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AGENDA

Committee	STANDARDS & ETHICS COMMITTEE
Date and Time of Meeting	WEDNESDAY, 22 JUNE 2022, 5.00 PM
Venue	REMOTE MEETING VIA MS TEAMS
Membership	Independent Members: Hollie Edwards-Davies (Chair), Jason Bartlett, Arthur Hallett, David Mills, Chrissie Nicholls County Councillors Cowan, Cunnah and Latif

1 **Apologies for Absence**

To receive apologies for absence.

2 **Declarations of Interest**

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

3 **Committee Membership (County Councillors) & Terms of Reference** *(Pages 3 - 4)*

To note that Council, at its Annual Meeting, on 26 May 2022 appointed the following Councillors to the Committee and agreed the revised Terms of Reference attached.

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

To approve as a correct record the minutes of the meeting held on 9 February 2022.

5 **Members Code of Conduct Complaints Update - Quarter 4 2021/22** *(Pages 11 - 16)*

Report of the Director of Governance & Legal Services and Monitoring Officer

6 **Members Exit Survey 2022** *(Pages 17 - 82)*

Report of the Director of Governance & Legal Services and Monitoring Officer

7 Draft Statutory Guidance on Standards of Conduct and Disclosure of Members' home addresses in the Members Register of Interests (Pages 83 - 96)

Report of the Director of Governance & Legal Services and Monitoring Officer

8 Committee Membership - Community Council Member; and Election of Chair and Vice-Chair (Pages 97 - 110)

Appendix A of the report is exempt from publication as it contains exempt information of the description contained in paragraphs 13 and 14 of Part 4 of Schedule 12A of the Local Government Act 1972. The public may be excluded from the meeting by resolution of the Committee pursuant to Section 100A(4) of the Local Government Act 1972 during discussion of this item.

Report of the Director of Governance & Legal Services and Monitoring Officer

9 Observations at Meetings (Pages 111 - 122)

Report of the Director of Governance & Legal Services and Monitoring Officer

10 Work Programme 2022/2023 (Pages 123 - 126)

Report of the Director of Governance and Legal Services & Monitoring Officer

11 Urgent Items (if any)

12 Date of next meeting

To be confirmed

Davina Fiore

Director of Governance & Legal Services and Monitoring Officer

Date: Thursday, 16 June 2022

Contact: Mandy Farnham,

02920 872618, Mandy.Farnham@cardiff.gov.uk

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

Standards & Ethics Terms of Reference (Agreed by Council 26 May 2022)

- (a) To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services, and to report to the Council on any matters of concern.
- (b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.
- (c) To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application.
- (d) To consider and determine the outcome of complaints that Councillors and co-opted members have acted in breach of the Code in accordance with procedures agreed by the Standards Committee, including the imposition of any penalties available to the Committee.
- (e) To oversee and monitor the Council's whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.
- (f) To grant or refuse requests for dispensations in respect of Members' interests under the Members Code of Conduct in accordance with the relevant statutory provisions.
- (g) To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law
- (h) To recommend to Council and the Cabinet any additional guidance on issues of probity.
- (i) To hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer, whether on reference from the Ombudsman or otherwise.
- (j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.
- (k) To monitor compliance by political group leaders with their duties in relation to Member conduct (under section 52A(1) of the Local Government Act 2000), and to advise, train or arrange training for political group leaders in relation to those duties.

All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.

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STANDARDS & ETHICS COMMITTEE

9 FEBRUARY 2022

Present: Independent Members: Hollie Edwards-Davies (Chair)
Jason Bartlett, Arthur Hallett, David Mills, Chrissie Nicholls

Councillors Cunnah, Sandrey and Williams

Community Councillor Stuart Thomas

118 : APOLOGIES FOR ABSENCE

Apologies were received from Councillor Williams.

119 : DECLARATIONS OF INTEREST

No declarations of interest were received in accordance with the Members Code of Conduct.

120 : MINUTES

The minutes of the meeting on 6 October 2021 were approved as a correct record of that meeting.

The Chair indicated that she would like more time to consider the draft minutes of the Hearings Panel held on 12th January 2022; and the Committee delegated authority to the Monitoring Officer, in consultation with the Chair, to approve the minutes of the Hearings Panel on 12 January 2022.

121 : WELCOME TO THE NEW INDEPENDENT MEMBER

The Chair welcomed David Mills to the Committee.

122 : MEMBERS CODE OF CONDUCT COMPLAINTS UPDATE - QUARTER 3
2021/22

The report provided Members with an update on complaints made against Members of Cardiff Council or any of Cardiff's Community Councils alleging a breach of the Members' Code of Conduct, in particular, complaints received during Quarter 3 of 2021/22 (the period running from 1 October 2021 to 31 December 2021).

The Committee discussed whether, in light of the outcome of the recent local resolution hearing, the Local Resolution Protocol should be reviewed in order to strengthen the test for bringing a complaint to the Hearings Panel. The Monitoring Officer explained that under the current Protocol, a Member may ask for their complaint to be referred to the Hearings Panel if it is not resolved by informal resolution, even if the Monitoring Officer's view is that there is no breach of the Code; and the Panel must then determine the complaint. This ensures Panel members are accountable for determining Member's complaints in an open and transparent manner. However, this could be reviewed, for example, to authorise the Monitoring Officer, in consultation with the Committee Chair, to decide that a complaint should not be referred to the Panel in certain specified circumstances, such as where the

Monitoring Officer's view is that there is insufficient evidence of any breach of the Code. Members indicated that it would be useful for the Committee to have the opportunity to review the Local Resolution Protocol at a future meeting.

The Community Council member expressed concern at the number of complaints from Community Councils and offered his assistance to Officers, if appropriate, when discussing issues with the Clerks.

RESOLVED:

To note the contents of the report.

123 : OBSERVATIONS OF MEETINGS

The Committee discussed the feedback in relation to a meeting of the full Council, which had also been shared with the Lord Mayor for his information, and were pleased to note the positive feedback.

Members discussed observing at future Council, Community Council and other Committee meetings. It was agreed that a list of meeting dates be distributed to Members. The Chair welcomed the interest shown by Members.

Members also discussed the possibility of observing induction and training sessions for new Elected Members. Officers confirmed that this would be possible.

RESOLVED:

To note the meeting observation feedback received, as set out in Appendix A to the report; and

To continue to observe meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

124 : REGISTRATION OF GIFTS AND HOSPITALITY RECEIVED BY MEMBERS

The report provided Members with the opportunity of considering the gifts and hospitality received by Members, which have been registered during the period from 1st November 2020 to 31st December 2021, in accordance with rules set under the Members' Code of Conduct.

During consideration of this item Members commented on the small number of registrations for hospitality and queried how much confidence there was that all cases had been declared. Officers advised that it was incumbent on Elected Members to declare all hospitality. There had been a reduction in declarations but that could be accounted for by the lockdown period.

Members were advised that the overwhelming majority of Councillors have attended Code of Conduct refresher sessions and officers were as confident as they could be, that declarations were being made in accordance with the Code of Conduct

RESOLVED:

To note the information supplied at Appendix A and Appendix B on the registration of hospitality, gifts and other benefits received by Members during the period from 1st November 2020 to 31st December 2021.

125 : PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL LETTER 2020/21;
ANNUAL REPORT 2020/21; AND CODE OF CONDUCT CASEBOOK 2020/21

The Chair invited Members to comment on the Annual Letter and Report, which provides an overview of all complaints considered by the Ombudsman during the year 2020/21 followed by an analysis of the complaints received in relation to Cardiff Council. Those discussions are summarised below:

- Members observed and Officers concurred that the number of complaints considered by the Ombudsman in relation to Cardiff was low in comparison with the size of population. Officers observed that it reflected the fact that standards of behaviour had improved and that it was something the city could be proud of.

RESOLVED:

To note the information set out in the report and its appendices.

126 : REVIEW OF THE ETHICAL STANDARDS FRAMEWORK

The Committee were advised of the Independent Review Report which had concluded the current arrangements are largely fit for purpose, but recommended certain changes to the Framework, including a number of changes to the Model Code of Conduct.

The recommended changes included

- making Code of Conduct training mandatory;
- amending the Model Code of Conduct to require that any complaint should be considered for local resolution before it can be referred subsequently to the Public Services Ombudsman;
- formalising guidance on social media;
- ensuring that members of Standards Committees should receive training on how to hold Hearings;
- creation of an All-Wales Forum for Independent Chairs of Standards Committees;
- and a recommendation that the Chair of the Standards Committee should play a leadership role, along with the Chief Executive, the Monitoring Officer and the leaders of political groups, in promoting high standards of conduct across the Council.

The review found that there were serious concerns about bullying, a lack of respect or otherwise generally disruptive behaviour by some Members at meetings of Town and Community Councils, and suggested this might be mitigated by a requirement for mandatory training of councillors and greater use of local resolution procedures.

Officers observed that many of the recommended practices were already carried out at Cardiff Council, and that the second recommendation would result in a significant increase

in the number of complaints to be dealt with by the Monitoring Officer and the Standards and Ethics Committee, with associated resource implications, as well as raising questions around independence.

Members were asked to comment or raise questions on the information received. Those discussions are summarised below:

- Members discussed the take up of bespoke training and adoption of local resolution procedures by Community Councils. Officers advised that a number of Community Councils had adopted local resolution procedures. All Community Councils have offered training to their members but not all members have taken it up as it is not mandatory. Officers have provided training to some Community Councils but others have made their own arrangements.
- Members instructed the Monitoring Officer to feedback the Committee's concerns about the recommendation that all complaints should be considered for local resolution, in relation to resource implications and questions around independence.
- Members discussed the precedent set by the Calver case in the context of the prevention of cases of misconduct. Officers observed that training focused on the need to maintain appropriate standards of behaviour.
- There was concern about the higher level of female Councillors reporting unacceptable behaviour. The view was expressed that robust behaviour that was not in itself in breach of the Code could nevertheless have a negative cumulative impact especially on younger female Councillors and might lead them to not seek re-election. Members commented that the standard of behaviour in committees was better than in full Council.
- The view was expressed that there should be more support for Elected Members who were subjects of complaints against them. Officers advised that a Confidential Counselling service was available and that the support for Elected Members was continually reviewed.
- Members expressed the view that the precedent set by the Calver case was not helpful in relation to power and gender imbalances and that the comment in regard to robust political debate could be taken advantage of and lead to bad behaviour. It was observed that junior Councillors could often feel intimidated by the behaviour of senior Elected Members even when no intimidation was intended.
- Members expressed concern that the high threshold set by the Calver case could mean that complainants were set up to fail if their complaint could not meet that standard. Officers advised that potential complainants were advised if their complaint was not likely to succeed. Many potential complainants who might have a strong case choose not to pursue it because they do not wish to subject themselves to the stress.
- Members expressed appreciation for the difficult work of Councillors. The view was expressed that the perennial nature of comments about behaviour in Member Surveys indicated there was a problem that had not been addressed.

- Members discussed unconscious bias in relation to the culture surrounding social activities among Councillors. Officers advised that there had been non-mandatory training in unconscious bias for Elected Members, and that it will be covered in the induction training for new Members.
- Members suggested it would be useful to gather accounts of the experiences of Councillors in relation to unacceptable and intimidating behaviour and unconscious bias for use in training. Officers advised that it would be difficult to do so without breaching confidentiality.
- Members expressed the view that the outcome of a recent complaint would be discouraging to future complainants because the bar for success appeared to be so high.
- Members discussed the culture of political debate among certain Councillors and expressed the view that it was not inclusive and not the sort of culture that should be encouraged. Elected Members should be aiming for a better and more inclusive standard of conduct.
- Officers referred to incoming legislation imposing a duty on Group Leaders to promote and maintain high standards of behaviour within their groups, and proposed individual meetings with Group Leaders to discuss conduct issues, including concerns raised about the behaviour of some Senior Members.
- Officers advised that a previous Chair of the Committee had invited Councillors to discuss examples of bad behaviour with them, but had not received many responses. Members nevertheless indicated that they would welcome another approach being made to Councillors.
- Officers confirmed that there would be training for Cabinet Members in the responsibility of their position in regard to their relationships with backbenchers.

RESOLVED:

To note the information set out in the report and its appendices.

127 : PREPARATION FOR LOCAL ELECTIONS 2022

The Chair invited the Monitoring Officer to introduce the report which reviewed arrangements being made to promote and maintain standards of conduct in preparation for the May 2022 local government elections. The Committee noted the draft letter which was to be sent by the Chair to all election candidates, as agreed at the meeting with group leaders and whips, asking candidates to comply with the standards of conduct in the interests of a fair and honest election.

RESOLVED:

To note the information set out in the report and its appendices.

128 : MEMBER BRIEFING

The Committee was invited to consider the content of its next Member Briefing and approve arrangements for the Briefing to be finalised and issued.

RESOLVED:

1. To delegate authority to the Monitoring Officer, in consultation with the Chair, to finalise the Briefing, having regard to comments provided by Members of the Committee; and

To instruct the Monitoring Officer to issue the finalised Member Briefing to all Members of Cardiff Council and Cardiff's six Community Councils, and also, if considered appropriate, to candidates in the forthcoming local government elections.

129 : WORK PROGRAMME 2021/22

The Committee agreed the Work Programme as set out in Appendix A.

130 : URGENT ITEMS (IF ANY)

No urgent items had been received.

131 : DATE OF NEXT MEETING

The next meeting will be on Wednesday 22 June 2022 at 5.00pm.

The meeting terminated at 6.20 pm

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

**MEMBERS' CODE OF CONDUCT COMPLAINTS UPDATE – QUARTER 4 OF
2021/22****Reason for Report**

1. To provide the Committee with an update on complaints made against Members of Cardiff Council or any of Cardiff's Community Councils alleging a breach of the Members' Code of Conduct, in particular, complaints received during Quarter 4 of 2021/22 (the period running from 1st January 2022 to 31st March 2022).

Background

2. The Committee receives quarterly reports from the Monitoring Officer on complaints, made against Members of Cardiff Council and Community Councils within its area, alleging a breach of the Members' Code of Conduct. (There are six Community Councils in Cardiff: Lisvane; Old St. Mellons; Pentyrch; Radyr and Morganstown; St. Fagans; and Tongwynlais.) These reports provide information to assist the Committee to discharge its functions, in particular:
 - i. To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services, and to report to the Council on any matters of concern;
 - ii. To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application; and
 - iii. To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law',

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

3. The Committee considers the number of complaints made and any themes or patterns emerging, but does not consider the specific details of each individual case, unless the complaint is formally referred to the Committee for a decision.
4. Complaints received during Quarter 3 of 2021/22 were reported to the Committee meeting on 9th February 2022.

Issues

Complaints received during Quarter 4 of 2021/22

5. During Quarter 4 of 2021/22, covering the period running from 1st January 2022 to 31st March 2022, a total of 4 complaints alleging a breach of the Members' Code of Conduct were reported to the Monitoring Officer.
6. The table below shows the figures for this period alongside comparative figures for the previous four quarters.

	Q4 Jan – Mar 2021	Q1 Apr – Jun 2021	Q2 Jul – Sept 2021	Q3 Oct – Dec 2021	Q4 Jan – Mar 2022
Member on Member	1	1	6	1	1
Public on Member	1	4	2	0	1
Officer on Member	0	0	0	0	0
Community Councillors	0	0	0	3	1
Total	2	5	8	4	3

7. Brief details of the three complaints submitted during Quarter 4 of 2021/22 are as follows:
 - (i) A Member complained about comments made by another Member during a debate at a full Council meeting. The complaint was resolved informally by local resolution with the Member deciding not to pursue a complaint.
 - (ii) A Community Councillor complained about the behaviour of another Community Councillor. The complaint was submitted to the Ombudsman, who noted that certain allegations would be tested during a related ongoing investigation and decided there was insufficient evidence of a breach of the Code to warrant any further investigation.

- (iii) A member of the public complained about the alleged failure by a Member to respond to correspondence and comments made at a meeting. The complaint was submitted to the Ombudsman who decided that there was insufficient evidence of a breach of the Code of Conduct to warrant an investigation.
8. The Committee will note that this reporting period includes the run up to the local government elections, and that the number of complaints received remained relatively low. All three complaints have been resolved with no finding of a breach of the Code.

