his party was in control of the council.

4.3.3 The panel referred to the decision of Mr Justice Hickinbottom sitting in the High Court in the case of *Heesom v Public Service Ombudsman for Wales* [2014] EWHC 1504 (Admin), and in particular paragraph 42:

“Civil servants are, of course, open to criticism, including public criticism; but they are involved in assisting with and implementing policies, not (like politicians) making them. As well as in their own private interests in terms of honour, dignity and reputation, it is in the public interest that they are not subject to unwarranted comments that disenable them from performing their public duties and undermine public confidence in the administration. Therefore, in the public interest, it is a legitimate aim of the State to protect public servants from unwarranted comments that have, or may have, that adverse effect on good administration.”

The Case Tribunal also noted the observation in paragraph 85 of the same judgement that *“there is a mutual bond of trust and confidence between councillors and their officers. Indeed, local government in this country could not sensibly function without it.”* Between councillors and council officers, there is a quasi-employment relationship.

Mrs Carter was performing her job, one which at times is difficult and unpleasant. Cllr McEvoy objected to the action that the council had taken, and expressed his frustration to Mrs Carter in a manner perceived as intimidating by both Mrs Carter and Mr Skinner.

The Case Tribunal considered that the words themselves could mean a number of things. The key to unlocking their meaning was the tone and context of their delivery by Cllr McEvoy to Mrs Carter. It accepted the evidence of both Mrs Carter and Mr Skinner that the tone was consistent with a threat; Mrs Carter described the words as being delivered with “a degree of spite and anger”.

The incident was a one-off event, but one which clearly upset Mrs Carter according to both her evidence and that of several other independent witnesses. While bullying often involves repetition, it can occur in a single incident too by a more powerful individual to a weaker one. Bullying attempts to undermine the victim, and is detrimental to their confidence and capability. The guidance from the Ombudsman to councillors, and the case law from the employment tribunal field, confirms this. The view of the victim must be considered, but an objective view is also required. Mrs Carter believed she had been threatened, but strikingly Mr Skinner also perceived Cllr McEvoy’s words as a threat to Mrs Carter. The Case Tribunal reached the same conclusion. The tone used by Cllr McEvoy, the directing of the words to Mrs Carter, and the knowledge that restructuring usually meant job losses combined to make it clear to Mrs Carter and objective observers that her job in the future may be at risk if Plaid Cymru controlled the council from May 2017. The words were not a plain statement of a party’s political policy.

The panel noted that there was a significant power differential between Mrs Carter, who was of a rank considerably more junior than a director, and Cllr McEvoy, a quasi employer of Mrs Carter. Cllr McEvoy had channels to complain about Mrs Carter, but chose not to use them. The incident occurred in a court corridor and it would have been very difficult for Mrs Carter to defend herself in the circumstances; indeed she did not do so. In a quasi employer-employee situation, such words implying a further threat to Mrs Carter's job uttered in the manner found was bullying behaviour in the judgment of the Case Tribunal. Cllr McEvoy was more powerful than Mrs Carter and he intended to affect her confidence and undermine her performance of her duties. It was axiomatic that bullying behaviour in itself constitutes behaviour that showed a lack of respect and consideration to Mrs Carter. The panel was however not persuaded that this conduct was harassment as it was a one-off incident.

4.3.4 The Case Tribunal concluded that the words "I can't wait until May 2017 when the restructure of the Council happens" was not a political expression. Given its finding that the words were addressed to Mrs Carter with the intention to upset her and cause her to fear for her job in the future, the panel could not accept Cllr McEvoy was expressing a political view. No policy argument was being made to a council officer; there was no public meeting taking place in the corridor. The words at their highest could be viewed as a reference to a policy drafted by Cllr McEvoy, but were not a political expression in themselves.

4.3.5 The Case Tribunal had no difficulty in finding Mrs Carter was a finance team manager. Mrs Carter's evidence was that she had employed by Cardiff Council or its predecessor authority for 35 years. Of more relevance in the panel's view was her evidence that she had been attending eviction hearings for 18-20 years, which it accepted.

5. FINDINGS OF WHETHER MATERIAL FACTS DISCLOSE A FAILURE TO COMPLY WITH THE CODE OF CONDUCT

5.1 The Ombudsman's Submissions

5.1.1 It was contended by Mr Hughes that the Case Tribunal, as set out in the *Heesom* case, had to carry out a balancing act between Cllr McEvoy's freedom of expression and unwarranted attacks on council officers. He suggested Incident 1 in the *Heesom* case, where a statement in a public meeting about job losses directed at two senior council officers was found to be a breach of the relevant Code of Conduct, was similar to this case. Mr Hughes submitted that in light of the Case Tribunal's findings of fact, the allegation that Cllr McEvoy had bullied Mrs Carter and failed to show her respect and consideration was made out. He said whether the office of councillor or Cardiff Council had been brought into disrepute was a matter for the Case Tribunal.

5.2 The Respondent's Submissions

5.2.1 Mr Mendus Edwards on behalf of Cllr McEvoy reminded the Case Tribunal that the incident on 23 July 2015 was temporary, and not followed up

by Cllr McEvoy. It followed a tense court hearing. Mr Mendus Edwards also noted the panel had yet to analyse in detail the seniority of Mrs Carter, and it was time to do so. He said the more senior Mrs Carter was, the more it mitigated the seriousness of what had happened. He again submitted that bullying required repetition. Mr Mendus Edwards said the incident was at the lower end of the scale of seriousness and Cardiff Council brought itself into disrepute. He accepted the conduct found may constitute a failure to show respect and consideration, but not bullying.

5.3 Case Tribunal's Decision

5.3.1 On the basis of the findings of fact, the Case Tribunal found by a unanimous decision that there was a failure to comply with the Cardiff Council's Code of Conduct as follows:

5.3.2 Paragraph 4(b) of the code of conduct states that [You must] show respect and consideration for others.

5.3.3 The Case Tribunal found that Cllr McEvoy failed to show respect or consideration to Mrs Carter – his conduct was intended to upset her and cause her to fear for her job in the future. The panel considered Cllr McEvoy's right to freedom of expression did not outweigh Mrs Carter's right not to be subject to unwarranted comments or the public interest in council officers being able to carry out their duties. The panel's analysis for convenience's sake is set out in paragraph 5.3.7 below but the balancing exercise was carried out separately for each alleged breach of the Code of Conduct. For both this alleged breach and the next, the Case Tribunal applied the three stage approach recommended by Mr Justice Wilkie in the case of *Sanders v Kingston (No 1)* [2005] EWHC 1145. The Case Tribunal concluded that it was justified to restrict Cllr McEvoy's freedom of expression.

5.3.4 Paragraph 4(c) of the code of conduct states that [You must] not use bullying behaviour or harass any person.

5.3.5 The Case Tribunal found that Cllr McEvoy did not harass Mrs Carter, but did use bullying behaviour towards her. It reflected on its earlier findings. The panel noted Mrs Carter managed a team of 10-12 people and half an administrative assistant (shared with another team) in an organisation with thousands of employees. Her role as finance team manager was two rungs below the rank of assistant director. Mrs Carter was not a junior member of staff, but was in the view of the Case Tribunal at the most at the level of middle management. Cllr McEvoy in contrast was an elected councillor and Mrs Carter's quasi-employer. There was a clear power differential between them.