Update on Complaints reported previously

Quarter 4 of 2020/21

9. At the Committee meeting in July 2021, the Code of Conduct Complaints report included information about a complaint made during Quarter 4 of 2020/21, which was submitted by a Member on behalf of all members of their political group, alleging that another Member had delivered election leaflets in breach of Covid restrictions in effect at that time. The complaints were referred to the Ombudsman and legal proceedings were also instigated in relation to this matter. Following a hearing held at Cardiff Magistrates Court on 21st October 2021, the case was dismissed due to errors in the prosecution case. The Committee received an update on this complaint at its last meeting in February, when it was noted that the Ombudsman had decided to investigate the complaint. The Ombudsman subsequently decided to discontinue the investigation, because he did not consider there to be a public interest in continuing the investigation.

Quarter 2 of 2021/22

10. The complaints submitted during Quarter 2 of 2021/22 included a number of complaints which were subject to ongoing discussions under the local resolution protocol. It was not appropriate to progress these during the pre-election period. An update on those complaints is provided below:
- i. Two Members complained about allegedly inaccurate information contained in a political group leaflet. These complaints were raised with the leader of the group concerned, who was asked whether the inaccuracies were accepted and if so, whether they would be corrected and an apology offered on behalf of the group. Agreement on a resolution has not been reached and so consideration needs to be given to a referral to the Standards Committee Hearings Sub-Committee.
 - ii. A Member complained about comments made about them by another Member during a meeting with other Members and Council officers. The complainant considered the comments to be an unacceptable racist slur on the complainant. In response, the Member said that the offending comment was made following allegations made by the complainant against them, which attacked their personal integrity.

The Member also made a counter-complaint against the complainant, alleging that the complainant had made discriminatory comments about them during the same meeting. In response to the Monitoring Officer's attempts to informally resolve this matter, the first Member complained of offered an apology to the complainant for any upset caused by their comments. The second member has been asked to apologise but to date has not done so. Consideration needs to be given to a referral to the Standards Committee Hearings Sub Committee.

- iii. The counter-complaint referred to in paragraph (ii) above, which has been recorded as a separate complaint.
 - iv. A Member complained about misleading information, misrepresenting what the complainant had said at a meeting with Members and Officers, being published on social media. To date it has not been possible to resolve this complaint by informal resolution. Consideration needs to be given to a referral to the Standards Committee Hearings Sub Committee.
 - v. A Member complained that another Member had posted untrue and misleading information about the complainant on social media. It has not been possible to resolve this under the local resolution procedure. Consideration needs to be given to a referral to the Standards Committee Hearing Sub Committee.
11. Members may wish to note that three of the complaints above (referred to in paragraph 10 (ii), (iii), and (iv)) all relate to the same meeting attended by Members and Officers, and involve the same two Members.

Quarter 3 of 2021/22

12. One of the complaints reported to the last Committee meeting related to a complaint by a Community Councillor about material posted on social media by another Community Councillor and conduct associated with this. The complaint was submitted to the Ombudsman, who has confirmed that the complaint would be investigated. The Ombudsman's decision on this complaint is still awaited.

Key points highlighted in Decisions of the Ombudsman

13. The Committee may wish to note that, in recent decisions, the Ombudsman has confirmed his view that:
- (a) A member's competence and performance are matters for the local electorate to determine through the democratic process.
 - (b) Members have enhanced protection, under Article 10 of the Human Rights Act 1998, for comments which may reasonably be regarded as political expression; and comments which a Member may find upsetting and

intimidating or offensive, may not amount to a breach of the Code of Conduct if they may be regarded as forming part of a wider political debate.

- (c) The Ombudsman generally regards talking and/or shouting over other members during a meeting as a matter for the Chair of that meeting to address, by applying the rules of debate and procedure (standing orders) as appropriate to prevent disorderly conduct at Council meetings.
 - (d) Whilst the Ombudsman would not condone a failure to acknowledge or reply to correspondence, and a failure to do so might potentially be considered a breach of the Code, a single example of overlooked correspondence would not, in itself, be likely to be considered sufficiently serious to warrant an investigation.
 - (e) Councillors are entitled to attend meetings, to decide for themselves what initiatives they want to support, and to pursue and express their views on such matters, so long as they follow appropriate channels to do so.
 - (f) The Ombudsman will not investigate a complaint unless there is reasonably strong evidence to suggest that the member concerned has breached the Code.
14. The Committee may wish to consider including the points above in the next Members' Briefing to assist Members' understanding of conduct issues.

Code of Conduct Training

15. The Committee is invited to note that the Monitoring Officer has delivered a number of training sessions on the Code of Conduct, both in person and remotely, as part of the Member Induction Programme 2022. To date, 3 sessions have been delivered, attended by 47 out of the 79 Cardiff Councillors (just under 60%). A further session is scheduled to be held on 24th June, and further 'mop up' sessions will be made available, on an individual basis if necessary, to seek to ensure that all Members complete this mandatory training.

Legal Implications

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

Financial Implications

17. 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
18th May 2022

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints Update – Quarter 3 of 2021/22, 9th February 2022

REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES

2022 ELECTED MEMBER EXIT SURVEY

Reason for this Report

1. To provide the Standards and Ethics Committee with the analysis of information gathered from the 2022 Members Exit Survey which is within the remit of the Committee.
2. For the Committee to consider any trends or matters that should be further considered by the Committee.

Background

2. In 2016, the Chairs of the Standards and Ethics Committee and the Democratic Services Committee agreed that a Member Exit Survey be undertaken to enable lessons to be learned about the experiences of Councillors during their five-year term of office, and reasons for leaving or not standing for re-election. Further surveys of members were also carried out in the municipal years 17/18 and 19/20.
3. At the end of the 2022 term of office for the 75 Elected Members in office a further exit survey was carried out. All Elected Members were circulated an electronic survey and invited to complete the Exit Survey.
4. The Exit Survey, sought to provide Members feedback on:
 - a. the previous five years in office, in particular views of Members who had indicated that they were not standing for re-election.
 - b. their training and development needs,
 - c. the challenges Members encountered during their term of office.
5. A copy of the 2022 Elected Member Exit Survey is attached at **Appendix A**. The responses to the survey were to be collated and assessed before the relevant information was presented to the Democratic Services and Standards and Ethics Committees for consideration.

Issues

General

6. The 2022 Exit Survey again encouraged Members to give feedback and have an opportunity to raise issues around their views on behaviours within the Council setting and the support provided when incidents may occur. Of the 75 Elected members who were invited to complete the survey 43 Councillors (57.3%) answered all or part

of the survey. This was a slight decrease in the number of respondents compared to 47 (63%) Elected Members who completed the survey in 2016-17. Some of this difference may be attributed to the later circulation of the survey in February – March 2022 , as opposed to January-February 2016.

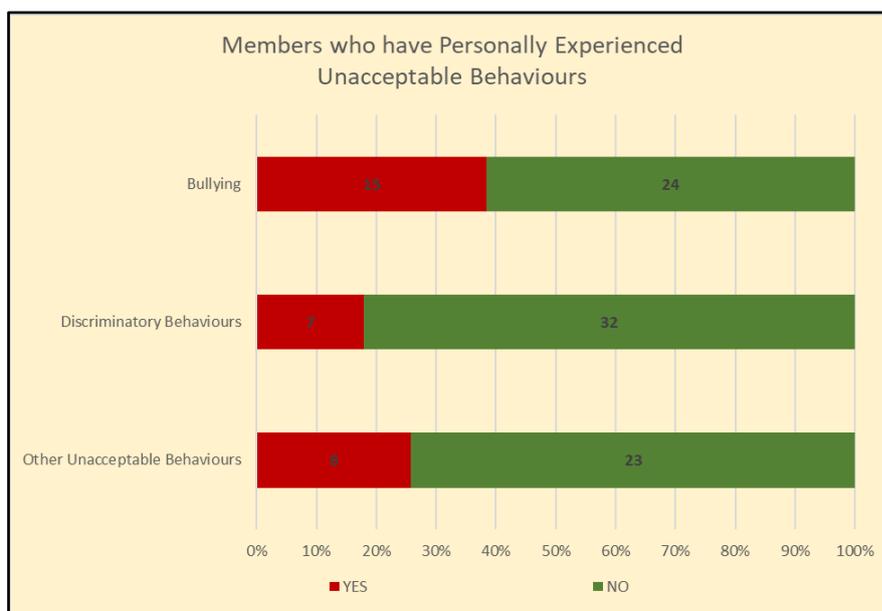
7. Just over half of these respondents (in total 52%) had been in service since 2017 or soon after. Nearly a third (in total 30%) were elected since 2012 while less than a fifth (19%) have been in service for more than 2 political administrations.
8. The political affiliations of those responding to the survey generally reflected the political make-up of the Council although Propel members did not participate in the 2021-22 Exit Survey. The following table describes the percentage of respondents by political Group for the surveys that have been undertaken in the past 5 years.

2016-17 Exit Survey	Lab	Con	Lib Dem	Plaid	Other
	44%	18%	23%	5%	10%
2017 – 18	Lab	Con	Lib Dem	Plaid	Other
	45%	27%	21%	(>1%)	(>1%)
2019 – 20	Lab	Con	Lib Dem	CW Ind	Other
	45%	30%	18%	0%	7%
2021-22 Exit Survey	Lab	Con	Lib Dem	Propel	Ind
	60%	26%	12%	0	2%

9. A detailed analysis of 2022 Exit Survey relevant to the Standards and Ethics committee are set out in **Appendix B**.

Personal experience of unacceptable behaviours

10. A substantial proportion of respondents (up to 38% in total) confirmed that they have personally experienced various types of unacceptable behaviours. In total, as many as 15 out of 39 respondents or 38% responded that they had experienced bullying during their term in office.
11. A much lower proportion and number confirmed that they experienced discriminatory (21%) and/or other unacceptable behaviours (26%).

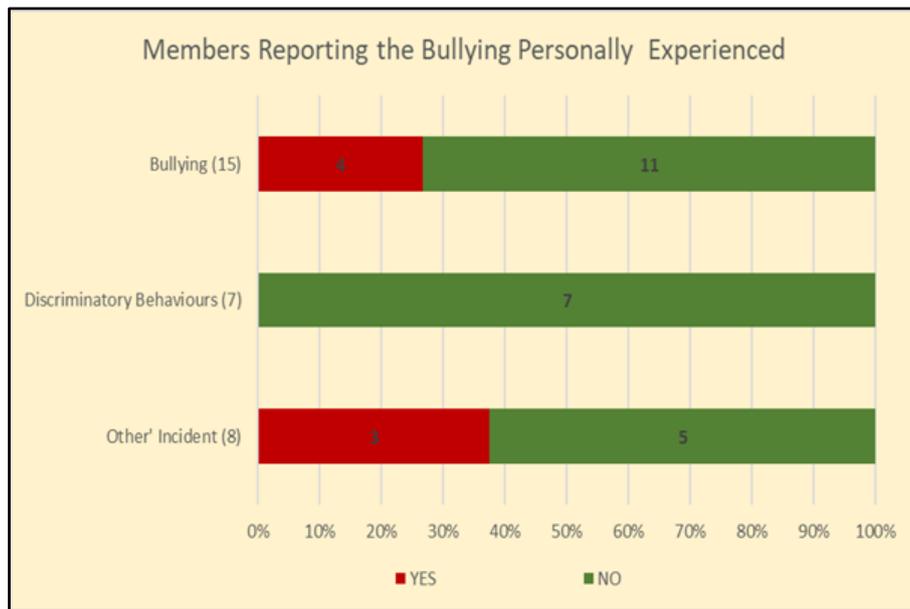


12. This compares to the outcomes of previous surveys as follows:

	2016-17 (Exit)	2017-18	2019-20	2021- 22 (Exit)
Experienced bullying	36% (14)	21% (7)	12% (5)	38% (15)
Experienced discriminatory behaviours	31% (6)	15% (5)	15% (6)	21% (7)
Experienced other unacceptable behaviours	15% (5)	21% (7)	10% (4)	26% (8)

Reporting of personally experienced unacceptable behaviours

13. Only a small proportion (27% and 38%) of respondents who experienced various unacceptable behaviours reported these incidents. The majority chose not to do so with just over a quarter (27%) who experienced bullying reporting it. In comparison a slightly higher proportion (38%) of those who experienced 'Other' unacceptable behaviours confirmed doing so. None of those who (100%) experienced discriminatory behaviours reported the incident.



14. This compares to the outcomes of the 2016-17 Exit survey which identified that 44% (14) of respondents reported incidents of unacceptable behaviours which they witnessed or experienced from a total of 32 incidents.

To whom personally experienced unacceptable behaviours were reported

15. The results in the chart below show that not all of those who report unacceptable behaviours they experienced have taken the matter to the Monitoring Officer. It is worth noting that it is possible that some of these incidents took place in Group Meetings, where officers are not present and so will not have witnessed what happened. If the Monitoring Officer witnesses unacceptable behaviour, she follows it up with the member concerned and if appropriate with other members. Only 3 out of 4 or 75% of these respondents reported the bullying incidents to the Monitoring Officer. One of these respondents chose not only to report the incident to the Monitoring Officer but also reported the incident to Groups Leaders or Group Whips. One other respondent had chosen to report the incident experienced using a different avenue i.e. the Chair of a committee.
16. Most of those (2 out of 3 or 67%) who experienced 'Other' unacceptable behaviours reported to the Monitoring Officer.



17. Reports of incidents of experienced and witnessed unacceptable behaviours made to the Monitoring Officer in the 2021-22 Exit Survey have remained broadly consistent to the results of the 2016-17 Exit Survey

Satisfaction with outcome of reporting experienced unacceptable behaviour incidents

18. The majority of those who reported unacceptable behaviours that they experienced confirmed that they were happy with how it was dealt with. Only a few respondents indicated a negative response. This compares favourably to the outcomes of the 2016-17 Exit survey with 71% (10) not satisfied with the outcome. Please note there have been some instances where a member considers behaviour to be unacceptable, but it would not be a breach of the Code of Conduct.

Witnessed unacceptable behaviours between Councillors

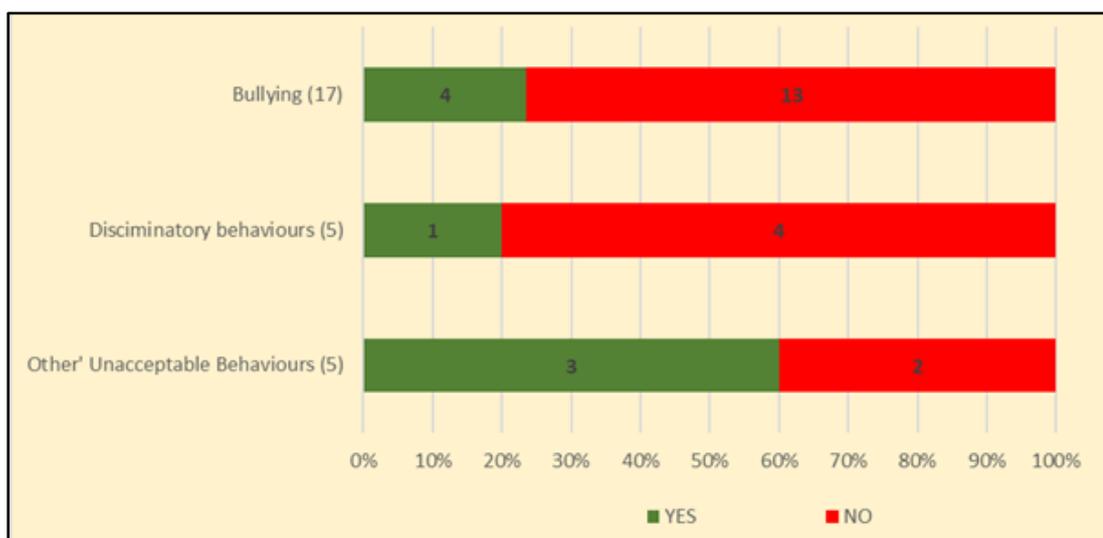
19. A substantial proportion of Members confirmed that they have witnessed unacceptable behaviours between Councillors. As many as 17 out of 43 respondents (40%) indicated that they witnessed bullying incidents between Councillors. A much lower number 5 out of 43 (12%) have witnessed discriminatory behaviours or 'Other' unacceptable behaviours between Councillors.