5.3.6 It was a one-off incident which occurred in the heat of the moment following a difficult court hearing. Cllr McEvoy made no attempt to contact Mrs Carter following the incident. On the other hand, it occurred in a court corridor and in front of another council officer and a member of the public. As the *Heesom* case reminded the Case Tribunal, Mrs Carter was performing her duties and Cllr McEvoy's words were found to have been an unwarranted

comment made while Mrs Carter was carrying out her job. Mrs Carter had a private interest in not being subjected to such comments by a councillor and the words were not a political expression which attracted enhanced protection under Article 10 of the European Convention of Human Rights.

5.3.7 Mrs Carter's personal robustness is not the test adopted by the senior courts when weighing a councillor's general right to freedom of expression (for non-political expressions); the senior courts have made it clear that senior council officers, such as directors or chief executives, should be robust in their dealings with councillors and tolerate a level of expression which might otherwise be unacceptable in order to ensure elected representatives can fully exercise their Article 10 rights. Mrs Carter was not in such a senior role. She was a role significantly more junior to Cllr McEvoy's, performing her duties. Cllr McEvoy disagreed with the council's decision and made that clear in the court hearing, which was entirely appropriate. His conduct outside the court hearing however was not appropriate and was bullying; the Case Tribunal also thought its conclusions set out in paragraph 4.3.3 above were of relevance here. The Case Tribunal found that Mrs Carter's private interest as a quasi-employee combined with the public interest to ensure her ability to perform her role was not undermined outweighed Cllr McEvoy's freedom of expression, particularly given the intent behind his words found by the panel. It was justified to make the finding that Cllr McEvoy had conducted himself in a bullying manner towards Mrs Carter.

5.3.8 Paragraph 6.1(a) of the code of conduct states that you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

5.3.5 The Case Tribunal found that Cllr McEvoy had not brought either the office of councillor or Cardiff Council into disrepute. The incident was a one-off event in a court corridor, as opposed to a public waiting area, and witnessed by only a few persons. The words were uttered in the heat of the moment and following a difficult eviction hearing. While the conduct of Cllr McEvoy was far from ideal, the Case Tribunal concluded that it did not in itself bring either the office of councillor or Cardiff Council into disrepute.

6. SUBMISSIONS ON ACTION TO BE TAKEN

6.1 The Ombudsman's submissions

6.1.1 Mr Hughes on behalf of the Ombudsman contended the Case Tribunal should consider both mitigating and aggravating factors. He pointed out its earlier finding that the incident occurred in the heat of the moment in a stressful situation and was a one-off. However, Mr Hughes also submitted that Cllr McEvoy refused to acknowledge the impropriety of his behaviour or that he had made an error. There was no evidence of any insight, and Mr Hughes said Cllr McEvoy had not fully co-operated with the Ombudsman's investigation – he had been difficult to interview. Mr Hughes also highlighted Cllr McEvoy's unwillingness to deal with the facts of the incident and his preference to blame

others and allege a number of conspiracies against him. Mr Hughes thought disqualification would not be a proportionate sanction in the circumstances.

6.2 The Respondent's Submissions

6.2.1 Mr Mendus Edwards on behalf of Cllr McEvoy contended the Case Tribunal should bear in mind the sanctions guidance of the Adjudication Panel for Wales. He submitted disqualification was too severe a sanction in the circumstances of the case, and it would be more appropriate for no action to be taken. Mr Mendus Edwards submitted Cllr McEvoy had inadvertently failed to comply with the Code of Conduct, had not caused any harm by his conduct towards Mrs Carter and there was no risk of repetition as he was an experienced politician.

6.2.2 Mr Mendus Edwards went on to say if the Case Tribunal felt action was required, a short period of suspension of perhaps one month would suffice and ensure Cllr McEvoy could stand for election in May 2017. He cautioned the panel from encouraging future complaints against Cllr McEvoy.

6.3 Case Tribunal's Decision

6.3.1 The Case Tribunal considered all the facts of the case and in particular the its earlier findings. It was not persuaded no action should be taken – harm had clearly been caused to Mrs Carter and there was a potential risk of harm by causing council officers to be concerned for their job security when performing their public duties. The Case Tribunal did not accept Cllr McEvoy had inadvertently breached the Code of Conduct. It also could not find that there was no risk of repetition as Cllr McEvoy displayed no insight into his behaviour and its impropriety. There had been two breaches of the Code of Conduct and action was required.

6.3.2 The Case Tribunal reflected on whether suspension was the proportionate and appropriate sanction in the circumstances. In mitigation, Cllr McEvoy had a lengthy unblemished record of public service as a councillor. He undertook constituency duties. The incident was a one-off and occurred in the heat of the moment following a difficult eviction hearing, attended by Cllr McEvoy in order to support a constituent. The hearing was on a topic which generates strong emotions.

6.3.3 The Case Tribunal found there were also aggravating features. Cllr McEvoy had not apologised at any time for the distress caused to Mrs Carter, indeed he refused to accept that she had been distressed. He displayed no insight and failed to acknowledge his error. Rather than address the facts of what happened, Cllr McEvoy chose to make a series of serious allegations against others.

6.3.4 The Case Tribunal concluded that although using bullying behaviour is a serious matter, the misconduct of Cllr McEvoy was not of the most severe end of the spectrum of bullying behaviour or failure to show respect and consideration. While the election cycle is not relevant to a suspension, the Case

Tribunal had no wish to make it harder for Cllr McEvoy to stand for election in May. It also bore in mind that Cllr McEvoy's freedom of expression had been restricted to the extent prescribed by law and only to the extent necessary in a democratic society. Councillors' freedom of expression comes with duties and responsibilities, which includes not bullying council officers.

6.3.2 The Case Tribunal concluded by unanimous decision that Cllr Neil McEvoy should be suspended from acting as a member of Cardiff Council for a period of one month or, if shorter, the remainder of his term of office. This period marks the severity of the misconduct by Cllr McEvoy, and is designed to ensure such behaviour is not repeated. Councillors are required to treat council officers with respect and consideration, particularly when they are not senior officials, and not subject them to bullying behaviour.

6.2.3 Cardiff Council and its Standards Committee are notified accordingly.

6.2.4 The Respondent has the right to seek the permission of the High Court to appeal the above decision. A person considering an appeal is advised to take independent legal advice about how to appeal.

Signed



Date: 14 March 2017

Claire Sharp
Chairperson of the Case Tribunal

Glenda Jones
Panel Member

Susan Hurds
Panel Member



**DINAS A SIR CAERDYDD
CITY & COUNTY OF CARDIFF**

**STANDARDS AND ETHICS
COMMITTEE**

22 MARCH 2017

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

MEMBERS' CODE OF CONDUCT COMPLAINTS– QUARTER 3, 2016/17

Reason for Report

1. To provide the Committee with a brief update on complaints made during Quarter 3 against Members of the Council alleging breaches of the Code of Conduct.

Background

2. The Committee receives regular reports from the Monitoring Officer on complaints made against Members of the Council alleging a breach of the Members' Code of Conduct. 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; and
 - 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,

(paragraphs (a) and (c) respectively, of the Committee's terms of reference).
3. Complaints received during Quarter 2 of the financial year 2016/17 were considered at the Committee's last meeting, in November 2016.

Issues

4. A total of 4 complaints alleging a breach of the Members' Code of Conduct were received by the Monitoring Officer during Quarter 3 of the financial year 2016/2017.

5. The table below shows the type of complaints received in Quarter 3 and provides comparative figures for the previous 3 quarters.

	Q4 Jan, Feb, Mar 2016	Q1 April, May, June 2016	Q2 July, August, Sept 2016	Q3 Oct, Nov, Dec 2016
Total	18	4	3	4
Member on Member	4	1	0	2
Public on Member	6	3	3	2
Officer on Member	0	0	0	0
Community Councillors	8	0	0	0

6. The Committee will note that the number of complaints received during Quarter 3 (4 in total) remains similar to the last two quarters (Q1 and Q2) and lower than Q4 of 2015/16.
7. Two out of the four complaints were received from members of the public; and two were received from Members. All four cases have been informally resolved and closed. Brief details of the complaints and outcomes are as follows:
- i. Alleged unacceptable comments made by a Member to another Member after a Council meeting. The allegations were disputed and the complainant agreed that no further action should be taken.
 - ii. Alleged unacceptable comments made by a Member to another Member during a Committee meeting. The Member apologised and the complainant agreed that no further action was necessary.
 - iii. Complaint from a member of the public alleging that an elected Member's comments on social media were unacceptable / inappropriate. The allegations were investigated, but no evidence to show a breach of the Code was found.
 - iv. Complaint from a member of the public about the conduct of a Member. The complainant was asked to clarify the alleged breach of the Code and provide any supporting evidence, but has not responded. No further action is possible.

Legal Implications

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

Financial Implications

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

Recommendation

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

Davina Fiore

Director of Governance and Legal Services, and Monitoring Officer

1st February 2017

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 2, 2016/17' dated 30th November 2016

Mae'r dudalen hon yn wag yn fwriadol



STANDARDS & ETHICS COMMITTEE:

22 MARCH 2017

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

LOCAL RESOLUTION PROTOCOL

Reason for this Report

1. To enable the Committee to consider proposed amendments to the Local Resolution Protocol adopted by the Council in 2013.

Background

2. Under its terms of reference the Standards and Ethics Committee has responsibility to hear and determine any complaints of misconduct by Members, Co-Opted Members or Community Councillors, whether on reference from the Ombudsman or otherwise (paragraphs (d), (g) and (i) of the Committee's terms of reference); and a Hearings Panel (sub-committee) has been appointed by the Committee to discharge these functions on its behalf. The Committee also has responsibility for recommending guidance to the Council and Cabinet on issues of probity (Committee terms of reference, paragraph (h)).
3. The Ombudsman has made representations advising Councils to establish local resolution procedures to reduce the number of complaints referred to the Ombudsman relating to 'low-level' behavioural issues between Members, which typically arise in what may be regarded as the "cut and thrust" of normal Council debates and local politics. In the Ombudsman's latest guidance on the Members' Code of Conduct, the Ombudsman states that "In my view such complaints are more appropriately resolved informally and locally in order to speed up the complaints process and to ensure that my resources are devoted to the investigation of serious complaints. The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation."
4. In May 2013, Cardiff Council adopted a Local Resolution Protocol, upon the recommendations of the Standards and Ethics Committee, to deal with relatively low-level 'member on member' complaints.

5. In accordance with the provisions of the Local Resolution Protocol, the Standards and Ethics Committee has also adopted a Hearings Panel Procedure to govern the proceedings for any matter referred to the Hearings Panel under the Local Resolution Protocol (adopted in July 2013). The Hearings Panel Procedure was reviewed and updated by the Committee in March 2016. However, the Local Resolution Protocol itself has not been reviewed since its adoption in 2013.

Issues

6. The Local Resolution Protocol adopted in May 2013 requires review to ensure it remains up to date and fit for purpose. To this end, the following amendments to the Protocol are recommended:
 - a. Update of the Introduction section to refer to current guidance from the Ombudsman (paragraph 1);
 - b. Further guidance to be provided on the types of complaints suitable for local resolution under the Protocol (paragraph 2);
 - c. To give the Monitoring Officer discretion to decide the most appropriate method to seek informal resolution (paragraph 3); and
 - d. To add to the list of factors which may be relevant to the Hearing Panel's decision on an appropriate sanction (paragraph 4.3),

As marked up and shown in the draft revised Protocol attached as **Appendix A**.

7. The Committee is also asked to consider whether the Protocol should be extended to low level complaints made by officers about the conduct of a Member. Such complaints are generally dealt with informally by the Monitoring Officer. However, the extension of the Local Resolution Protocol to officers would make Hearing Panel proceedings available where necessary, and may similarly help to avoid unnecessary escalation of the situation and damage to personal relationships within the Council and the Council's reputation. It is understood that some other authorities do already extend their local resolution process to officers.
8. The Committee may also wish to consider whether the Protocol should be extended to include low-level Member-on-Member complaints involving Community Councillors. Members will note, however, that local resolution is a voluntary arrangement, currently having no statutory force, so this would need to be agreed with the Community Councils.
9. Members are also invited to consider whether any other amendments should be made to the Local Resolution Protocol.

Legal Implications

10. Any amendments to the Local Resolution Protocol adopted by Council in May 2013 will require the approval of full Council.
11. Other relevant legal implications are set out in the body of the report.

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

1. Consider the recommended amendments to the Local Resolution Protocol shown in **Appendix A**;
2. Provide views on any other amendments to the Protocol considered appropriate having regard to paragraphs 7, 8 and 9 of the report; and
3. Recommend the proposed amendments to the Local Resolution Protocol to full Council for approval (with delegated authority for the Monitoring Officer, in consultation with the Standards and Ethics Committee Chairperson, to make any minor amendments to the Protocol as may be required from time to time).

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

15 March 2017

Appendices

Appendix A Local Resolution Protocol – proposed amendments

Background Papers

Local Resolution Protocol, Council report 23/05/13
Standards & Ethics Committee report 'Hearings Panel Procedure 22/03/16; and minutes thereof

Mae'r dudalen hon yn wag yn fwriadol

Appendix A

Local Resolution Protocol

1. Introduction

1.1. By way of background, around a third of complaints referred to the Public Services Ombudsman for Wales (**Ombudsman**) are made by a Member against a fellow Member. Many of these complaints relate to low-level behavioural issues, typically during what may often be seen as the “cut and thrust” of normal Council debates and local politics. Many of these, if investigated by the Ombudsman, would not result in a sanction being imposed.

1.2.1.1. This Protocol has been adopted in response to the Ombudsman’s latest guidance on the Code of Conduct for Members (**Code**) which states that “low-level, Member-on-Member” complaints relating to breaches of the Code should be dealt with at a local level. The Ombudsman’s aim of this Protocol doing so is to seek the resolution of matters at an early stage so as to avoid unnecessary escalation of the situation which may damage personal relationships within the Council and the Council’s reputation.

1.3.1.2. This Protocol seeks to define what is meant by the types of “low-level”, Member-on-Member” complaints which are suitable for local resolution and sets out the procedure to be adopted in response to them.

1.4.1.3. It is important to note that this protocol does not preclude Members from referring any complaint to the Ombudsman if they so wish. However Members should note that the Ombudsman has made clear that, in normal circumstances, it is expected that in the first instance Members should exhaust the procedures set out in this Local Protocol before referring low-level complaints to the Ombudsman.