20. It must be noted that the figures on the number and proportion of those who have witnessed (40%) bullying incidents between Councillors is slightly higher compared to those Members (38%) who confirmed that they have personally experience bullying. This suggests that some unacceptable behaviours may not necessarily be regarded as bullying by those who experienced it but could be perceived as a bullying by those witnessing it.

Reporting of witnessed unacceptable behaviours between Councillors

21. Only a small proportion of Members who have witnessed bullying (24%) and discriminatory behaviours (20%) between Councillors confirmed that they reported the incident they witnessed. A greater proportion of Councillors of who witnessed 'Other' unacceptable behaviours stated that they have reported the incident (60%) compared to those who did not (40%).



22. It must be noted that the figure on those who reported bullying that they have personally experienced (27%) is higher when compared to those that reported

bullying that they witnessed (24%). However, the results show that a substantial proportion (73% -76%) chose not to report these incidents.

To whom witnessed unacceptable behaviours between Councillors were reported

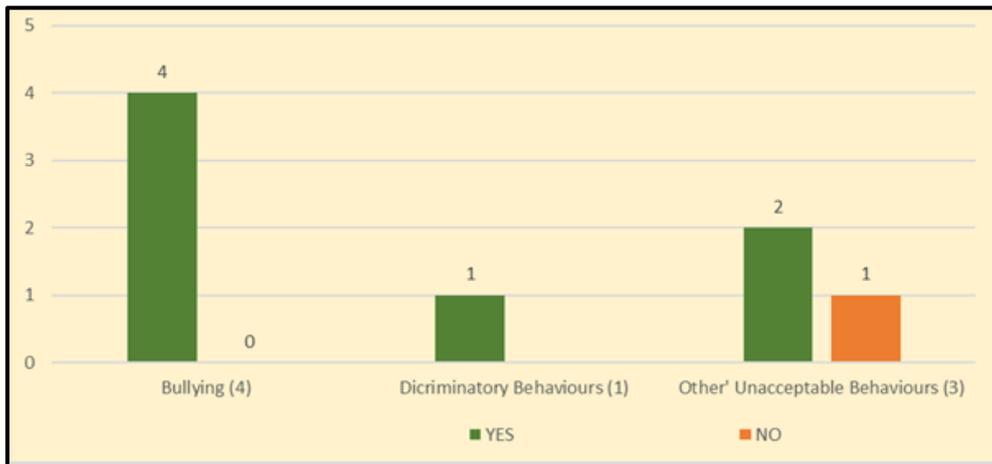
23. Those Members who reported the unacceptable behaviours they witnessed confirmed that they not only reported these incidents to the Monitoring Officer but to other responsible Officers or individuals within their Political Group and to other Officers they have chosen to take the matter to. No information was provided as to whom the discriminatory incident was reported.



24. Furthermore, the results above also show that not all of those who have witnessed bullying incidents and other unacceptable behaviours between Councillors reported these to the Monitoring Officer. Only half of the bullying incidents (2 out of 4 or 50% of total) were reported to the Monitoring Officer, while others have chosen to report instead to the Group leader or the Group Whip. None of the 'Other' unacceptable behaviours witnessed were reported to the Monitoring Officer.

Satisfaction with outcome of reporting of witnessed unacceptable behaviour incidents between Councillors

25. The vast majority of members who reported the unacceptable behaviours that they witnessed were happy with how the incidents were dealt Only one (1) respondent was not happy with the how the 'Other' incident' was dealt with.



Witnessed unacceptable behaviours between Councillors and Officers

26. Only a very small number and proportion of Members confirmed that they have witnessed various unacceptable behaviours between Councillors and Officers. Only 5 out of 43 respondents (12% of total) confirmed that they had witnessed such bullying incidents. A comparatively smaller number and proportion indicated that they witnessed discriminatory (2%) and 'Other' (5%) unacceptable behaviours between Councillors and Officers.



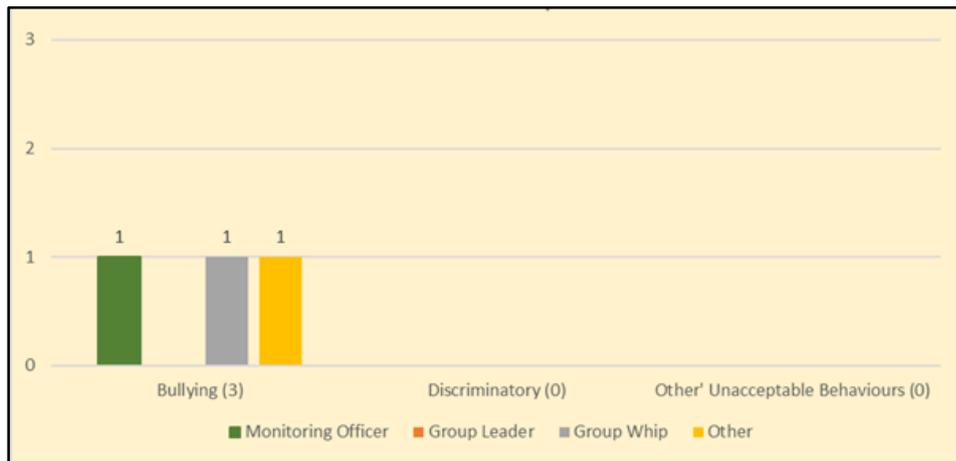
Reporting of witnessed unacceptable behaviours between Councillors and Officers

27. A substantial proportion of those who witnessed unacceptable behaviours between Councillors and Officers confirmed that they reported these incidents. The majority of those (3 out of 5 or 60%) who have witnessed these also confirmed that they reported these incidents. A smaller number (2 out of 5 or 40%) stated that they did not report the incident they have witnessed.
28. All other respondents who witnessed 'Discriminatory' and 'Other' unacceptable behaviours between Councillors and Officers did not report these incidents.



To whom witnessed unacceptable behaviours between Councillors and officers were reported

29. A small number and proportion of those who witnessed unacceptable behaviours have reported these to the Monitoring Officer and other relevant officers in their Political Group. More specifically only 1 who witnessed bullying incidents between Councillors and Officers reported this to the Monitoring Officer. Others reported to other avenues they felt appropriate.



Satisfaction with outcome of reporting of witnessed unacceptable behaviour incidents between Councillors and officers

30. The majority of the Members who witnessed the bullying incident between Councillors and Officers were happy with how the incident was dealt with. Only one respondent gave a negative response.

Opportunities for Improvement

31. This latest Exit Survey identifies the views of a number of respondents which indicate some of the possible reasons for the outcomes of the survey and how those individuals consider future behaviours and outcomes could be improved. These include:

- a. Enhancing awareness of unacceptable behaviours
- b. Application of appropriate sanctions for bullying and unacceptable behaviours

- c. Self-policing within groups with the Monitoring Officer only involved outside of the individual group.
32. Unfortunately, the Code of Conduct and associated guidance is a national Code and while we can make local additions to it (and have done by including the social media protocols as part of the Code), there are still likely to be incidents which in law are not a breach of the Code of Conduct, although the member concerned considers they should be. Caselaw has confirmed that the duties under the Code of Conduct must be read in a way which is compliant with the right to freedom of expression, protected under the Human Rights Act, Article 10; and that enhanced protection is given to 'political expression'. Political expression is interpreted broadly to include criticism of political opponents and is not restricted to comments made during formal Council meetings. This means that comments which Members may consider to be rude, sarcastic and mocking of them may be protected by law under the right to freedom of (political) expression, and unlikely to constitute a breach of the Code, unless they are regarded as highly offensive or outrageous [R (on the application of Calver) v. Adjudication Panel for Wales, 2012].
33. It is also worth noting that available sanctions in relation to breaches of the Code are set out in legislation and are only available where there has been a complaint in relation to a breach of the Code, a Hearings Sub Committee hears the complaint and makes a finding that there was a breach of the Code, and then national guidance needs to be considered in applying a sanction. Please note this does not prevent informal action being taken by the Monitoring Officer (such as discussing behaviour, requesting an apology or the removal of comments on social media) or by a political group (such as removal from a committee or withdrawal of the whip) although the group may have its own policies and procedures which would need to be followed.
34. The Local Government and Election (Wales) Act introduced a duty on Political Group Leaders to take reasonable steps to promote and maintain high standards of conduct by the members of their group. This may provide an opportunity to enhance the behaviours of all political groups and may also provide a suitable channel for appropriate support for individual members to report unacceptable behaviours.
35. The Council also approved the adoption of the Diverse Council Declaration in 2022 which included the following commitments:
 - a. Continuing to promote the highest standards of behaviour and conduct from elected members and those intending to stand for office on the Council.
 - b. We will:
Achieve the Wales Charter for Member Support and Development to demonstrate the highest possible standards of support and development for our elected members to assist them in meeting the challenges and expectations of their diverse roles ranging from of community leader to their special responsibilities within the Council. This relates to evidencing that Members are supported in undertaking their duties according to high standards of conduct.
36. The new cohort of Elected member is currently undertaking their induction which includes a number of mandatory topics relating to appropriate behaviours which include:

a. What Councillors need to know – Decision Making, Code of conduct and more

This session provided Elected Members with an understanding of:

- Governance structure & Decision-Making.
- Councillor’s Code of Conduct; Ethical Standards and Interests.
- Member safeguarding protocol.
- Social media protocol.
- Role of Standards & Ethics Committee

Note:

The following table outlines the sessions and attendance that have been held and currently planned for this topic:

Date	10 May 22	12 May 22	24 May 22	24 June
In - Person	9	17		
Remote			21	scheduled
Total Attendance	47			
Total Expected	79			
Percentage	59.49%			

b. The Constitution and Committee Procedures

This session provided Elected Members with a briefing on the key elements of the Council’s Constitution to increase their awareness of the following topics

- The procedures used at formal Council meetings
- The Cabinet and Scrutiny Procedure Rules including call-in
- Statutory, Regulatory Committee procedures
- Recent changes made to Constitution to reflect the Local Government and Election (Wales) Act 2021

Note:

The following table outlines the sessions and attendance that have been held for this topic with further sessions being planned:

Date	10 May 22	12 May 22
In - Person	17	10
Total Attendance	27	
Total Expected	79	
Percentage	34.18%	

c. Supporting Equality in Cardiff’s Diverse Communities

The session provided an overview of the Equalities Act 2010 (inc. General and Specific Duties) and increase the awareness of Elected Members on the following topics:

- Socio-economic Duty
- Protected Characteristics
- Different types of discrimination
- Unacceptable behaviour
- Hate Crime
- Additional learning opportunities i.e. Unconscious Bias E-Learning Module

Note:

The following table outlines the sessions and attendance that have been held for this topic with further sessions being planned:

Date	16 June 22	28 June 22
Remote	24	0
Total Attendance	24	
Total Expected	79	
Percentage	30.38%	

Additional Considerations

37. The outcomes shown in this report relate to the Elected Members of the previous administration and a significant number of these Elected Members (18) identified that they were standing down at this Election. This may have led to those members being more open in the responses they provided to the survey.
38. The 2021-22 Exit Survey was undertaken in March-April 2022 which was closer to the election period than the 2016/17 Exit Survey which was completed in January-February. It is possible that the behaviours reflected in the recent exit survey related to the stressful nature of a pre election period.
39. The Local Government Elections in May 2022 increased the number of Elected Members from 75 to 79 and delivered a 35.4% change in the Elected Members of the Council.
40. The Member induction will be ongoing until September which should enable all the mandatory topics identified in paragraph 36 to be completed by all Elected Members. The survey following the 2016-17 Exit Survey showed a noticeable improvement in the behaviours that were experience and witnessed. This could be a direct reflection of the beneficial impact of the Member Induction in 2017.
41. The learning from the induction and the introduction of the new duties of the Group Leaders will need time to be embedded into the new administration and for the councillors to apply their learning and responsibilities to their day-to-day business for the Council.

Proposal

42. That a period of monitoring be undertaken for approximately 12 months before carrying out a similar survey in April 2023 to identify if the Member Induction has been successfully assimilated by the Councillors elected in 2022 and reflects the improvements in behaviours as shown in 2017-18 survey.

Legal Implications

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

Financial Implications

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

Recommendations

The Committee is recommended

- (1) to consider the analysis of the responses received from the 2022 Exit Survey that fall within the remit of this Committee;
- (2) to consider the proposal regarding the outcome of the exit Survey; and
- (3) to consider whether any areas require further consideration by the Committee as part of its 2022/23 Work Programme.

DAVINA FIORE

Director of Governance & Legal Services

16 June 2022

Appendix:

Appendix A - 2022 Elected Member Exit Survey

Appendix B - 2022 Elected Member Exit Survey Outcomes

Background papers:

- [Members Exit Survey 2016-2017](#) Report to Standards and Ethics Committee dated 22 March 2017.
- [Members Annual Survey 2017-18](#) Report to Standards and Ethics Committee dated 5 December 2018
- [Members Annual Survey 2019 - 2020](#) Report to Standards and Ethics Committee dated 30 September 2020
- [Section 62 Local Government and Election \(Wales\) Act 2021](#)
- Political Group Leader Role Description considered by [Cardiff Council on 25 November 2021](#)
- Minute 99: Elected Member Learning and Development [Cardiff Council dated 25 November 2021](#)
- Diverse Council Declaration Report to [Cardiff Council dated 27 Jan 2022](#)

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Councillor Exit Survey 2022

Dear Councillor

We are approaching the end of this administration and the pre-election period which starts on 18 March 2022. To support the work of the Democratic Services and Standards and Ethics Committees this survey has been developed to seek your views on the services and support provided to you as an Elected, Independent or co-opted member of Cardiff Council. It is intended that the results of this survey will inform the work of the Committees to improve the support and services provided to you in your various roles within the Council and to identify behaviours that have impacted you during your term of office.

The findings of this survey will:

- Be vital in helping the Democratic Services Committee to effectively tailor the support and services that are provided.
- Enable your experience(s) of unacceptable behaviours to be reported to the Standards and Ethics Committee as part of its monitoring work.

Where appropriate, the results of this survey will be compared to the findings of previous surveys to identify any changes that have occurred during this administration.

I would like to assure you that all information that you provide in completing this survey will be treated as confidential, in line with the requirements of the Data Protection Act 2018 and the General Data Protection Principles. All responses will be processed in accordance with Data Protection Act requirements and by participating in this survey you are consenting to the Council processing the data for the purpose for which it is supplied. If you wish to withdraw consent at any time, please email gary.jones3@cardiff.gov.uk.

This survey will take approximately 15 minutes to complete. If you need any assistance completing the survey, please contact the Members Services Team.

Thank you for taking the time to complete this survey.

Yours sincerely,

Gary Jones
Head of Democratic Services

- Q1 How long has been your current continuous period of service as a Councillor?
- Since a by-election held between 2017 and 2021
 - Since the 2017 Local Government Elections
 - Since a by-election held between the 2012 and 2017 Local Government Elections
 - Since the 2012 Local Government Elections
 - Elected before 2012

- Q2 What roles or positions have you held during your term in office?
(Please click all that apply.)

- Leader
- Deputy Leader
- Leader of the Opposition
- Cabinet Member
- Committee Chair
- Scrutiny Committee Member
- Member of other committee
- Lord Mayor or Deputy Lord Mayor
- Other

- Q2 Please specify

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

- Yes
- No
- Don't know or unsure

Q4 If No, what are your reasons for standing down as an Elected Member?

(Please tick all that apply.)

- Retirement
- Changes to employment
- Moving away
- Ill health
- Caring responsibilities
- Work-life balance/time pressures
- Changing role of Councillors
- Inadequate remuneration
- Dissatisfaction with role as Councillor
- Other

Q4 Please specify

Q5 What changes or improvements should be put in place to discourage Elected Members from standing down in the future?

Q6 What have you **enjoyed most** about being a Councillor for Cardiff?

Q7 What have you **enjoyed least** about being a Councillor for Cardiff?

Q8 What **additional support or assistance would have been useful** in helping you fulfil the various roles that you have as an Elected Member of the Council?