2. What is a “low-level, Member on Member” type of complaints fall within the remit of the Protocol?

2.1. The Monitoring Officer will use the following criteria to decide whether a complaint falls within the remit of this Protocol: In order to fall within the remit of this Protocol a complaint should satisfy all of the following criteria:

Within the remit of this Protocol:

- a. The complaint is made by a Member (or Co-Opted Member) of the Council and relates to a breach of the Code by a fellow Member.†

† Members should not encourage non-Members to make complaints simply to avoid the application of this Protocol. Doing so, in itself, is likely to be viewed as a breach of the Code (for example, under Paragraph 6(1) of the Code).

- b. The complaint is “low-level” in nature. Whether or not a complaint is “low-level” in nature will be dependant on the individual circumstances of a complaint.

The Ombudsman has indicated that *“typically these complaints will be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty to not make vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d) of the Code”*.

If you are unsure whether a matter you wish to complain about is “low-level” then you may wish to discuss this with the Monitoring Officer (who may consult with the Ombudsman’s office) to obtain guidance.

- c. The complaint does not relate to repeated occurrences of similar conduct that has already been dealt with under this Protocol or by the Ombudsman. In the event that the complaint relates to such a “repeated offence” it is likely that it will be appropriate to refer the matter to the Ombudsman directly.

Outside the remit of this Protocol:

- Complaints made by members of the public, although if the Monitoring Officer considers it to be appropriate s/he may with the agreement of the member of the public, deal informally with a complaint made by a member of the public, while informing them of their right to complain to the Ombudsman
- Serious complaints of a breach of the Members’ Code of Conduct, such as a failure to disclose a personal and prejudicial interest, or alleged bullying.

If you are unsure whether a matter you wish to complain about is “low-level” or within the remit of this Protocol, then you may wish to discuss this with the Monitoring Officer (who may consult with the Ombudsman’s office) to obtain guidance.

3. Procedure

3.1. In the event of a Member seeking to make a complaint that may fall within the definition of a “low-level, Member on Member” complaint, that Member should first arrange to meet raise the matter with the Monitoring Officer (or their deputy or other appointed officer who may assume the role of the Monitoring officer under this Protocol). The purpose of doing so is to determine whether the matter should be dealt with under this Protocol or whether the matter should be referred directly to the Ombudsman.

3.2. If it is decided that the matter should be dealt with under this Protocol the following procedure shall be followed.

3.3. Firstly, the Monitoring Officer will consider whether the matter can may be able to be resolved by mutual resolution. If so, then the Monitoring Officer shall ~~arrange a meeting of the Members concerned~~ will make any appropriate arrangements with the aim of seeking an informal resolution of the matter. In doing so the Monitoring Officer may:

i Arrange to meet with the Members concerned, either together or separately;

iii require the attendance of any Group Leader, Member or Officer as they determine may be beneficial to resolving the complaint; and

iiii adopt such arrangements (such as "breaking out" of any joint meeting to meet with the individuals concerned privately or adjourning the meeting to ask individuals to reflect on their position) as they deem beneficial in an attempt to resolve the complaint.

3.4. If the matter cannot be resolved by mutual resolution, the Member bringing the complaint may ask the Monitoring Officer to refer the matter to the Standards & Ethics Member Hearing Sub-Committee (**Hearing Panel**).

4. Standards & Ethics Hearing Panel Proceedings

4.1. The Hearing Panel shall adopt and make available to all Members a procedure under which it shall carry out hearings. If a matter is brought before the Hearing Panel then the Hearing Panel shall hold a hearing to determine the matter in accordance with its hearing procedure.

4.2. The sanctions available to the Hearing Panel should it find that there has been a breach of the Code shall be:

- a. A statement that the complaint has substance, but no further action is required.
- b. Referral of the Member for training on a particular topic.
- c. A private or public written warning. If public, that warning shall be announced and circulated at the next meeting of Council.
- d. Censure of the Member at the next meeting of Council.
- e. Referral to the Ombudsman for investigation if the complaint is considered to be deserving of more serious sanctions than the Hearing Panel has the power to impose.

4.3. In making a decision on the sanctions to be imposed, the Hearing Panel may take into account (but is not limited to considering):

- a. The severity of the offence.
- a.b. Impact on others and any reputational impact on the Council
- c. The level of remorse the Member in question has shown and any apologies they have made.
- b.d. Any other action taken by the Member to redress the complaint.
- c.e. Whether there is an indication of the behaviour being repetitious or whether the Member has previously been found to have committed similar offences.

4. Standards & Ethics Hearing Panel Proceedings

4.1. The Hearing Panel shall adopt and make available to all Members a procedure under which it shall carry out hearings. It shall be brought before the Hearing Panel that the Hearing Panel shall hold a hearing to determine the matter in accordance with its hearing procedure.

4.2. The standards available to the Hearing Panel shall be that there has been a breach of the Code shall be:

- a. A statement that the complaint has substance, but no further action is required.
- b. Retain of the right for hearing on a particular topic.
- c. A private or public warning. If public but warning shall be announced and disclosed at the next meeting of Council.
- d. Censure of the Member at the next meeting of Council.
- e. Retain to the Commission for investigation if the complaint is considered to be deserving of more serious sanctions than the hearing Panel has the power to impose.

4.3. In dealing a decision on the sanction to be imposed, the Hearing Panel may take into account (but is not limited to) the following:

**DINAS A SIR CAERDYDD
CITY & COUNTY OF CARDIFF COUNCIL**



**STANDARDS AND ETHICS
COMMITTEE**

22 MARCH 2017

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

WHISTLEBLOWING UPDATE

Reason for this Report

1. To provide the Committee with information to enable it to oversee and monitor the Council's whistleblowing procedures and to consider any ethical issues arising.

Background

2. The Standards & Ethics Committee has responsibility to 'oversee and monitor the Council's Whistleblowing procedures and to consider ethical issues arising' (paragraph (e) of the Committee's terms of reference).
3. The Whistleblowing Policy sets out the arrangements adopted by the Council aimed at ensuring that workers are able to raise concerns in the public interest about a danger, risk, malpractice or wrongdoing within the Council without fear of adverse consequences. The Policy explains the statutory protection available to workers under the Public Interest Disclosure Act 1998, and is intended to encourage and enable workers to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.
4. The Whistleblowing Policy was revised and approved by Cabinet in October 2014 on the recommendations of this Committee, to reflect legislative changes, clarify certain provisions and adopt best practice. The revised Policy has been publicised through posters in all core Council buildings, and articles in the Core Brief, Your Inbox and Our News disseminated to all staff.
5. Under the Policy, the Monitoring Officer is required to keep a record of all reports made and their outcomes and to report periodically to the Standards Committee. At its meeting in March 2016, the Committee considered information on reports made during 2014 and 2015. The Committee noted that a relatively high number of reports had been made during 2014, which may in part have been attributable to an increased awareness of the Policy, following its review and reissue. Members noted that arrangements were being put in hand to ensure that publicity of the Policy is renewed and re-issued at regular intervals to ensure awareness is maintained.

Issues

6. The number of whistleblowing reports notified to the Monitoring Officer during 2016 is four. Further information on the concerns raised and the respective outcomes will be provided to Members at the Committee meeting on an exempt and confidential basis.
7. The Committee is invited to note the contents of this report and further information provided at the meeting, and make any observations as appropriate.