Q9 What **other induction and/or training opportunities** should have been made available during your term in office?

Q10 Which Group are you a member of?

- Conservative
- Labour
- Liberal Democrat
- Propel
- I am not part of a Group

Q11 Do you feel your Group has provided you with sufficient support to effectively fulfil your role as Councillor?

- Yes
- No
- Not sure

Q12 What other types of support should your Group provide its members?

Q13 During your term in office, have you **personally experienced** any of the following unacceptable behaviours?

Yes

No

Bullying

Q13 Discriminatory behaviours

Q13 Other

Q13 Please specify.

Q14 Did you report the bullying incident you experienced at the time?

Yes

No

Q14 Why did you not report the incident?

Q15 Who did you report the incident to?

Monitoring Officer

Group Leader

Group Whip

Other

Q15 Please specify

Q16 Were you happy with how your report was dealt?

Yes

No

Q16 Please elaborate.

Q17 Did you report the discriminatory behaviour you experienced at the time?

Yes

No

Q17 Why did you not report the incident?

Q18 Who did you report the incident to?

Monitoring Officer

Group Leader

Group Whip

Other

Q18 Please specify

Q19 Were you happy with how your report was dealt?

Yes

No

Q19 Please elaborate.

Q20 Did you report the 'Other' incident that you experienced at the time?

Yes

No

Q20 Why did you not report the incident?

Q21 Who did you report the incident to?

Monitoring Officer

Group Leader

Group Whip

Other

Q21 Please specify

Q22 Were you happy with how your report was dealt?

Yes

No

Q22 Please elaborate.

Q23 If you have **witnessed** any of the following unacceptable behaviours displayed to others, please tick the box/es that apply to your response. If not, click 'Next' at the bottom of the page to proceed to the next question.

Between Councillors

Between Councillors and Officers

Bullying

Q23 Discriminatory behaviours

Q23 Other

Q23 Please specify which 'Other' unacceptable behaviours you witnessed between Councillors.

Q23 Please specify which 'Other' unacceptable behaviours you witnessed between Councillors and officers.

Q24 Did you report the bullying between Councillors that you witnessed at the time?

Yes

No

Q24 Why did you not report the incident?

Q25 Who did you did you report the incident to?

Monitoring Officer

Group Leader

Group Whip

Other

Q25 Please specify

Q26 Were you happy with how your report was dealt?

Yes

No

Q26 Please elaborate.

Q27 Did you report the bullying between Councillors and Officers that you witnessed at the time?

Yes

No

Q27 Why did you not report the incident?

Q28 Who did you report the incident to?

Monitoring Officer

Group Leader

Group Whip

Other

Q28 Please specify

Q29 Were you happy with how your report was dealt?

Yes

No

Q29 Please elaborate.

Q30 Did you report the discrimination between Councillors that you witnessed at the time?

Yes

No

Q30 Why did you not report the incident?

Q31 Who did you report the incident to?

Monitoring Officer

Group Leader

Group Whip

Other

Q31 Please specify

Q32 Were you happy with how your report was dealt?

Yes

No

Q32 Please elaborate.

Q33 Did you report the discrimination between Councillors and Officers that you witnessed at the time?

Yes

No

Q33 Why did you not report the incident?

Q34 Who did you report the incident to?

Monitoring Officer

Group Leader

Group Whip

Other

Q34 Please specify

Q35 Were you happy with how your report was dealt?

Yes

No

Q35 Please elaborate.

Q36 Did you report the 'Other' unacceptable behaviours between Councillors that you witnessed at the time?

Yes

No

Q36 Why did you not report the incident?

Q37 Who did you report the incident to?

Monitoring Officer

Group Leader

Group Whip

Other

Q37 Please specify

Q38 Were you happy with how your report was dealt with?

Yes

No

Q38 Please elaborate.

Q39 Did you report the 'Other' unacceptable behaviours between Councillors and Officers that you witnessed at the time?

Yes

No

Q39 Why did you not report the incident?

Q40 Who did you report the incident to?

Monitoring Officer

Group Leader

Group Whip

Other

Q40 Please specify

Q41 Were you happy with how your report was dealt with?

Yes

No

Q41 Please elaborate.

Q42 What do you think should be done to stop or prevent bullying and discriminatory behaviours from happening in the future?

Monitoring information

Q43 What was your age on your last birthday?

- 25-34
- 45-54
- 65-74
- 75+
- Prefer not to say

Q44 Are you:

- Female
- Male
- Other
- Prefer not to say

Q45 Do you identify as trans?

- Yes
- No
- Prefer to self-describe
- Prefer not to say

Q46 Do any children live in your household?

Please tick all that apply.

- No children
- Yes, children under 5 years old (pre-school)
- Yes, aged 5-11 (primary school)
- Yes, aged 11-16 (secondary school)
- Yes, aged 16-18 in full-time education or working
- Yes, aged 16-18 **not** in full-time education or working

Q47 Aside from your role as a Councillor, which of the following best describes what you are doing at present?

- Working full time (30+ hours per week)
- Working part time (less than 30 hours per week)
- In full-time education
- On a government training scheme
- Unemployed, registered job seeker
- Unemployed, registered but not seeking work
- On a zero-hour contract
- Permanently sick or disabled
- Wholly retired from work
- Looking after home
- Caring for a child or adult
- Other

Q48 Do you identify as a disabled person?

- Yes
- No
- Prefer not to say

Q49 Please tick any of the following that apply to you:

- Deaf/deafened/hard of hearing
- Mobility impairment
- Mental-health difficulties
- Learning impairment/difficulties
- Visual impairment
- Wheelchair user
- Long-standing illness or health condition (e.g. cancer, diabetes, or asthma)
- Prefer not to say
- Other

Q50 Do you care, unpaid, for a friend of family member who due to illness, disability, a mental health problem or an addiction cannot cope without your support?

- Yes
- No

Q51 Do you regard yourself as belonging to any particular religion?

- No, no religion
- Buddhist
- Muslim
- Sikh
- Christian (including Church in Wales, Catholic, protestant and all other Christian denominations)
- Hindu
- Jewish
- Other
- Prefer not to answer

Q52 How would you describe your sexual orientation?

- Bisexual
- Gay woman/lesbian
- Gay man
- Heterosexual/straight
- Other
- Prefer not to answer

Q53 Are you:

- Single
- In a same-sex civil partnership
- Married
- Living together/co-habiting
- Separated/divorced or legally separated if formally in a same-sex civil partnership
- Widowed
- Other

Q54 What is your term ethnic group?

Where the term "British" is used, this refers to any of the four home nations of Wales, England, Northern Ireland and Scotland, or any combination of these.

- White -- British
- White -- Irish
- White -- Gypsy or Irish Traveller
- White -- any other white background
- Mixed/multiple ethnic groups -- white and Asian
- Mixed/multiple ethnic groups -- white and black Caribbean
- Mixed/multiple ethnic groups -- white and black African
- Mixed/multiple ethnic groups -- any other
- Asian/Asian British -- Chinese
- Asian/Asian British -- Pakistani
- Asian/Asian British -- Bangladeshi
- Asian/Asian British -- Indian
- Asian/Asian British -- any other
- Black/African/Carribbean/black Welsh/British -- African
- Black/African/Carribbean/black Welsh/British -- Caribbean
- Black/African/Carribbean/black Welsh/British -- any other
- Arab
- Any other ethnic group
- Prefer not to say

Thank you for completeing the survey!

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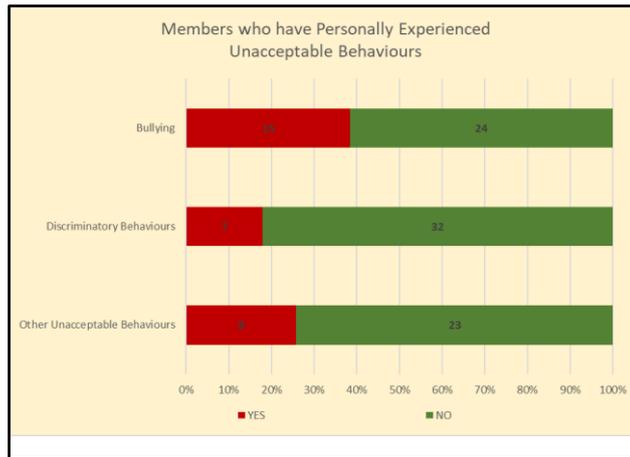
Elected Member Exit Survey Outcomes 2022

Standards & Ethics Committee Extract

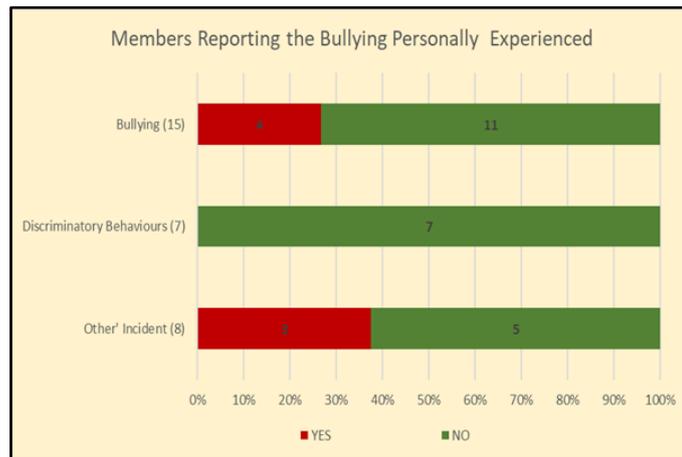
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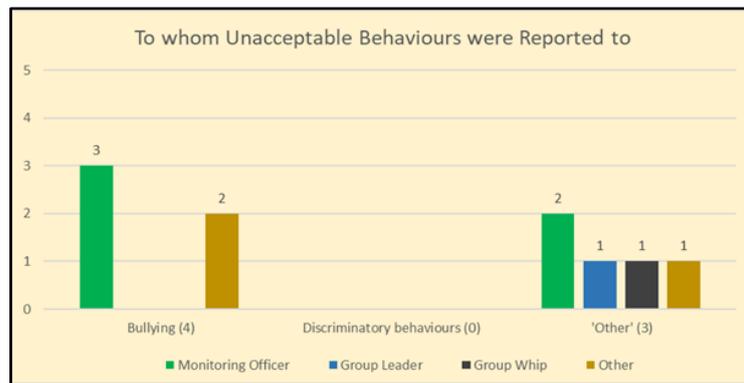
1. Personally experienced unacceptable behaviours during term in office



A substantial proportion of respondents (up to 38% in total) confirmed that they have personally experienced various types of unacceptable behaviours in the last year. In total, as many as 15 out of 39 respondents or 38% indicated that they have personally experienced bullying during their last year in office. A much lower proportion and number confirmed that they experienced discriminatory (21%) and/or other unacceptable behaviours (26%)



Only a small proportion (27% and 38%) of respondents who experienced various unacceptable behaviours reported these incidents. The majority have chosen not to do so. Just over a quarter (27%) who experienced bullying reported it. In comparison a slightly higher proportion (38%) of those who experienced 'Other' unacceptable behaviours confirmed doing so. None of those who (100%) experienced discriminatory behaviours reported the incident.



The results in the Chart above show that not all of those who report unacceptable behaviours they experienced have taken matter to the Monitoring Officer. Only 3 out of 4 or 75% of these respondents reported the incident to the Monitoring Officer. One of these respondents have chosen not only to report the incident to the Monitoring Officer but have resorted to other avenues. One other respondent had chosen to report incident experienced using a different avenue.

Most of those (2 out of 3 or 67%) who experienced 'Other' unacceptable behaviours reported to the Monitoring Officer. In addition to reporting to the Monitoring Officer, some respondents also report 'Other' unacceptable behaviour incidents to other avenues shown above.



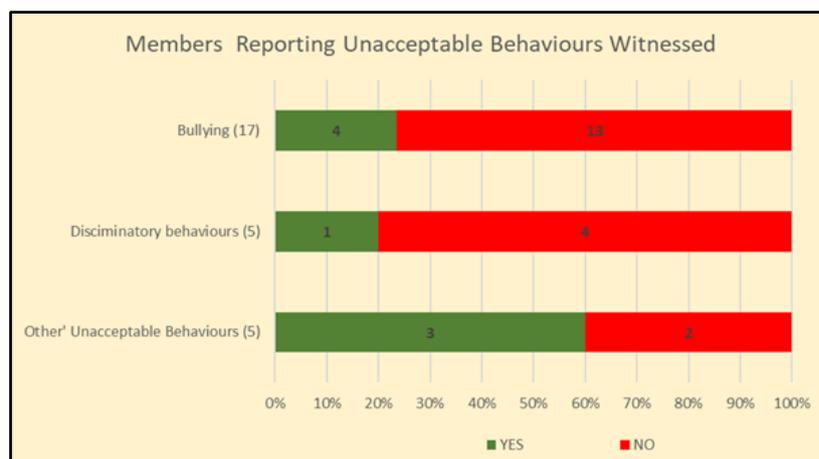
The majority of those who reported unacceptable behaviours that they experienced confirmed that they were happy with how it was dealt with. Only a few respondents indicated a negative response.

2. Witnessed unacceptable behaviours between Councillors



A substantial proportion of Members confirmed that they have witnessed unacceptable behaviours between Councillors. As many as 17 out of 43 respondents (40%) indicated that they witnessed bullying incidents between Councillors. A much lower number 5 out of 43 (12%) have witnessed discriminatory behaviours or 'Other' unacceptable behaviours between Councillors.

It must be noted that the figures on the number and proportion of those who have witnessed (40%) bullying incidents between Councillors is slightly higher compared to those Members (38%) who confirmed that they have personally experience bullying. This suggests that some unacceptable behaviours may not necessarily be regarded as bullying by those who experienced it but could be perceived as a bullying by those witnessing it. These results also suggest that more work needs to be done to enable Members to recognise and identify bullying behaviours.



Only a small proportion of Members who have witnessed bullying (24%) and discriminatory behaviours (20%) between Councillors confirmed that they reported the incident they witnessed. A greater proportion of Councillors of who witnessed 'Other' unacceptable behaviours stated that they have reported the incident (60%) compared to those who did not (40%).

It must be noted that the figure on those who reported bullying that they have personally experienced (27%) is higher when compared to those that reported bullying that they witnessed (24%). However, the results show that a substantial proportion

(73% -76%) chose not to report these incidents. More work may need to be done to explore the reasons why Members who have personally experienced or witnessed bullying incidents did not report these incidents as well as encourage them to report these incidents.



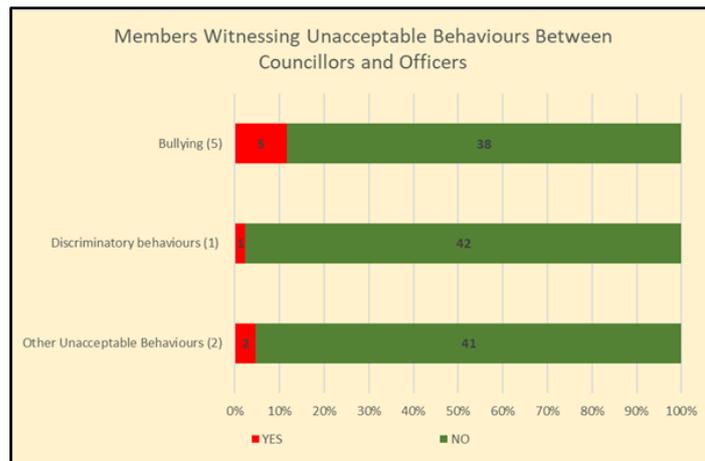
Those Members who reported the unacceptable behaviours they witnessed confirmed that they not only reported these incidents to the Monitoring Officer but to other responsible Officers or individuals within their Political Group and to other Officers they have chosen to take the matter to. No information was provided as to whom the discriminatory incident was reported to.

Furthermore, the results above also show that not all of those who have witnessed bullying incidents and other unacceptable behaviours between Councillors reported these to the Monitoring Officer. Only half of the bullying incidents (2 out of 4 or 50% of total) were reported to the Monitoring Officer, while others have chosen to report instead to the Group leader or the Group Whip. None of the 'Other' unacceptable behaviours witnessed were reported to the Monitoring Officer. These results suggest that more work may need to be done to encourage Members to report bullying and any other unacceptable behaviours to the Monitoring Officer as well as the relevant officers in their Political Group.



The vast majority of members who reported the unacceptable behaviours that they witnessed were happy with how the incidents were dealt Only one (1) respondent was not happy with the how the 'Other' incident' was dealt with.

3. Witnessed Bullying between Councillors and Officers

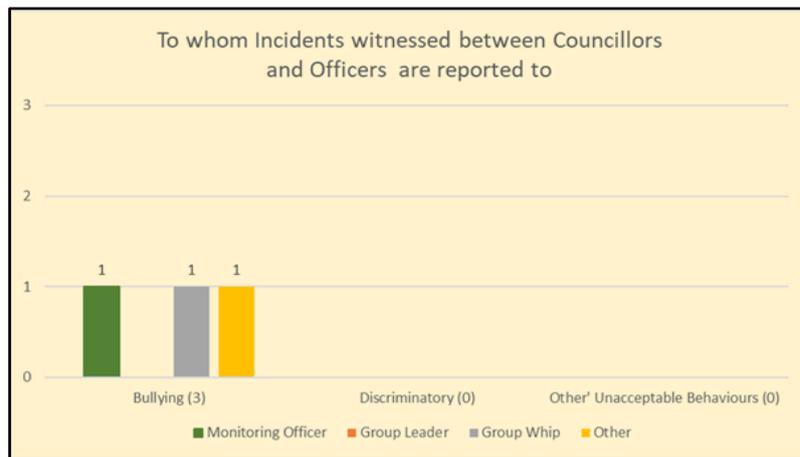


Only a very small number and proportion of Members confirmed that they have witnessed various unacceptable behaviours between Councillors and Officers. Only 5 out of 43 respondents (12% of total) confirmed that they had witnessed such bullying incidents. A comparatively smaller number and proportion indicated that they witnessed discriminatory (2%) and 'Other' (5%) unacceptable behaviours between Councillors and Officers.



A substantial proportion of those who witnessed unacceptable behaviours between Councillors and Officers confirmed that they reported these incidents. The majority of those (3 out of 5 or 60%) who have witnessed these also confirmed that they reported these incidents. A smaller number (2 out of 5 or 40%) stated that they did not report the incident they have witnessed.

All other respondents who witnessed 'Discriminatory' and 'Other' unacceptable behaviours between Councillors and Officers did not report these incidents. Further work needs to be done to explore reasons why as well as encourage Members to report unacceptable behaviour incidents that they witness between Councillors and Officers.



A small number and proportion of those who witnessed unacceptable behaviours have reported these to the Monitoring Officer and other relevant officers in their Political Group. More specifically only 1 who witnessed bullying incidents between Councillors and Officers reported this to the Monitoring Officer. Others reported to other avenues they felt appropriate.

The majority of the Members who witnessed the bullying incident between Councillors and Officers were happy with how the incident was dealt with. Only one respondent gave a negative response.

4. What can be done to reduce bullying

a. Greater penalties for bullying and unacceptable behaviours

Ser	Suggestion	Monitoring Officer's Comment
(1)	Suspend or eject offenders (Con)	Formal sanctions for breaches of the Code of Conduct may only be imposed after a complaint is considered by a Hearing Sub Committee and there is a finding of breach. Then a sanction can be imposed in accordance with the law and national guidance. Political Group Leaders may consider withdrawing the party whip or suspension from the group but they are likely to have their own party rules in relation to these actions.
(2)	Whips need to stamp out bad practices. Strong Standards and ethics policing the code of conduct (Lib Dem)	The new statutory duty on Group Leaders to promote high standards of conduct within their

Ser	Suggestion	Monitoring Officer's Comment
		group should assist with this.
(3)	Temp suspension from following meeting (Con)	There is no legal power to impose this in accordance with the law.
(4)	Better enforcement of policies and procedures on bullying and unacceptable behaviours (Con)	This requires complaints to be made in relation to actual breaches of the Code of Conduct, not just perceived breaches.
(5)	The group Leader should be informed (Lab)	Agreed.
(6)	Parties need to be bolder in refusing to approve and select candidates with a record of bad behaviour. (Lib Dem)	Agreed.
(7)	Whilst I respect that everyone is entitled to a view, when Councillors use their platform to attack those with protected characteristics, Officers do need to step in and I do feel that my concerns have been ignored by Senior Officers in the Council. (Lab)	Officers are not responsible for the behaviour of individual cllrs. Having said that, officers would normally challenge unacceptable behaviour outside of the meeting. Group leaders and Whips and other group members and the Chair of the meeting may also take action. However a public decision making meeting is not always the appropriate place to seek to challenge behaviour. A difficult situation can quickly escalate to an even worse one.
(8)	Tighten up the policies /procedures (Con)	I am not sure what is proposed.
(9)	Measures are sufficient and already in place, however following a complaint at the highest level a complaint was not taken forward as requested. this deters people from making complaints in the future. (Con)	This may refer to an incident where there was no breach of the Code of Conduct.
(10)	Bullies should always be reported for that obnoxious behaviour (Lab)	Agreed.
(11)	Deal properly with persistent offenders	The processes are in place for this where complaints are made and are found to be breaches of the Code of Conduct. One Cllr was suspended from office twice during the last Council

Ser	Suggestion	Monitoring Officer's Comment
		administration, for a longer period the second time. .
(12)	Actual consequences (Labour)	As above.
(13)	There is a member of the Council who has been found guilty of bullying at times, and if the authority monitored their behaviour and acted when it's unacceptable, that would probably help stop it (Lab)	As above.
(14)	Less tolerance. Some councillors get away with far too much. Same in society in general not just the council.	As above.
(15)	I think in those circumstances, the person who is guilty of bullying should be dealt with strongly (Lab)	As above.
(16)	More involvement with fellow group members. Often it is self-policing within groups and the MO only gets involved when it is different groups. (Con)	Agreed.
(17)	Stronger leadership in the chamber (Con)	There is a new statutory duty on Group Leaders to promote high standards of behaviour in their group. This may help.

b. Greater awareness of relationship building and unacceptable behaviours

Ser	Suggestion	Comment
(18)	Improved awareness amongst new and more senior Members on building effective relationships with colleagues and on various types of unacceptable behaviours. (Con)	Mandatory Code of Conduct training is provided for all members by the Monitoring Officer. The Committee may wish to consider other means of awareness raising.
(19)	This is often related to the lack of emotional intelligence displayed by a member. Attack is often the response when being held to account is itself misinterpreted as attack. Greater focus on the issues and avoidance of the more negative aspects of political interchange would help	See previous comment.
(20)	Awareness sessions at the start of term informing all councillors of acceptable and not acceptable behaviours, reinforced by group whips and leaders (Con)	See previous comment.
(21)	If it occurs in a meeting it should be picked up then - that is not the same as a disagreement in council. Members should	Meeting Chairs and all members may challenge unacceptable behaviour.

Ser	Suggestion	Comment
	feel they have someone independent that they can trust to talk complaints through too, ideally outside of the council completely (Lab)	All members have access to a confidential counselling service and if they wish may contact the Independent Chair or members of Standards and Ethics Committee.
(22)	A frank discussion on bully and discriminatory at induction to fully explain what is bullying behaviour and mandatory discrimination training that they must attend or Groups informed (Labour)	Mandatory Equalities training is provided. Unconscious bias training is "recommended" and available as an E-Learning Module
(23)	A few senior figures who once held power still live in the past. Newer Cllrs are better. (Con)	
(24)	Unfortunately I think local government attracts people will big egos and a sense of self importance. This is not all Cllrs but an unpleasant group who ruin the experience for others. Unfortunately, the way to change this is for officers and others to stop treating Cllrs like they are something special and therefore feeding their egos. This would change the culture and stop some thinking they area above reproach. (Con)	Members (not officers) are responsible for their own behaviour.
(25)	Councillors need training in ways the council works and the opinions are not facts as well as not being able to make accusations that are untrue on social media (Lab)	The mandatory Code of Conduct training session covers how the council works, and the social media protocols (among other things).
(26)	Politics presents unique challenges to treating each other with consideration, because of It's adversarial nature. Having said that, I have always been treated fairly and courteously by members of other political groups. (Lab)	
(27)	Education in good manners and respect in others and their opinions. (Lab)	Covered in mandatory Code of Conduct session.
(28)	Encouraging members to respect different points of view (Lab)	See previous comment.
(29)	No one is perfect...but we should all really listen to each other.	See previous comment.
(30)	I hope that groups will support their members and we can create a different kind of culture. I personally don't think there is explicit discrimination, or not in my experience, but that is not to say there isn't work to do (Lab)	

Ser	Suggestion	Comment
(31)	Better understanding of how the council works and limits to power (Lab)	Covered in mandatory induction training.
(32)	An idiot filter to prevent bullies being elected in the first place (Con)	

c. Training on Unacceptable Behaviours

Ser	Suggestion	Comment
(33)	Induction training on recognising such behaviour.	The Committee may wish to consider this.
(34)	We need to be able to differentiate between politically charged debates and discrimination and bullying	See previous comment.
(35)	Greater awareness of what constitutes bullying, particularly borderline behaviour, which is unlikely to be proven but none the less is unpleasant for those who are on the receiving end.(Lib Dem)	See previous comment.
(36)	Members need simple training to treat others like they would wish to be treated. Bullying & discriminatory behaviour are invoked but in reality such incidents are rare & isolated. Usually just poor behaviour. Cardiff Council is clearly a welcoming & inclusive public institution. It inherent is different to usual workplaces etc as it is a public arena where people passionately disagree on main policies areas and democracy welcomes outright differences of opinion.	Discussed with all cllrs as part of mandatory Code of Conduct induction session.

5. Appendix 1

18.1. Personally Experienced Bullying

Personally Experienced Bullying	Yes	No	Total
Conservatives	4	6	10
Labour	9	14	23
Liberal Democrats	1	4	5
Not Part of a group	1	0	1
Total	15	24	39
Percent	38	62	100

More than a third of the total respondents (in total 15 out of 39 or 38%) confirmed that they have personally experienced bullying during their term in office. More specifically, amongst those who responded from the Labour and Conservative Political groupings an almost similar proportion (<=40%) confirmed that they have personally experienced bullying.

Q14 Report Bullying Incident	Yes	No	Total
Conservatives		4	4
Labour	3	6	9
Liberal Democrats		1	1
Not Part of a group	1		1
Total Reporting/Not Reporting	4	11	15
Total who Experienced	15	15	15
Percent of Total Reporting / Not Reporting	27	73	100

The majority of those who personally experienced bullying (in total 11 out of 15 or 73%) stated that they have chosen not to report the incident they experienced. Only around a quarter (in total 4 out of 15 or 27%) reported the incident

Q14a Reasons for not Reporting Bullying Incident

- a. Conservative (4)
 - I doubted anything would be done and it would just make my time as a councillor even harder
 - I sorted it out with the person involved
 - It was a stitch up by a cabinet member which then led to a legal enquiry (costly) It emanated from the top of the political system of those in power. Being exonerated does not compensate. It was a manufactured complaint to cover a poor decision which I exposed.
 - Told it was normal banter
- b. Labour (5)
 - Because it was in full council and observed by members and the monitoring office. For me personally to challenge it would have risked looking like I was more concerned about the treatment of myself than looked after children. I don't believe that behaviour like that should depend on the impacted member making a complaint

- Bullying was from a member of the public. Not a fellow councillor or council employee. It was almost immediately after being elected, I took it as just part of the role
 - I dealt with it myself. I spoke to the individuals concerned.
 - It was in the council chamber in a debate by a member of propel - it had been heard by the lord mayor and monitoring officer and not picked up. I would say it was also discriminatory. I still wonder if I should have made more of it at the time but it was during a debate about looked after children and I didn't want to appear to suggest that a comment that impacted just on me was more important than looked after children
 - Because of fear of reprisal
- c. Lib Dems (1)
- Because the parameters within which complaints have to fall are too narrow and the threshold is too high for action to be taken. It is therefore often a waste of energy and time. Especially when you know the people involved have no intention of changing.

Q15 Who Incident is reported to	Monitoring Officer	Group Leader	Group Whip	Other
Conservatives				
Labour	2			2
Liberal Democrats				
Not Part of a group	1			
Total	3			
Total who reported	4			4
Percent who Reported	75			50

The majority (3 out of 4 or 75%) reported the bullying incident they experienced to the Monitoring Officer. In addition to reporting to designated officers of political groups leaders, two have also chosen to highlight their bullying experience at a Council meeting and on social media.

Q15a

- Labour Other
- I raised it at council and also on social media
- Work and party colleagues

Q16 Happy with how incident was dealt with	Yes	No
Conservatives		
Labour	1	1
Liberal Democrats		
Not Part of a group	1	
Total Happy with how dealt with	2	1
Total who reported	4	4
Percent of Total Happy with how dealt with	50	25

Of those who reported the bullying incident they experienced, half (2 out of 4 or 50%) were happy with how it was dealt with. At least 1 respondent out of 4 or 25% stated that a

negative response and another respondent did not confirm whether they were happy or otherwise with how the bullying incident was dealt with.

18.2. Personally Experienced Discriminatory Incident

Personally Experienced Discriminatory Behaviours	Yes	No	Total
Conservatives	1	8	9
Labour	5	19	24
Liberal Democrats	1	4	5
Not Part of a group		1	1
Total Experienced	7	32	39
Percent of total	18	82	100

A smaller proportion of respondents (7 out of 39 or 18% of total) confirmed that they have personally experienced discriminatory behaviour. The vast majority 32 out of 39 have not personally experienced such behaviours during their term in office.

Q17 Report Discriminatory Incident Experienced	Yes	No	Total
Conservative		1	1
Labour		5	5
Lib Dem		1	1
Not part of a Group		0	0
Total Not reporting		7	
Total who Experience Discriminatory Behaviours		7	
Percent of Total Not reporting		100	

All of those who stated that they have personally experienced discriminatory behaviours have chosen not to report the incident.

Q17a Reasons for Not Reporting Discriminatory Behaviours Experienced

- a. Conservative - No point, which was proved correct
- b. Labour
 - I dealt with it myself and spoke to the individuals concerned
 - I do not feel I have been discriminated against but I have witnessed casual discrimination.
 - It was in full council and observed by the monitoring officer. For me to complain would have appeared as if I was more concerned about treatment of myself than looked after children. I think behaviour like that should be picked up without depending on the affected member raising a complaint
 - There have been several occasions when I have perceived that I've been treated differently because of myself. Sometimes I report to my group, other times, I have probably forgotten.
- c. Lib Dems - Same response as before.

18.3. Personally Experienced 'Other' Unacceptable behaviours

Personally Experienced Other Unacceptable Behaviours	Yes	No	Total
Conservatives	3	6	9
Labour	5	11	16
Liberal Democrats		5	5
Not Part of a group		1	1
Total	8	23	31

Around a quarter of respondents (a total of 8 out of 31 or 26%) confirmed that they have personally experienced 'Other' unacceptable behaviours. Nearly three quarters (23 out of 31 or 74%) stated a negative response

The various types of 'Other' unacceptable behaviours personally experienced by these Members are specified in the Table that follows.

Other Unacceptable Behaviours Experienced	Total
a. Conservative	
• Lack of respect	1
• Personal attacks and rudeness	1
b. Labour	
• A few examples of a lack of due consideration given to my role as a single parent to a young child.	1
• Aggressive bad behaviour	1
• Dishonest smearing during election campaign	1
• Harassment	1
• Overbearing behaviour from some councillors. Sometimes threatening behaviour from residents.	1
c. Liberal Democrat	0
d. I am not part of a Group	0
Total	7

Q20 Report 'Other' Incidents Experienced	Yes	No	Total
Conservative	1	2	3
Labour	2	3	5
Lib Dem	0	0	0
Not part of a Group	0	0	0
Total who reported/not reported	3	5	8
Total who Experienced	8	8	9
Percent of Total who Reported/Not Reported	38	63	89

The majority of those (5 out of 8 or 63% of total) who experienced 'Other' unacceptable behaviours have chosen not to report these incidents. Just over a third of these respondents (3 out of 8 or 38% of total) reported these 'Other' incidents they experienced.