Legal Implications

8. The legal implications are contained within the body of the report.

Financial Implications

9. There are no direct financial implications resulting from this report.

RECOMMENDATIONS

The Committee is recommended to note the information provided and make any observations as appropriate.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

15 March 2017

The following Background Papers have been taken into account:

Report of Monitoring Officer to the Standards & Ethics Committee - 'Whistleblowing Update dated 22 March 2016; and minutes thereof

**DINAS A SIR CAERDYDD
CITY & COUNTY OF CARDIFF**



STANDARDS & ETHICS COMMITTEE:

22 MARCH 2017

REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES

MEMBERS EXIT SURVEY 2017

Reason for this Report

1. To enable the Committee to receive and consider the findings of the Member Exit Survey undertaken in February 2017 that fall within the remit of this Committee and agree an action plan.

Background

2. As part of the Council's support to Councillors the Chair of the Standards and Ethics Committee and Chair of Democratic Services Committee agreed that a Member Exit Survey be completed to enable lessons to be learnt about the experiences of Councillors whilst in office and their reasons for leaving or not standing for re-election.
3. This Committee on 30 November 2016 considered the draft Member Exit Survey and the survey was endorsed by the Democratic Services Committee at its meeting 7 December 2016.
4. The Member Exit Survey was available electronically and hard copy from 15 to 24 February 2017, and an opportunity was provided to those who wished support to complete the survey with one of the Committee and Members Services team.

Issues

5. The Exit Survey was open to all Members who have held the Office of Councillor since May 2012, and in total 46 responses were received by the closing date.
6. Appendix A to this report provides the overview data for generic questions 1 – 4 and provides details on the responses to Questions 14 – 21 which specifically relate to the remit of this Committee. The free text data is provided in themes in order to anonymise responses, The Committee is invited to consider potential actions arising from this data.

Legal Implications

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

Financial Implications

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

Recommendations

The Committee is recommended to consider the information and recommend potential actions.

DAVINA FIORE
Director of Governance & Legal Services
13 March 2017

Appendix A – Member Exit Survey Results

Background papers
Member Exit Survey 2017

Headline Findings of Member Exit Survey 2017

Question 1. Q1: How long have you served as a Councillor for Cardiff?

Answer Choices	Responses	
0 - 2 years	6.52%	3
2 -5 years (1 term)	41.30%	19
6 -7 years	4.35%	2
8 - 10 years (2 terms)	10.87%	5
10 years or more (3 terms or more)	36.96%	17
Total		46

The results in the table above show that more than a third (37%) of all the Elected Members have served as part of Cardiff Council for more than 10 years.

2 out of 5 (42%) have been serving the Council only during this current term.

Q2. What roles or positions have you held during your term in office?

Answer Choices	Responses	
Leader	2.22%	1
Deputy Leader	2.22%	1
Leader of the Opposition	6.67%	3
Cabinet Member	26.67%	12
Committee Chair	37.78%	17
Scrutiny Committee Member	80.00%	36
Member of Other Council Committees	71.11%	32
Lord Mayor/Chair or Deputy Mayor/Deputy Chair of Council	20.00%	9
Other (please specify)	24.44%	11
Total Respondents: 45		

Q3. Are you standing for re-election after your current term in office?

Answer Choices	Responses	
Yes	60.87%	28
No	36.96%	17
Don't know or Unsure	2.17%	1
Total		46

Q4. Reasons for standing down as an elected Member

Answer Choices	Responses	
Retirement	37.50%	6
Changes to employment	18.75%	3
Moving away	0.00%	0
Ill health	12.50%	2
Caring responsibilities	18.75%	3
Work-life balance/Time pressures	31.25%	5
Changing role of Councillors	6.25%	1
Inadequate remuneration	0.00%	0
Dissatisfaction with role as Councillor	37.50%	6
Other (please specify)	43.75%	7
Total Respondents: 16		

Other additional reasons cited by these Members are:

- relationship with their political party and the party politics associated with their role in the Council;
- the conduct of other Members in particularly a perceived “culture of bullying” and discrimination;
- difficulty with making an impact on Council policies.

Q14. During your term in office, have you personally experienced any of the following unacceptable behaviours?

	YES	NO	TOTAL RESPONDENTS
Bullying	37% (14)	63% (24)	(38)
Discriminatory Behaviours	34% (12)	66% (23)	(35)

Q15: Have you witnessed any of the following unacceptable behaviours displayed to others?

	BETWEEN COUNCILLORS	BETWEEN COUNCILLORS AND OFFICERS	TOTAL RESPONDENTS
Bullying	68% (25)	32% (12)	(37)
Discriminatory Behaviours	79% (15)	21% (4)	(19)

Q16: Did you report the incident at the time?

YES	NO	TOTAL RESPONDENTS
44% (14)	56% (18)	(32)

Q17. If No, why did you not report the incident?

Theme	Potential actions suggested by MO
For relevant Council Officers to deal with: <ul style="list-style-type: none"> behaviour was displayed in presence of those in position to deal with it 	The Monitoring Officer continues to follow up on unacceptable behaviour she witnesses.
For Party Group to deal with: <ul style="list-style-type: none"> was a matter for the party group to 	Councillor induction to stress that all are responsible for challenging

Theme	Potential actions suggested by MO
deal with	unacceptable behaviour.
Was reported by others.	
Was reported by victim	
Thought it was a matter for the individual to deal with.	
Felt it would have been a waste of time	Councillor induction to stress that no-one is above the law, and inappropriate behaviour should be reported so it is recorded even if there is a request that no action be taken.
Dealt with it personally when appropriate	
Did not want to affect Officer and Member relationship	
Covert behaviours difficult to report	
Unsure whether incident required reporting	

Q18: Whom did you report the incident to?

	PERCENT OF RESPONDENTS
MONITORING OFFICER	69% (9)
GROUP WHIP	62% (8)
GROUP LEADER	38% (5)

Q19. When you reported the incident, were you satisfied with how this was dealt with?

YES	NO	TOTAL RESPONSES
29% (4)	71% (10)	(14)

Q20. If No, please elaborate

Theme	Potential actions
1. Repression of Member's concern	
2. Perception that no action was taken	
3. Issue raised/reported has remain unresolved	
4. Unsatisfactory response from responsible Officers or party group	
5. Managing a "bullying culture" is challenging	
6. No wish to explain	

Q21. What do you think should be done to stop or prevent bullying and discriminatory behaviours from happening in the future?