The various reasons most of these respondents have chosen not to report these incidents are outline below

Q20 Reason for not reporting

- a. Conservative
 - Didn't want to made a big deal of it
 - No Point, officers were ignoring my request for assistance
- b. Labour
 - Because of fear of reprisal
 - No point it is a regular problem when Councillors get heated
 - The candidates making the smears on social media wanted the row, making a complaint would be exactly what they wanted, to whinge that they were being silenced
- c. Liberal Democrat – Not applicable
- d. Not Part of a Group – Not applicable

Q21 Who 'Other' Incidents were reported to	Monitoring Officer	Group Leader	Group Whip	Other
Conservative		1	1	
Labour	2			1 reported threat to Security Officer
Lib Dem	0	0	0	
Not part of a Group	0	0	0	
Total to whom Reported	2	1	1	1
Total who reported 'Other' Incident	3	3	3	3
Percent of total who reported	67	33	33	33

Most of the respondents who experienced 'Other' unacceptable behaviours reported the incident to the Monitoring Officer. In addition some of the respondents reported their experience to their Group Leader or Whip and to a Security Officer.

Q22 Happy with how report of 'Other' Incident was dealt with	Yes	No
Conservative	1	0
Labour	1	1
Lib Dem	0	0
Not part of a Group	0	0
Total Happy with how it was dealt with	2	1
Total who Reported 'Other' Incident	3	3
Percent of total who are happy with how Incident was dealt with	67	33

Most of the respondents (2 out of 3 or 67% in total) who reported the 'Other' discriminatory incidents they experienced were happy with how this was dealt with. However, one respondent was not happy with how it was dealt with.

Respondents additional explanatory views relating to how 'Other' discriminatory incidents were dealt with are outlined below.

Q22a Reasons why happy/not happy with how 'Other' incident was dealt with

- a. Conservatives
 - It doesn't seem to stop certain individuals who have been in post a long time
- b. Labour
 - It is unnerving at the time to have house/family referred to and threatened (by a resident). I was offered good support and advice and consider it to be a one-off.

18.4. Witnessed Bullying between Councillors

Q23a Behaviours Witnessed	Bullying Between Councillors	Percent
Conservatives	5	29
Labour	7	41
LibDem	4	24
Not Part of A Group	1	6
Total Who Witnessed	17	100
Total Survey respondents	43	
Percent of Total who Witnessed Bullying between Councillors	40	

When asked whether they have witnessed bullying between Councillors as much as 40% of respondents have confirmed it. The total number witnessing bullying between Councillors (17 or 40% of total) is slightly higher than the number of members confirming that they have personally experienced bullying (15 or 38% of total). This may suggest that some unacceptable behaviours that may not necessarily be personally regarded as bullying could be perceived as a bullying incident by others. It could also suggest that more work need to be done to enable Members to recognise and identify bullying behaviours.

Both results show that a significant proportion in the range 73% and 76% chose not to report. This would suggest that more work may need to be done to encourage most Members to report the bullying incidents that they have experienced and witnessed.

Q24 Report Bullying Between Councillors	Yes	No	Total
Conservatives		5	5
Labour	3	4	7
LibDem	1	3	4
Not Part of A Group		1	1
Total who Reported	4	13	17
Total who Witnessed	17	17	17
Percent of Total who Reported	24	76	100

Only a small proportion (4 out of 17 or 24% of total) confirmed that they reported bullying that they have witnessed between Councillors. A significantly bigger proportion (76%) stated that they did not report the bullying incident between councillors that they have witnessed.

The numbers and proportion of those reported and not reported incidents that they have personally experienced (27% reporting) and have witnessed bullying incidents (24% reporting) are fairly similar. Both results show that a significant proportion (in the range 73% and 76% have chosen not to report. This would suggest that more work may need to be done to encourage most Members to report the Bullying incidents that they have experienced and witnessed.

Various reasons were provided by members on why they chose not to report the incident that they have witnessed as outlined in the Table below:

- a. Conservative (5)
 - I asked them if they wanted me to and they were clear that they did not
 - It was addressed in the chamber
 - It was the norm to be bullying in Council meetings. Some call it the give and take but it used to be worse than that. Slightly improved lately. But a senior officer was maligned in Council recently. Not heard of any action about it.
 - Not up to me to make that call - between the parties involved
 - Parties resolved it amicably
- b. Labour (4)
 - Impossible to report as it was obvious they were only interested in their own opinions
 - It was an issue resolved within the Labour Group
 - Others had already reported it.
 - The councillor concerned didn't want me to
- c. Liberal Democrat (3)
 - I thought it would be reported and was called as an witness
 - I understand the member involved in the incidents reported them themselves.
 - One of the incidents was followed up by the monitoring officer and I have evidence as part of that. The other incident was the subject of a formal complaint by a colleague
- d. I am not part of a Group (1)
 - Being very inexperienced I was not certain what to do. Another occasion the bullying was so public I believed the victim would complain.

Q25 Who you report Bullying Incident Between Councillors	Monitoring Officer	Group leader	Group Whip
Conservative			
Labour	1	1	1

Lib Dems	1		
Not part of a Group			
Total	2	1	1
Total who reported	4	4	4
Percent of Total who Reported	50	25	25

Not all of those who have witnessed bullying incidents between Councillors reported this to the Monitoring Officer. Only half (2 out of 4 or 50% of total) reported to the Monitoring Officer while others have chosen to report to either the Group leader or the Group Whip.

Q26 Happy with how the bullying report was dealt with	Yes	No
Conservative		
Labour	3	
Lib Dems	1	
Not part of a Group		
Total happy	4	0
Total who reported	4	0
Percent Reported	100	0

All the members who have witnessed bullying incidents between councillors confirmed that they were happy with how it was dealt with by the Monitoring Officer and other political group official who have responsibility on the matter.

Q26A Elaborate if happy with how the bullying between Councillors report was dealt

- a. Conservative - Not applicable
- b. Labour
 - A Cllr used social media to mislead the public about the planning process bringing significant aggression against an individual. Even when her error was pointed and she was asked not to continue, as it was causing significant abuse she refused to stop. The MO took it seriously and spoke to the Cllr. I have also seen Cllrs engage with abusive tweets about colleagues including the Cllr mentioned above. To often people speak about bullying but don't recognise it in their own conduct.
 - I wrote to the Whip to express my concern about about the treatment of a male Cllr. I felt confident to do that, knowing I would be listened to and taken seriously.
 - Over the years within big groups some interpersonal issues have arisen that either I witnessed or was told about. Mostly resolved.
- c. Lib Dem
 - The person involved apologised and although I never saw another incident occur, the underlying attitude prevails.

18.5. Witnessed Discrimination between Councillors

Q23a1 Behaviours Witnessed	Total Discriminatory Behaviours Between Councillors	Percent
Conservatives	1	20
Labour	2	40
LibDem	2	40
Not Part of A Group	0	0
Total	5	100
Total respondents	43	
Percent who Witnessed	12	

A small proportion of respondents confirmed that they have also witnessed discriminatory behaviours between Councillors. In total 5 out of 43 respondents (12%) have confirmed witnessing these type of incidents.

Q30 Report the discrimination between Councillors that you witnessed	YES	NO
Conservatives	1	
Labour		2
Lib Dem		2
Not Part of a Group		
Total who Reported	1	4
Total who Witnessed	5	5
Percent of Total who Witnessed	20	80

Of those who confirmed having witnessed discriminatory behaviours between Councillors, only 1 out of the total 5 (20%) stated that they reported the incident they witnessed. The majority (80%) of these respondents chose not to do so.

Q30a Reason for Not Reporting

- a. Conservatives
- b. Labour
 - Others had already reported it
 - Pointless
- c. Lib Dems
 - as previous response
 - Sometimes it happens in the open and people call it out at the time. This should still be followed up but doesn't seem to be.

Q31 To whom Discrimination between Councillors Incident was reported to	Monitoring Officer	Group leader	Group Whips	Other
Conservative				1

				The party involved
Labour				
Lib Dem				
Not Part of a Group				
Total				1
Total who Reported				1
Percent of Total who Reported				100

The only respondent who reported the discriminatory incident between Councillors that he/she had witnessed did not report these to the Monitoring Officer or to any of the Political Group leads, Instead the incident was reported to the political group or 'party involved'

Q32 happy with how discrimination report was dealt with	Yes	No
Conservatives	1	
Labour		
Lib Dem		
Not Part of a Group		
Total	1	
Total reported	1	
Percent of Total Happy with how Report was Dealt with	100	

Although the incident witnessed between councillors was reported via the formal channel, the respondent confirmed that they were happy with how it was dealt with.

18.6. Witnessed 'Other' Unacceptable behaviours between Councillors

Q23 Behaviours Witnessed	Other Unacceptable Behaviours Witnessed Between Councillors	Percent
Conservatives	3	60
Labour	2	40
LibDem	0	0
Not Part of A Group	0	0
Total who Witnessed	5	100
Total respondents	43	
Percent who Witnessed	12	

When asked whether they had witnessed any 'Other' unacceptable behaviours between Councillors, only a small number of respondents gave a positive response. In total only 5 out of 43 (12%) of respondents confirmed witnessing such incidents.

Q36 Report the 'Other' unacceptable behaviours between Councillors Witnessed	Yes	No
Conservatives	3	
Labour		2

Lib Dem		
Not Part of a Group		
Total who reported Other	3	2
Total who Witnessed	5	5
Percent of Total who Witnessed and Reported	60	40

More than half (3 out of 5 or 60% of total) of those who have witnessed 'Other' unacceptable behaviours between Councillors have reported it. Only two respondents (40%) did not report 'Other' incidents that they had witnessed.

Those who chose not to report the incidents they witnessed cited various reasons as outlined below.

Q36a Reasons for not Reporting

- a. Conservative
- b. Labour
 - I believe that the incidents were either reported by the members targeted, or they said they did not want it reported
 - Sometimes I discussed with group. Other times, the behaviour of one opposition councillor is so consistently poor it is difficult to report everything.

Q37 Who Incident was reported to	Monitoring Officer	Group leader	Group Whip	Other
Conservatives		2	1	1 Committee Chair
Labour				
Lib Dem				
Not Part of a Group				
Total		2	1	
Total who reported		3	3	
Percent who Reported and to Whom		67	33	

Those who have witnessed 'Other' unacceptable behaviours between Councillors did not report this to the Monitoring Officer. Instead, they reported the incidents they witnessed to either Political Group Leader and/or Group Whip

Q38 Happy With How Other Incidents Was Dealt With	Yes	No
Conservatives	2	1
Labour		
Lib Dem		
Not Part Of A Group		
Total Who Are Happy	2	1
Total Who Reported	3	3
Percent Happy Who Reported	67	33

The majority (2 out of 3 or 67% of Total) of those who reported 'Other' unacceptable behaviour incidents that they witnessed between Councillors confirmed that they were happy with how it was dealt with.

Q38A Elaborate

- a. Conservatives
 - I felt supported and the issue was addressed
 - The actions were not repeated.
 - there appears to always be a loop hole that the individual who has acted incorrectly doesn't get addressed.
- b. Labour
- c. Lib Dem
- d. Not Part of a Group

Q28 Who Bullying Incident was reported to	Monitoring Officer	Group Leader	Group Whip	Other
Conservative				
Labour	1		1	1 Chief Executive
Lib Dems				
Not part of a Group				
Total	1		1	1
Total who reported	3		3	3
Percent of Total reported to Authority	33		33	33

Of the three respondents who witnessed the bullying incident between Councillors and Officers, only 1 (33%) reported this to the Monitoring Officer. One of the respondents reported the incident they witnessed to the Political Group Whip, and the other respondent reported it to the Chief Executive.

Q29 Happy with how the report was dealt with	Yes	No
Conservative		
Labour	2	1
Lib Dems		
Not part of a Group		
Total Happy	2	1
Total who reported	3	3
Percent happy who Reported	67	33

Most of the respondents (2 out of 3 or 67% of Total) who reported the bullying incidents they witnessed between Councillors and Officers were happy with how the incident was dealt with. Only one of those who reported (33% of total) the incident witnessed indicated that they were not happy with how it was dealt with.

Additional information provided by respondents on why they were happy or unhappy with how the incident was dealt with is outlined below.

Q29a Elaborate why happy or not Happy with how incident was dealt with

- a. Conservatives
- b. Labour
 - I raised with the monitoring officer persistent use of social media to encourage aggression towards planning officers
 - not sufficient
- c. Lib Dems
- d. Not part of a group

18.7. Witnessed Discriminatory Behaviours between Councillors and Officers

Q23a1 Behaviours Witnessed Discriminatory behaviours between Councillors and Officers	
Conservatives	1
Labour	
LibDem	
Not Part of A Group	
Total	1
Total respondents	43
Percent who Witnessed	2

Only 1 of the respondents confirmed that they had witnessed discriminatory behaviours between Councillors and Officers

Q33 Report the discrimination between Councillors and Officers that you witnessed	Yes	No
Conservatives		1
Labour		
Lib Dem		
Not Part of a Group		
Total reporting		1
Total Witnessing		1
Percent of Total Witnessing and Reporting		100

The respondent who have witnessed the discriminatory incident between Councillors and Officers did not report it. The reason for not reporting the witnessed incident is outline in the Table that follows.

Q33a Reason for not reporting discriminatory behaviours witnessed between Councillors and Officers

- a. Conservative - As I said, no point
- b. Labour
- c. Lib Dem
- d. Not Part of a Group

18.8. Witnessed 'Other' Unacceptable Behaviours (Councillors and Officers)

Q231.b Behaviours Witnessed - Witnessed Other Unacceptable Councillors and Officers		Total
Conservatives	1	50
Labour	1	50
LibDem		
Not Part of A Group		
Total who Witnessed	2	100
Total respondents	43	
Percent who Witnessed	5	

Only two respondents confirmed that they had witnessed 'Other' unacceptable behaviours between Councillors and Officers.

When asked whether they reported the incidents they witnessed only one of the above respondents stated that they reported it.

Q39 Report the 'Other' unacceptable behaviours between Councillors and Officers that you witnessed	Yes	No
Conservatives		1
Labour		
Lib Dem		
Not Part of a Group		
Total		1
Total 'Other Unacceptable Behaviours witnessed		1
Percent of Witnessed 'Other' Unacceptable behaviours not reported		100

The respondent did not report the incident they witnessed because they 'did not feel that they were in the position to do so.

Q39a Why incident was not reported

- a. Conservatives - I didn't feel in a position to do so`
- b. Labour
- c. Lib Dem
- d. Not Part of a Group

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**CARDIFF COUNCIL
CYNGOR CAERDYDD**



STANDARDS AND ETHICS COMMITTEE:

22nd JUNE 2022

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

**DRAFT STATUTORY GUIDANCE ON STANDARDS OF CONDUCT
and DISCLOSURE OF MEMBERS' HOME ADDRESSES IN THE
MEMBERS' REGISTER OF INTERESTS**

Reason for this Report

1. To inform the Committee of the Welsh Government draft statutory guidance on:
 - (i) the new duties of political group leaders in relation to standards of conduct and corresponding new duties placed on standards committees (introduced by Part 4 of the Local Government and Elections (Wales) Act 2021, 'the 2021 Act'); and the response submitted by the Monitoring Officer; and
 - (ii) other parts of the 2021 Act (within consolidated guidance referred to as 'the Democracy Handbook', most of which falls outside of the remit of the Standards and Ethics Committee), in respect of potential implications of disclosure of Members' home addresses in the Members' Register of Interests.

Background

2. The Local Government Act 2000, Part III (and regulations made thereunder) sets an ethical framework for the conduct of local government members. Key components of the ethical framework include the statutory Members' Code of Conduct, which sets out the duties imposed on all elected and co-opted Members; and the statutory provisions relating to Standards Committees, established to promote and maintain high standards of conduct by the members and co-opted members of the authority.
3. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), Part 4 introduced certain changes to the statutory ethical framework which took effect from 5th May 2022. The legislative changes were reported to the Committee on 3rd March 2021 in the report titled 'Statutory Ethical Framework – New Legislation', and include:

- (a) New duties for leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by members of their group, and to co-operate with the standards committee in the discharge of its functions; and
 - (b) New duties for standards committees to monitor the compliance of political group leaders with their new duties; and for advising and training (or arranging training) of political group leaders in relation to those duties (referred to in paragraph (a) above); and to submit an annual report to full Council.
4. In complying with the new duties, political group leaders and standards committees must have regard to any guidance issued by the Welsh Ministers.