Theme	Potential actions suggested by MO
Awareness Raising	
1.1 Awareness raising or training on this matter	The Constitution Committee has recommended to full Council that code of conduct and equality training be made essential and a commitment to attending be included in the Cardiff undertaking. This will be reported to the March Council meeting for a decision. This will be covered in member induction.
Improving reporting arrangements/protocols	
2.1 Encourage reporting/Reporting Bullying with no fear of recrimination	
2.2 Named contact Officer for advice and support	Current staff confidential counselling service is to be made available for councillors. Information to be provided in member induction.
Dealing with incidents	

Theme	Potential actions suggested by MO
3.1 Immediate action following reporting of incident	<p>In member induction explain the processes for complaining. The law does not allow councillors to be suspended in advance of an investigation and finding of breach of the code of conduct.</p> <p>Encourage party leaders and whips to take action.</p>
3.2 Enforcement of protocols and sanctions as a result of breach code of conduct	
3.3 Clear governance around bullying or discriminatory incidents	<p>In member induction explain the process for complaining. There is a legal process which has to be followed. The law does not allow councillors to be suspended in advance of an investigation and finding of breach of the code of conduct.</p>
3.4 Enforcement powers for the by Standards and Ethics Committee	
3.5 Harsher penalties or sanctions for those found guilty.	<p>Political groups could remove the party whip from an individual councillor to encourage better behaviour.</p>
3.6 Naming and shaming	<p>Findings of a breach of the Code of Conduct will be reported to Ethics and Standards Committee and Council.</p>
Development areas to deter behaviours	
4.1 Clear governance around bullying or discriminatory incidents	
4.2 Greater role for group parties dealing with these matters	
4.3 Culture change	
4.4 Increasing involvement of backbench in decision making	
4.5 Behaviours are manifestation of financial issues confronting the local	

Theme	Potential actions suggested by MO
authority	
Encouraging better member conduct	
5.1 Mutual respect and better behaviours at Council Meetings	
5.2 Mentoring or regular 1-1s with Members	
5.3 Facilitation of meetings	

Mae'r dudalen hon yn wag yn fwriadol

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

MEMBER INDUCTION 2017**Reason for this Report**

1. To provide the Committee with the draft Member Induction Programme 2017 - attached as Appendix A for information. Please note the content of the plan may be further updated with training information as it becomes available from Directorates, Wales Local Government Association and the on-line modules.

Background

2. The Local Government (Wales) Measure 2011 sets out a number of requirements in relation to Member learning and development. In particular, it requires authorities to “secure the provision of reasonable training and development opportunities for its Member within budgetary constraints”.
3. In accordance with the Council’s Statement of Action in response to the Wales Audit Office (WAO) Corporate Assessment ‘Follow On’ report 26 February 2016, the Democratic Services Committee was asked to have oversight of the development of an induction programme for delivery to newly elected Members from May 2017, and agree essential training and frequency of training.

Issues

4. The Standards and Ethics Committee have a role in ensuring that all Members receive appropriate Induction on the Code of Conduct and standards required of Councillors in public life, and that updates are provided on an annual basis.
5. The Democratic Services Committee at its meeting on 7 December 2016 agreed those sessions identified as essential learning for all new Members which included Induction sessions on the Code of Conduct as an essential module during the first week.
6. The Constitution Committee 2 March approved a recommendation to Council 23 March to update the terms of reference of Committees to include the need for Members to have completed essential training before they can sit on the Committee; and to include a requirement in the Cardiff Undertaking

that Members sign up to completing essential training identified in the programme.

7. The Member Induction Officer Project Group established under the Performance and Governance Organisational Development Programme has recently met on a monthly basis to formulate, in consultation with Directorates, the learning and development plan that will provide new Members and returning Members with the required skills and knowledge to enable them to carry out their roles.

8. The programme is set out as follows: -

Core learning: this will include essential sessions to take place from 8 May to July 2017 that will include an introduction to the Council and essential sessions relating to:-

- Statutory responsibilities for Members e.g. Code of Conduct; Data Protection; Equalities and Diversity; Corporate Parenting; Health and Safety.
- Specific role related training e.g. Cabinet Members, Chair of Council, and Chairs of Committee.
- Committee based essential training in accordance with terms of reference e.g. Regulatory Committees; Standards and Ethics; Audit Committee; Pensions Committee.
- Awareness sessions on specific roles of committees e.g. Scrutiny Committees.
- All Member briefings on important and or imminent matters – for example arrangements for the Champions League Final, 3 June 2017.

Topic related sessions: from July – October 2017 to include briefings to improve knowledge base; on key priorities for the Council; and workshops to support skills development.

Optional sessions: for example mentoring; IT surgeries; new member drop-in surgeries.

Regional Training: The WLGA are facilitating five regional workshops for new Members in October / November 2017 and these are outlined in the plan and provide new Members with the opportunity to talk to other new Members, from other local authorities, and will be good learning opportunities.

9. Delivery of sessions will involve Directors, Senior Officers and trainers using a blend of learning opportunities with face-to-face interactive workshop sessions; formal presentations and briefings; regional events; e-learning modules; on line course workbooks and handouts; market place Directorate specific information (an open session with information/staff available to introduce themselves and explain their service; a visit to C2C; a coach trip to visit key sites; and training sessions where appropriate will be recorded for viewing by Members on the Intranet.

10. The timing and number of repeat sessions will be varied to enable all Members to attend one of each programmed face-to-face session.

11. Details of the Member Induction will be provided to all successful candidates as part of their welcome pack to be provided to them at the count centre by the Count Manager following their election.

Legal Implications

12. The relevant requirements of the Local Government (Wales) Measure 2011 are referred to in the body of this report.

Where Council Committees fulfil a quasi-judicial role, such as on planning and licensing matters it is particularly important to ensure that members have received training on their decision making role, to ensure that they are aware of the legislative requirements and only take relevant considerations into account. It is also important to ensure that members are aware of the legal requirements of the Code of Conduct and data protection legislation. Otherwise the Committee decisions may be open to challenge which may have both financial and reputational implications for the Council.

Financial Implications

13. There are no direct financial implications arising from this report with any costs associated with development and support being met from existing resources.

Recommendation

The Committee is requested to endorse the approach and comment on the proposed draft Member Induction Programme for new and returning Members from May 2017

Davina Fiore
Director of Governance & Legal Services
15 March 2017

Appendix A – Members Induction Programme from May 2017

Mae'r dudalen hon yn wag yn fwriadol

DRAFT MEMBER INDUCTION PROGRAMME 2017 – 2018

Section 1 – Candidates Information

Section 2 – New & Returning Members Induction Programme

Section 3 – Committee Specific

Section 4 – Drop in Sessions

Section 5 – E-Learning

CANDIDATES							
When	What	Location	Time allocated	Audience	Delivery Method	Training materials available/needed?	Who organises/ delivers?
Available on-line since September 2016	Be a Councillor - Make a Difference.	N/A	N/A	Potential Candidates	Guide on line	Link: https://www.cardiff.gov.uk/ENG/Your-Council/Voting-and-elections/Be-a-Councillor/Pages/default.aspx	Members Services publish on Cardiff website hard copies provide to Party Groups / Independent Members and available in Members Business Rooms
April 2017 Page 57	Issuing of A Guide to new Councillors booklet and information to all registered Candidates.	N/A	N/A	All Candidates	WLGA Guide on line (<i>when available</i>) Cardiff specific information sheet to include details of: - Acceptance of Office Process; Information to be provided by new Councillors; Induction Sessions and ingoing Programme.	On line link :	Guide - WLGA Information Sheet – DF/GN