Issues

5. On 21st February 2022, the Welsh Government issued a consultation on draft statutory guidance on the new standards of conduct duties set out in the 2021 Act and invited responses by 16th May 2022: [Consultation on the Local Government and Elections \(Wales\) Act 2021: standards of conduct statutory guidance \[HTML\] | GOV.WALES](#)
6. The draft statutory guidance states that the purpose of the new provisions is ‘to ensure leaders of political groups in principal councils, supported by standards committees, promote and maintain high standards of conduct by the members of their group’; and notes that they ‘support the Welsh Government’s wider commitment to equality and diversity in public life’, within the context of other initiatives seeking to ensure councils ‘demonstrate an open and welcoming culture to all’ and promoting ‘civil, constructive and respectful political discourse’.
7. It makes clear that ‘The duty does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility. However, they do have a role in taking reasonable steps in maintaining standards, setting an example, using their influence to promote a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues as soon as they arise.’ The draft guidance goes on to list a number of reasonable steps the group leader *may* undertake and warns that ‘A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code (see the Ombudsman’s Guidance).’
8. The Committee may wish to note that the Ombudsman’s Guidance on the Code of Conduct includes the following in this regard:

‘2.32 When considering whether a member’s conduct is indicative of bringing their office or their authority into disrepute, I will consider their actions from the viewpoint of a reasonable member of the public. It is likely that the actions of those members in more senior positions, such as the Leader, an Executive Member of Committee Chair, will attract higher public expectations and greater

scrutiny than ordinary members. It is more likely, therefore, that inappropriate behaviour by such members will damage public confidence and be seen as bringing both their office and their authority into disrepute. This does not mean that inappropriate behaviour by ordinary members can never bring their authority into disrepute.’

9. In relation to the duty for political group leaders to co-operate with the standards committee, the new draft guidance issued by the Welsh Government says that ‘Leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate ones. Group leaders should also report compliance with their duty to the standards committee. This can take the form of a short letter or report at a frequency agreed by the political group leaders in the council and its standards committee. Group leaders should also report any serious concerns about members’ behaviour which have not been remedied by informal actions, in line with the requirement in the Code for councillors to report breaches.’
10. The draft guidance on the standards committee’s new duty to monitor group leaders’ compliance with their duties correspondingly says that ‘a council’s political group leaders and its standards committee should agree on the form and frequency of a report from each group leader to the standards committee. The standards committee should then consider each report and provide feedback to the group leaders.’ A draft proforma for the group leaders’ report to the standards committee is attached for the Committee’s consideration as **Appendix A** to this report. In terms of the frequency of the report, the Committee may consider it appropriate to suggest an annual report be submitted prior to the Committee’s annual meeting with the group leaders.
11. With regard to providing training for group leaders on their new duties, Members will note that the draft guidance says ‘At the start of each administration this should take place within six months of the election and be reviewed at least annually.’ Within the Member Induction Programme 2022, the Monitoring Officer has included an overview of group leaders’ new duties as part of the Code of Conduct training sessions, and further specific training sessions will be arranged in due course. The annual meeting with group leaders may be an appropriate time to review and discuss training needs. The Committee will note that the next meeting with group leaders and whips is currently scheduled for Autumn 2022.
12. The Committee will note that the draft guidance includes prescribed contents for the Committee’s annual report to full Council, which largely reflects the contents of the reports the Committee has been submitting to Cardiff Council for over the last fifteen years, with the addition of the Committee’s assessment of compliance with the new duties under the 2021 Act, as set out in this report. The new legal requirements will be reflected in the Committee’s next annual report, scheduled for consideration in the Autumn.
13. The Monitoring Officer’s view is that, overall, the draft statutory guidance is helpful for understanding the scope of the new duties and how to fulfil them.

As the Welsh Government's deadline for consultation responses on the draft statutory guidance was 16th May 2022, the Monitoring Officer has submitted a response on behalf of Cardiff Council, which is attached as **Appendix B**, for information. The Committee is invited to endorse the response and provide any other comments, as appropriate.

Other Draft Statutory Guidance (Democracy Handbook)

14. To support other parts of the 2021 Act provisions, aimed at promoting diversity, involvement and participation in Councils, the Welsh Government has also issued for consultation a consolidated set of draft statutory guidance (being referred to as part of 'the Democracy Handbook'): [Local Government Guidance for Principle Council Consultation document - \(Final version\)](#) This includes guidance on Members' support, training and development; participation strategies and petition schemes; and political governance. The deadline for this consultation is 22nd July 2022.
15. Whilst most of this guidance falls outside the remit of the Standards and Ethics Committee, Chapter 2, 'Training, Development and Support for Elected Members' does refer to the potential well-being and safety implications of publishing Members' home addresses in the Members' Register of Interests. The relevant parts of the draft guidance are as follows:

'2.30 Councils should take every opportunity to support the well-being and personal safety of councillors and their families and should note carefully legislation which requires councils to provide councillors with an office contact address, both electronic and postal, (section 43 of the 2021 Act) to ensure members' privacy and that of their families is preserved and protected. This is critical to member's well-being and encouraging and supporting a diversity of membership which reflects the diversity in the council's area.

2.31 The Welsh Government considers the protection of members addresses should be a priority for councils to support their members' well-being and promote diversity of membership. Therefore, the Local Authorities (Amendments Relating to Publication of Information) (Wales) Regulations 2022 amend sections 100G (4) of the Local Government Act 1972 and the Regulation 12 (1) of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 to remove the requirement to make the register of members addresses and the register of members of the executive addresses available for public inspection.

2.32 It is, of course, important that the public are aware of the interests members may have or hold, in particular where those interests could influence the decisions they may be involved in making in their role or roles on the council. Therefore, Part 4, paragraph 15 of the Model Code of Conduct requires members to register personal interests in the authority's register of members interests falling within a category mentioned in paragraph 10(2)(a), by providing written notification to the members' authority's monitoring officer. This includes any land and property in the authority's area in which members have a beneficial interest (or a licence to occupy for more than 28 days).

2.33 The Welsh Government is therefore mindful of the need to protect members' safety and welfare, whilst ensuring all relevant interests are captured and openness and transparency is maintained. However, it is the view of the Welsh Government that

while members have an obligation to declare interests and not to participate in or influence council business, there is no requirement for members to include their full primary address (or any other address) when registering beneficial interests in land in the authority's area. It would be sufficient for members to state that they own a property in the authority's area (for example identifying the road or ward), in order to discharge their duties under paragraph 15 of the Code.

2.34 In addition, councils are reminded, under paragraph 16 of the Model Code, members, with their agreement, need not include information relating to any of the members' personal interests that is deemed sensitive information. In the code, "sensitive information" means the availability of the information for inspection by the public creates, or is likely to create, a serious risk that the member or a person who lives with the member may be subjected to violence or intimidation.'

16. The consultation on the draft guidance, Question 6, asks:

'Do you have any comments on the view of the Welsh Government that whilst members must register their home as a beneficial interest under the Code of Conduct, there is no statutory requirement for the register of members' interests to be published including the home addresses of members?'

17. In considering this matter, the Committee will note that the Code of Conduct requires Members to register a description of 'any land and property in the authority's area in which you have a beneficial interest (or a licence to occupy for more than 28 days).'

18. The power to issue guidance in relation to Code of Conduct duties rests with the Public Services Ombudsman for Wales (under s.68 of the Local Government Act 2000). The Ombudsman's Guidance on the Code of Conduct (paragraph 4.5) states that:

'When you are completing your Register of Interests your Monitoring Officer will be able to assist you on how best to describe your interests. The description must be clear enough to maintain openness and public confidence in any business of the Council you may influence or decisions you take on behalf of the Council, whilst also protecting your personal information and safety. For example, when describing property which you own or rent which you live in, the description may include the street name or postcode in which your property is situated (as opposed to your full address).'

19. The explanatory notes provided for Cardiff Councillors on the Members' Register of Interests refers to the guidance provided by the Ombudsman, making clear that full home addresses do not need to be provided, and that a street name or postcode will suffice.

20. In considering the Welsh Government's consultation Question 6 (set out in paragraph 15 above), the Committee may wish to note the following points:

(a) The WG draft guidance (paragraph 2.33) indicates that identifying the *ward* in which property is located may be sufficient to discharge a Member's duties under the Code of Conduct; whereas the Ombudsman's guidance refers to the *street name* or *postcode*. The Monitoring Officer's view is that the ward may be too large an area to sufficiently identify a Member's

property interest, however members are understandably cautious about disclosing their street name and address because of incidents of violence and harassment against those in public life, such as the murders of Jo Cox MP and David Amess MP, and less severe incidents which have occurred locally and which are distressing to the targeted elected member and members of their family. As it is the individual member's decision about what to include in their register of interests (the Monitoring Officer offers advice) she refers members to the ombudsman's guidance on this, and allows them to complete their register of interests as they see fit, which may be just stating the relevant ward. It is worth noting that where a member can show that the availability of this information for inspection by the public creates, or is likely to create, a serious risk that they or a person who lives with them may be subjected to violence or intimidation, and the Monitoring Officer agrees with that, we do not have to include any information about a member's home address on the register. The Monitoring Officer has taken the view that in order to balance the public interest in openness and accountability with understandable security concerns, for a member to show that there is or is likely to be a serious risk of violence or intimidation, justifying no information being included on the register, as opposed to the ward area they live in, there should be evidence of security concerns.

- (b) There is separate legislation requiring a register of Members' addresses (referred to in paragraph 2.31 of the WG draft statutory guidance), which has been amended to provide that Members' full addresses must be included in the register kept by the Council, but do not have to be included in the published register. The legislative requirements governing the Members' Register of Interests have not been similarly amended, so whatever information is entered on the Register is required to be published. Members will note that the Ombudsman's guidance indicates that full home addresses do not need to be included in the Register of Interests, and no distinction is made between the Register held by the Council and the published Register.
- (c) The Members' Code of Conduct requires Members to register all property interests in Cardiff, including home address/es, business addresses and rental property. The Ombudsman's guidance indicates that 'The description must be clear enough to maintain openness and public confidence in any business of the Council you may influence or decisions you take on behalf of the Council, whilst also protecting your personal information and safety.' Whilst the example given refers to a Member's residence, it is understood that this is not restrictive, and the same safety considerations may apply to a Member's business address/es.

- 21. The Committee may wish to prepare a response to consultation question 6, to reflect the Committee's views on the above, and to submit it in response to the consultation.

Legal Implications

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

Financial Implications

23. There are no direct financial implications arising from this report. Any costs of providing training and advice for political group leaders are to be met from the allocated budget.

RECOMMENDATIONS

The Committee is recommended to:

- (1) Note the information set out in the report and appendices;
- (2) Agree the proforma Group Leader's Report to Standards and Ethics Committee at **Appendix A**, with any agreed amendments, and the proposed frequency of reporting (annual);
- (3) Agree that the completed proforma Group Leader's Reports (**Appendix A**, with any agreed amendments) should be discussed at the next meeting with group leaders and whips, scheduled for Autumn 2022;
- (4) Endorse the Consultation Response submitted by the Monitoring Officer, **Appendix B**; and
- (5) Provide any comments to be submitted on behalf of the Committee in response to the WG consultation on the Democracy Handbook, in relation to the disclosure of Members' addresses in the Members' Register of Interests (paragraph 15 of the report), and authorise the Monitoring Officer, in consultation with the Chair, to finalise a response to be submitted on behalf of the Committee.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

16th June 2022

Appendices

Appendix A Group Leader's Report to Standards and Ethics Committee (draft)

Appendix B WG Consultation, Guidance on Standards of Conduct, MO's Response

Background papers

Ombudsman's Guidance on the Members' Code of Conduct: [General : 27 FINAL](#)

[Investigation Report Template s21 casework support only \(ombudsman.wales\)](#)

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GROUP LEADER'S REPORT TO STANDARDS AND ETHICS COMMITTEE

POLITICAL GROUP NAME:

LEADER'S NAME:

Number of complaints received by MO about group members in last year:

How many members are in your Group?

How many complaints have you received about the conduct of members of your group?

Please give a brief description of the subject matter of these complaints and action you have taken in relation to these complaints?

DRAFT

The training record for members of your group is attached.

PLEASE CONFIRM THE STEPS YOU'VE TAKEN TO: (I) PROMOTE AND MAINTAIN HIGH STANDARDS OF CONDUCT BY MEMBERS OF YOUR GROUP; AND TO (II) CO-OPERATE WITH THE STANDARDS & ETHICS COMMITTEE IN THE DISCHARGE OF ITS FUNCTIONS:

	STEPS TAKEN	PLEASE TICK ANY THAT APPLY	ANY COMMENTS
1.	Demonstrating personal commitment to and attending relevant development or training on the Member Code of Conduct and equalities		
2.	Encouraging group members to attend relevant development or training on the Member Code of Conduct and equalities		
3.	Asking nominees to a committee to ensure they have attended the recommended training for that committee		
4.	Promoting civility and respect at all times, including on social media, within group communications (including group whatsapps) and meetings and in formal Council meetings		
5.	Promoting informal resolution procedures in the council, and working with the Standards & Ethics Committee and Monitoring Officer to achieve local resolution		

6.	Promoting a culture within the group which supports high standards of conduct and integrity		
7.	Attend a meeting of the Standards & Ethics Committee if requested to discuss Code of Conduct issues		
8.	Support any action taken by the Standards & Ethics Committee in relation to a Member found in breach of the Code; and work to implement any recommendations from the Committee about improving standards		
9.	Work together with other group leaders, within reason, to collectively support high standards of conduct within the Council and in public life generally		
10	Report any concerns about Members' behaviour which have not been remedied by informal actions, in line with the duty to report breaches of the Code of Conduct		
11	Any other steps (please outline any other steps taken)		

HAVE ALL YOUR GROUP MEMBERS COMPLETED ALL MANDATORY TRAINING?

YES / NO (please delete as applicable)

(If NO, please tell us how many Members have not completed all mandatory training, brief reasons and any action being taken to address this)

PLEASE TELL US IF THERE ARE ANY OUTSTANDING ISSUES OR CONCERNS YOU WISH TO RAISE WITH THE STANDARDS & ETHICS COMMITTEE:

WHAT, IF ANY, TRAINING HAVE YOU UNDERTAKEN TO SUPPORT THE DISCHARGE OF YOUR GROUP LEADER DUTIES IN RELATION TO STANDARDS OF CONDUCT?

PLEASE TELL US IF THERE IS ANY FURTHER TRAINING YOU WOULD FIND HELPFUL TO ASSIST YOU TO DISCHARGE THESE DUTIES?

Thank you!

Draft Statutory Guidance – Standards of conduct

Your name: Davina Fiore, Director of Governance and Legal Services and Monitoring Officer

Organisation (if applicable): Cardiff Council

Email: [REDACTED]

Your address: County Hall, Atlantic Wharf, Cardiff CF10 4UW

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Question 1: Does the draft guidance make it clear what is expected of leaders of political groups in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by leaders of political groups in principal councils?
If not, why not?

Response: *The new duties and the draft guidance broadly reflects established informal practice in Cardiff, and is a welcome endorsement. The list of reasonable steps the group leaders may undertake to promote and maintain high standards of conduct is helpful in clarifying the expectations of group leaders. Whilst it is acknowledged that the group leaders' duty to co-operate with the standards committee is a separate duty, it may be helpful to have one composite list of actions group leaders may undertake to fulfil their new duties under the 2021 Act (to include reporting to the standards committee on compliance with their duty, to assist the committee to discharge its monitoring function).*

Question 2: Does the draft guidance make it clear what is expected of Standards Committees in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by Standards Committees?
If not, why not?