NEW & RETURNING MEMBERS

When	What	Location	Time allocated	Audience	Delivery Method	Training materials available/needed?	Who organises/ delivers?
Thursday 4th May 2017	Local Council Elections Welcome Letter and Starter Pack	Count Centres	N/A	All Elected Councillors	Letter from Chief Executive. Pack from Director of Governance & Legal Services	Welcome letter to be agreed. To include details of Induction venue; start time and car parking Content of starter pack to include: <ul style="list-style-type: none"> • Councillor Personal Detail Form; • Pension Form; • IT offer; • Induction programme; • Welsh measure Questionnaire – times of meetings • Language choice • On-line resources. 	Letter to be agreed with - PO/DF/GN Starter pack – GN/ Members Services Count Managers to distribute
Monday 8th May 2017 10.00am to 12 noon & 4.00pm to 6.00pm	Welcome and Introduction to the Council, its role and introduction to role of Councillor; decision making. <u>9.45am:</u> Welcome desk open to register for session <u>10.00am</u> - Refreshments and meet other new &	Committee Room 1 ‘Crush’ Hall Level 1 Committee Room 1	Morning session repeated at 4.00pm until 6.00pm	All new and returning Members (E)	Chief Executive (in diary) /Director of Governance & Legal Services/ Member & Committee Services/ICT/Facilities Management/Comms	Welcome from Chief Executive <ul style="list-style-type: none"> • Signing of Acceptance of Office with MO (DF) • Members Register of Interests (/DM/KA). • Personal Information & Members Remuneration 	DF/GN & Team /Cabinet Office staff/ Comms/ FM/IT

	<p>returning Councillors; and key Officers.</p> <p><u>10.15am</u> – Welcome by Chief Executive</p> <p><u>10.30am – 12.00noon & 4.30pm – 6.00pm</u> Individual signing of Acceptance of Office with DGLS.</p> <p><u>10.30am – 12.00noon & 4.30pm – 6.00pm</u> – Member Services staff to ensure that Members move through each activity.</p>	<p>Committee Room 1</p> <p>Committee Room 2</p> <p>Council Chamber Photos</p>				<p>Information – issuing of employee number (GN)</p> <ul style="list-style-type: none"> • Data Controller Registration (MS) • Official Photograph (MS/ Comms) • ID Badge (MS) • Car Parking Pass (MS) • IT Offer / appointment system for issuing of kit (PB/HD/GB); • Role as Ward Councillor & arranging of Ward Surgeries (MS) <p>General Induction pack to include:</p> <ul style="list-style-type: none"> • Role Descriptions • Members Handbook information sheet • Senior Management Structure & key contact list; • Members Code of Conduct doc • Social Media doc 	
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						<ul style="list-style-type: none"> • Personal Safety doc • IT Acceptable usage policy. 	
	<p>10.30am – 12.00noon Directorate Market place</p> <p>4.00pm – 6.00pm Directorate Market place</p>	Committee Room 1 & 2		<p>New Members (E) Returning Members (Desirable)</p>	<p>All Directors to provide stalls an literature; and staff available to discuss answer questions on key issues for the Directorate</p>	<p>Opportunity to learn about Council services and meet Lead Officers. Market Stalls with Directorate information on services and key contacts</p> <p>Members Services stall on Members Enquiries / Request for Services Information Guide. Scrutiny Services stall on what is scrutiny Member on-line training demonstration and available courses. Bilingual Cardiff Stall. IT examples of kit available.</p>	<p>All Directors / Members Services</p>
<p>Wednesday 10 May 2017</p>	<p>Open Session at the C2C & ARC Sessions at 10.00am 11.30am 2.30pm 4.30pm</p>	Willcox House		<p>New Members (E)</p>	<p>Isabelle / Customer Services team</p>	<p>Opportunity to see first-hand the work of C2C and the ARC centre</p>	<p>Isabelle/ C2C Kate Rees</p>

Thursday 11 May 2017	Key Services Bus Tour	N/A	3 hour planned trip	All Members	Coach trip <ul style="list-style-type: none"> • Central Square • Barrage • Hub • Waste Re- Cycling Centre • Cardiff Model 	Handouts to include programme and information on venues services to be visited.	Neil Hanratty/ Ken Poole/Sarah McGill / Andrew Gregory
When	What	Location	Time allocated	Audience	Delivery Method	• Training materials available/needed?	Who organises/ delivers?
Tuesday 16 May 2.00pm & 5.00pm Pop up session TBA (Invite to Community Cllr sessions if don't attend)	Introduction to Code of Conduct and Ethics; Member Officer Protocol; Information Governance & Data Protection	Committee Room 4	90 minute session	All Members(E)	Briefing/ Workshop/ Ombudsman video. Follow up with E- learning	<ul style="list-style-type: none"> • Code of Conduct • Governance structure & Decision-Making; • The requirements of data protection legislation; • Handling information safely and compliance with data protection and FOI legal obligations. • Member safeguarding protocol • Where to go for advice. 	DF/ KA/GN
TBA	All Member Champions League	Committee Room 4	60 minutes	All Members	Strategic and operational briefing on event planning	<ul style="list-style-type: none"> • Handouts 	NH/KRi/Emergency Management
Monday 22 May 2017	Council Meeting process & procedures	Council Chamber	90 minutes	All Members All Members	Briefing in Council Chamber	<ul style="list-style-type: none"> • Cardiff Undertaking copies for signature 	DF/GN

2.00pm & 5.00pm	The Cardiff Undertaking Annual Council decisions on Scrutiny and CPR	City Hall / County Hall		(E)		and adoption at Annual meeting. <ul style="list-style-type: none"> Confirm seating arrangements 	
Wednesday 24 May 2017 10.00am 2.00pm 5.00pm	Councillors responsibility as a Corporate Parent (prior to Councillors signing up to the Cardiff Undertaking)	Committee Room 4	90 minutes	All Members(E)	Workshop Workbook and e-learning module		Tony Young/ Irfan Alam. Debbie Martin-Jones Gill James
Thursday 25 May 2017 4.30pm	Annual Council Installation of Lord Mayor						
Week 5 Whitsun Half Term							
June Week 1	Introduction to Finance including budgeting and treasury management Commercialisation	Committee Room 4	90 minutes	All Members(E)	Briefing Materials used from Cardiff Manager programme module e-Learning Module available	<ul style="list-style-type: none"> Where Council gets its funding & how it is spent; Budget setting Medium Term Financial Plan; Understanding Capital Budget; Where to go for advice. 	CS/IA/GW/CP
June Week 1	Education Matters			All Members	Briefing	<ul style="list-style-type: none"> School Admissions Other Key Education Issues 	NB/JT
June Week 1	Chairing Skills	Committee Room 4	90 minutes	All Committee & Scrutiny	Workshop		External support

				Chairs; & Open to all Members			
June Week 2	Equalities & Diversity	Committee Room 4	2 hour	All Members(E)	Workshop E- learning available	<ul style="list-style-type: none"> • Understanding of Council Policies; • Recognition of diversity of communities • Use of language • Appropriate behaviours • Where to go for more advice 	PK / Equalities team / Rob G/ SMG External input.
June Week 2 Page 66	Role of a Ward Member/ Security for Members	Committee Room 4	90 minutes	New Members, open to all	Practical Workshop / presentation	<ul style="list-style-type: none"> • Personal Safety Guidance and LGA information. How to organise your surgery. 	IB/JG/MS
June Week 2	City Development, Economic Development and Regeneration	TBC Cardiff Model	90 minutes	All Members	Seminar session	<ul style="list-style-type: none"> • Central Station • Bus Interchange • Indoor Arena • City Deal 	AG/NH/ JC/KP/AG
June Week 3	Information Governance & Data Protection	Committee Room 4	2 hour	All Members(E)	Workshop E- learning available	In depth Workshop ‘How to say out of Trouble’ <ul style="list-style-type: none"> • Statutory requirements; • Pitfall; • IT policies / protection of data; • FOI’s. 	VP/DP
June Week 3	Transforming Transport		90 minutes	All Members	Seminar/Briefing	<ul style="list-style-type: none"> • Overview of transport strategy • Specific projects 	AG/NH/PC/Matt Price/ Gail B-Scott

June Week 3 Date and time to be confirmed	Planning Training (General Coach Trip) (Planning Specific Trip)		1.5 each trip	All Members	Coach Trip	<ul style="list-style-type: none"> • Brownfield regeneration (Bay/Centre) • Conservation Angle 	Andrew Gregory/James Clemence/Simon Gilbert/Darren Connelly Kate Rees
June Week 4	What you need to know about housing services in Cardiff		1.5 hours	All Members	Workshop	<ul style="list-style-type: none"> • 	Sarah Magill/ Jane Thomas
June Week 4 Page 64	Neighbourhood Management Familiarisation of areas & services locality events 'Solving Local Problems in Partnership" to cover neighbourhood partnerships and hubs	Locality based	2 hours	All Members	Briefing	<ul style="list-style-type: none"> • Local information on Neighbourhood Services • Demographic data 	Sarah Magill Louise Bassett/ Jane Thomas/ Beverley King
June 2 Week 4	Communications & Social Media	Committee Room 4	90 minutes	All Members	Practical Worksop	Members Social Media Guidance	Tim Gordon, Head of Communications
July Week 1	City Environment Master Planning		90 minutes	All Members	Seminar		AG/NH/ Matt Wakelam, Jon Maidment
July Week 1	Safeguarding and Social Services Safeguarding Introduction to Social services Role of Social		2 hours	All Members (E)	Workshop & E learning		Tony Young Directors of Social Services Irfan Alam/ Amanda Phillips

	Worker						
July Week 2	Decisions for Future Generations (Wellbeing of Future Generations Act)		60- 75 minutes	All Members (E)	Workshop & E learning		Christine Boston, Corporate Policy Manager
July Week 2	Help for Older People - Independent Living Services		1.5 hours		Workshop		Sarah McGill/ Jane Thomas/ Amanda Phillips
July Week 3	UNICEF rights of the child initiative Safeguarding Child Sexual Exploitation		1.5 hours		Introductory session		Tony Young/ Irfan Alam / Debbie Martin-Jones / Lee Patterson/ Nick Batchelor / Angela Bourge
July Week 3	Procurement and Contracts Management		60 minutes	All Members	Briefing		Steve Robinson
August	Skills for Effective Scrutiny		2 hours	Scrutiny Members		Effective questioning	External
August	This should be done at first meetings of Committees			Scrutiny Members			Scrutiny
September Week 1	Community Leadership and Casework			All Members	Workshop & e learning module		Dem Services/ Lead Member
September Week 1	Introduction to Performance & Performance Monitoring		90 minutes	All Members	Workshop		Joe Reay
September Week 2	Public Speaking / Rules on Debating	Council Chamber	60 minutes	All Members	Workshop		Cardiff Speakers Club
September Week 3	Tackling Poverty and Welfare Reform		90 minutes	All members	Briefing		Sarah Magill/ Jane Thomas / Angel Bourge/

Prior to first meeting 14 June 2017	planning members Local Development Plan Protocols	Room 4	minutes				James Clemence Simon and Darren Planning Officers Kate Rees Chair of Planning Committee
Month 3 TBA	Coach Trip	N/A		Planning Members	Trip focused on more key planning topics/sites	Fact sheets	James Clemence Kate Rees
TBC Prior to first meetings	Licensing	City Hall	2 hours	Licensing Committee(E)	Introductory Training Session		Dave Holland, Head of Shared Regulatory Services.
TBC Prior to first meeting	Licensing for Non- committee Members and policies and protocols.	Committee Room 4	90 minutes	Licensing Committee(E)	Briefing		Dave Holland, Head of Shared Regulatory Services.
TBC Prior to first meeting	Corporate Parenting Advisory Committee – Members training	Committee Room 4	2 hours	CPAC Members (E)	Introductory Training Session		Asst Dir Children Services/ OM's
TBC Prior to first meeting 20 June 2017	Audit Committee		2 hours	Audit Committee(E)	Introductory Training Session		Ian Allwood, Head of Finance Viv Pearson, OM Governance & Risk
TBC Prior to first meeting	Standards & Ethics Committee		90 minutes	Standards & Ethics Committee New Members (E)	Introductory Training Session		Director of Governance & Legal Services/Kumi Ariyadasa
TBC Prior to first	Pensions Committee	Room 343	90 minutes	Pension Committee	Introductory Training Session		Director Corporate Resources & Pension

meeting				Members(E)			Manager
Before Annual Council 25 May 2017	Introduction to role of Lord Mayor & Chair of Council	Room 268	2 hours	Lord Mayor Elect	Briefing	<ul style="list-style-type: none"> • Role Of Lord Mayor • Chairing meetings • Constitution & Council Procedure Rules; • Rules of Debate 	DF/KR/Protocol/GN
TBC	Introduction to Cabinet	Room 515	½ day session	Cabinet Member	Briefings	<ul style="list-style-type: none"> • Overview of Cabinet and Decision Making; • Directorate specific policy/information 	CEx/ DF/ DO/CD & Directors
July Week 1	Cabinet Member Portfolio briefings	Cabinet Members Offices		Cabinet Members	Information pack to be provided.	<ul style="list-style-type: none"> • 	Directors/ Claire Deguara

REGIONAL EVENTS FOR NEW MEMBERS						
6 th October - Caerphilly County Borough Council		All day	New Members		These sessions will include a message from the Cabinet Secretary and the Future Generations Commissioner, as well as guidance on how to be a successful Councillor, current challenges and how to use social media.	WLGA facilitated
13 th October - Carmarthen Halliwell Centre						
3rd. November - Conwy Business Centre						
10 th November - Swansea Marriott Hotel						
DROP IN SESSIONS FOR ALL MEMBERS						
First 6 months available: - Mondays at 4.00pm Friday at 10.30am	Member Enquiry system & Request for Service; Managing Committee Papers; Managing Outlook calendar; Self Service Forms		30/45 minutes bookable in advance	All Members as required	Drop in Sessions run by Member Services	Members Services team

Note :(E) = Essential Training for all Councillors

E-learning for members available on the

Available currently (September 2016)	Available for the new intake (to be converted from WLGA materials by local authority training officers)
Chairing Meetings	Introduction to Scrutiny
Decisions for Future Generations	Ethics and Standards
Public Speaking	Planning for non-planning committee members
Personal Resilience	Planning for planning committee members
Effective Writing	Corporate Parenting
Stress Awareness	Safeguarding Adults
Using E learning in your development	Child Sexual Exploitation
Managing yourself and your time	Social Media
Emotional intelligence	Community Leadership and Casework
Violence against Women, domestic abuse and sexual violence	
Modules on Staff section now that will also be of use to members:	
Equalities (Governors module)	Social Services and Well Being Act
Freedom of Information	Managing information
Welsh Language Awareness Training	