Response: *The guidance in relation to how the committee may discharge its monitoring role (by considering a compliance report prepared by each group leader) is helpful.*

However, whilst the legislation places two separate duties on group leaders ((i) promoting and maintaining high standards of conduct; and (ii) co-operating with standards committees in relation to their functions – LGA 2000, s52A(1)), and gives the standards committee responsibility for monitoring compliance with, and providing training for, both of these duties (LGA 2000, s54(2A)), the guidance for standards committees appears to refer only to the group leaders' duty in relation to promoting and maintaining high standards of conduct. This should be corrected / clarified.

The timescale for this consultation has, unfortunately, not allowed sufficient time for our Standards and Ethics Committee to formally consider the draft guidance. This matter will be reported to the next Committee meeting, which is scheduled for 22nd June.

Question 3: We would like to know your views on the effects that the guidance would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Response: *We are not aware of any differential effect.*

Question 4: Please also explain how you believe the guidance could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and have no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Response: *To promote a positive effect, the guidance could reiterate that Members must, when carrying out their duties, have regard to the principle of equal opportunity for all people, and note that this includes ensuring equal opportunities for Welsh language speakers.*

Question 5: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response to express your views.

Response: *No further comments.*

STANDARDS & ETHICS COMMITTEE:**22nd JUNE 2022**

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

**COMMITTEE MEMBERSHIP – VACANCY FOR COMMUNITY
COUNCIL MEMBER; AND ELECTION OF CHAIR AND VICE-CHAIR**

Appendix A to this report is Exempt from Publication, pursuant to the Local Government Act 1972, Schedule 12A, Part 4, paragraphs 12 and 13

Reason for this Report

1. To note the vacancy which has arisen for the Community Council member of the Committee, and agree arrangements for a selection process to fill the vacancy; and elect a Chairperson to take office after the expiry of the current Chair's term of office, and a Vice-Chairperson if that position should subsequently become vacant.

Background

2. The Constitution provides that the Standards & Ethics Committee shall have five independent members, three county councillors and one community councillor – Constitution Article 9.2(a).

Issues

3. The term of office of Community Councillor Stuart Thomas ended on 5th May 2022. Community Councillor Thomas has confirmed that he does not wish to be re-appointed for a further term of office; and a vacancy has therefore arisen.
4. The composition of the Standards and Ethics Committee is governed by the Standards Committees (Wales) Regulations 2001, as amended ('the 2001 Regulations'). Under the 2001 Regulations (Regulation 10(3)), the Council is required to consult with all community councils in its area and One Voice Wales, the organisation which represents community councils in Wales, before appointing the community council member of its standards committee. The community council member must be a community councillor in Cardiff and must not also be a Cardiff county councillor.

5. The Monitoring Officer has duly written to the Clerks of the six Community Councils in Cardiff, inviting each Council to submit a nomination/s for this position. Nominees have been asked to complete an Expression of Interest providing information about themselves. It has been explained that if more than one nomination is received, the Council will need to carry out a selection process to select the best candidate for the role.
6. The appointment of the community council member of the Standards and Ethics Committee requires approval by full Council.
7. One Voice Wales has also been consulted about this matter and has confirmed that it is content that the Council has sought nominations from each of the Community Councils in Cardiff, and has no further comments in this regard.
8. A total of 3 nominations have been received. The completed Nomination Forms and Expressions of Interest for each nominee are appended as **Appendix A (Exempt from Publication)** for the Committee's information.
9. The Committee is recommended to establish an Appointments Panel, comprised of three Committee members, at least two of whom should be independent members, to shortlist and if necessary, to interview all nominees who meet the eligibility criteria for the role, and to recommend a suitable appointment to full Council.
10. It is recommended that the Committee should also take this opportunity to recommend the appointment of a substitute community council member, to sit on any Hearings Panel which may be convened to determine a complaint about a community councillor (on referral from the Ombudsman) in any case in which the community council member may have a conflict of interests (for example, if the complaint involves a community councillor from their own council).
11. The substitute community council member would need to be from a different community council to the appointed member to minimise the risk of both community councillors having a conflict of interests in the same case. The appointment of a substitute should ensure appropriate community council representation on any Hearings Panel considering a complaint about a community councillor.
12. Although the 2001 Regulations make no explicit provision for the appointment of a substitute community council member of the standards committee, caselaw indicates that the appointment of substitute committee members is generally permissible (*The Queen on the Application of Doug Carnegie (On Behalf of the Oaks Action Group) v London Borough of Ealing v Action Regeneration Group Limited*, 2014; and *The Queen (on the application of Peter Higham) v Cornwall Council v A J Venning, Clean Earth Energy Wind Investments Ltd*, 2015).
13. However, as there is currently no provision in the Constitution (Article 9, The Standards and Ethics Committee) for a substitute community council member, the Constitution will need to be amended, with the approval of full Council, to

allow for this. The recommended Constitution amendments may be reported to Council for approval, along with the recommended appointments.

14. The Regulations provide that the community council member's term of office shall end on the date of the next ordinary local government elections; but may be extended on reappointment for one further consecutive term, following consultation with the community councils and One Voice Wales.

Chairperson of the Committee

15. The term of office of the Chair is due to expire on 23rd June 2022; and the Committee therefore needs to elect a new Chair (and possibly, Vice-Chair, should that position become vacant) to take up the position after this date. The Chair and Vice-Chair must be elected from amongst the independent members of the Committee for a period of between four and six years or until their term of office as an independent member of the Committee comes to an end, whichever is shorter. Nominations are invited for the position of Chair; and, if the position of Vice-Chair may subsequently become vacant, nominations are also invited for the position of Vice-Chair.

Legal Implications

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

Financial Implications

17. The remuneration of Members of the Standards and Ethics Committee will be in accordance with the Members' Schedule of Remuneration, aligned to the levels prescribed annually by the Independent Remuneration Panel for Wales. Funding will be met from existing budgets.
18. In the event of any financial costs arising as a result of the appointment process, then the funding will be found from within existing Council resources.

RECOMMENDATIONS

The Committee is recommended to:

1. Note the information set out in this report and **Appendix A (Exempt)**;
2. Agree the establishment of an Appointments Panel, comprised in accordance with paragraph 9 of the report, with delegated authority to shortlist and, if necessary, to interview eligible nominees for the position of community council member of the Standards and Ethics Committee, and make recommendations on appointment;
3. Authorise the Monitoring Officer, in consultation with the Chair, to make all necessary administrative arrangements for the selection process, including convening of the Appointments Panel and scheduling of interviews;

4. Recommend the appointment of (i) a community council member; and (ii) subject to approval of the required constitution amendments, a substitute community council member to discharge the role in any case in which the community council member has a conflict of interests, as set out in paragraphs 10-11 of the report;
5. Note that the recommendations of the Appointments Panel on the appointment of the community council member and a substitute community council member, along with the recommended Constitution amendments, will be submitted to full Council for approval; and
6. Receive nominations and elect a Chairperson for a term of four years or until the member's term of office on the Committee comes to an end if this is sooner; and if the position of Vice-Chair should subsequently become vacant, to appoint a Vice-Chairperson for a similar term of four years or until the member's term of office on the Committee comes to an end.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

8th June 2022

Appendices

Appendix A Community Council Member Nominations
and Expressions of Interest – Exempt from Publication

Background papers

Correspondence with Community Council Clerks seeking nominations; and consulting One Voice Wales

By virtue of paragraph(s) 12, 13 of Part(s) 4 and 5 of Schedule 12A of the Local Government Act 1972.

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**STANDARDS AND ETHICS COMMITTEE:****22nd JUNE 2022**

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

OBSERVATION OF MEETINGS**Reason for this Report**

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

Background

2. The Committee has agreed that observation of Council, Committee and Community Council meetings is helpful for members, in particular the Independent Members of the Committee, to gain experience of the Council and Committee processes, and to provide opportunities for first hand feedback to the Committee of any issues relating to standards and conduct.
3. The Committee has approved a feedback proforma for use by the Members of the Committee when observing meetings. Members have been asked to complete a form for each meeting they attend and submit it for consideration at the next appropriate Committee meeting.

Issues

4. Meeting observation feedback has been received in respect of the meetings of three different Community Councils (held in February, March and April 2022) and Cardiff Council's Planning Committee (April 2022). The completed observation forms are appended as **Appendix A**.
5. Members will note that some of the meetings observed were held virtually (remotely), in part or fully, using video conferencing facilities, in line with the provisions of the Local Government and Elections (Wales) Act 2021, which requires all authorities (including principal authorities and community councils) to make arrangements to allow remote attendance at their meetings.

6. Members will be pleased to note that the feedback is very positive overall in relation to standards of conduct as well as the management of the meetings and access to information. The feedback has been shared with the Clerks to the respective Community Councils and the Chair of the Planning Committee, as applicable.
7. Details of all forthcoming Council, Committee and Cabinet meetings are listed in the calendar of meetings, which is regularly circulated to Standards and Ethics Committee members and is published on the Council's website, here: <http://cardiff.moderngov.co.uk/mgCalendarMonthView.aspx?GL=1&bcr=1&LLL=0> Independent members, and in particular, newly appointed members, are encouraged to observe a full Council meeting and a Committee meeting.
8. Details of forthcoming Community Council meetings are published on the respective Councils' websites. Members are similarly encouraged to observe a Community Council meeting. Members are advised to contact the Clerk to confirm the meeting is going ahead and to check arrangements for attending. Community Council website links and Clerks contact details are accessible here: <https://www.cardiff.gov.uk/ENG/Your-Council/Voting-and-elections/Community-councils/Pages/Community-councils.aspx>

Legal Implications

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

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

- (1) Note the meeting observation feedback received, as set out in **Appendix A** to the report and make any comments considered appropriate;
- (2) Instruct the Monitoring Officer to share the feedback and any comments made by the Committee with the relevant Clerk to the Community Council or Committee Chair, as appropriate; and
- (3) Continue to observe meetings of the Council, Committees and Community Councils and provide feedback to the Committee.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

18th May 2022

Appendix

Appendix A Meeting Observation Feedback Forms for Radyr and Morganstown, Lisvane and Tongwynlais Community Councils; and Cardiff Council Planning Committee

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STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	RADYR AND MORGANSTOWN COMMUNITY COUNCIL MEETING
Date:	17/2/22 at 7.00 pm

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Meeting held virtually via Zoom
Name plates/ identification of Committee; Witnesses and Officers:	All members were on screen for the duration of the meeting
Ability to hear proceedings:	The proceedings could be heard very well with no difficulty
Agenda and reports availability:	The agenda and all reports were available prior to the meeting on the Council website
Management of meeting:	The meeting was chaired very effectively
Clarity of decision making:	Decisions were clearly defined

Possible Code of Conduct/ Standards and Ethics Issues:

I do not believe that I observed any issues that would concern the Standards and Ethics Committee.

All members treated each other with respect and behaved in a professional manner

I agree that my feedback can be shared with the Council

Name:	ARTHUR HALLETT
Date:	18/2/22

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STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	Tongwynlais Community Council
Date:	28 th March 2022, 19:30 to 20:30

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Boardroom style layout
Name plates/identification of Committee; Witnesses and Officers:	No name plates - the Chair asked everyone to introduce themselves at the start of the meeting.
Ability to hear proceedings:	No issues
Agenda and Reports availability:	I was advised that papers were sent out in advance – papers were not received by me until the weekend before the meeting due to a delay in notifying the Clerk of my attendance.
Management of Meeting:	Very good.
Clarity of decision making:	Very good.

Possible Code of Conduct/Standards and Ethics Issues:
No issues to report.

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

Name:	
Date:	28 th March 2022

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STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	Planning Committee
Date:	6 th April 2022, 13:30 to 16:45

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	N/a – meeting held via Teams
Name plates/identification of Committee; Witnesses and Officers:	Names were clearly displayed on screen for all attendees.
Ability to hear proceedings:	No issues
Agenda and Reports availability:	Papers were available in advance
Management of Meeting:	Very good
Clarity of decision making:	Very good

Possible Code of Conduct/Standards and Ethics Issues:
No issues to report.

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

Name:	
Date:	6 th April 2022

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STANDARDS AND ETHICS COMMITTEE

FEEDBACK ON OBSERVATIONS OF COUNCIL & COMMITTEE MEETINGS

Meeting:	Lisvane Community Council
Date:	11 th April 2022, 19:30 to 20:30

Please provide feedback on the following:

<u>Topic</u>	<u>Comments</u>
Room Layout:	Board Room style layout with conference phone to allow individuals to attend remotely.
Name plates/identification of Committee; Witnesses and Officers:	All attendees had name plates (including me as an observer).
Ability to hear proceedings:	No issues
Agenda and Reports availability:	All provided in advance of the meeting.
Management of Meeting:	Very good
Clarity of decision making:	Very good

Possible Code of Conduct/Standards and Ethics Issues:
No issues noted.

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

Name:	
Date:	11 th April 2022

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STANDARDS AND ETHICS COMMITTEE:

22 JUNE 2022

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

WORK PROGRAMME 2022 - 23

Reason for this Report

1. To consider the Committee's Work Programme and agree the items for consideration by the Standards and Ethics Committee in 2022/23

Background

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

Issues

4. Attached **as Appendix A** is the draft Work Programme for 2022/23 which reflects ongoing priorities and standard reports and the frequency of reporting. The Committee is invited to review the plan taking into account available resources, and add or remove items and agree the frequency of reporting.

Legal Implications

5. There are no direct legal implications arising from the content of this report. However, the Committee is reminded of its statutory role contained in the extract from the Local Government Act 2000 set out below which should be considered alongside its terms of reference when setting the Work Programme:

54 Functions of standards committees

(1) *The general functions of a standards committee of a relevant authority are--*
(a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and
(b) assisting members and co-opted members of the authority to observe the authority's code of conduct.

(2) *Without prejudice to its general functions, a standards committee of a relevant authority has the following specific functions—*
(a) advising the authority on the adoption or revision of a code of conduct,
(b) monitoring the operation of the authority's code of conduct, and
(c) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.

6. The Committee has the same statutory functions in relation to Community Councils and Community Councillors as it has in relation to the County Council and County Councillors (pursuant to section 56(1) of the Local Government Act 2000).
7. The Local Government and Elections (Wales) Act 2021 places additional statutory responsibilities on Standards Committees in relation to new duties imposed on group leaders in respect of standards of conduct, which are reflected in the Committee's revised terms of reference (new paragraph (k)) and the draft Work Plan.

Financial Implications

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

RECOMMENDATION

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

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

16th June 2022

Appendix

Appendix A Work Programme 2022 - 23

Background Papers

Standards & Ethics Committee report, Work Programme 2021/22 – February 2022

STANDARDS AND ETHICS COMMITTEE – WORK PROGRAMME – 2022/23

APPENDIX A

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
(1) Gifts and Hospitality	To monitor and review the acceptance of gifts and hospitality by Members (annually).	Monitoring Officer	Medium	Scheduled	Early 2023
(2) Code of Conduct Complaints	To receive information on complaints made against Members of the Council alleging breaches of the Code of Conduct (quarterly).	Monitoring Officer	Medium	Ongoing	ON AGENDA
(3) Member Briefings	To publish Member Briefings on the work of the Committee and member conduct issues	Chair / Monitoring Officer	Medium	Scheduled	Autumn 2022
(4) Feedback from Observation of Council & Committee meetings	Independent Members to attend Council, Committee and Community Council meetings to become more acquainted with the work of the Councils; and report feedback for consideration by the Committee	Independent Members of the Committee	Medium	Ongoing	ON AGENDA
(5) Whistleblowing Policy	(1) To monitor reports made under the whistleblowing policy and consider any ethical issues arising; and (2) To review the Whistleblowing Policy to ensure it remains fit for purpose.	Monitoring Officer	Medium	Scheduled	Autumn 2022

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
(6) Officers Personal Interests	To receive a report on Senior Officers Personal Interests Declarations (annually)	Monitoring Officer / HR	Medium	Scheduled	Autumn 2022
(7) Annual Meeting with Group Leaders and Whips	To facilitate ongoing engagement with representatives from all political groups; to consider new duties in relation to Members' conduct and relevant training	Elected Members	Medium	Scheduled	Autumn 2022
(8) Annual Report 2021/22	Prepare Annual Report 2020/21	Committee Chair/ Monitoring Officer	Medium	Scheduled	Autumn 2022
(9) Members' Exit Survey 2022	To consider responses to the survey in relation to behaviour / conduct issues	Head of Democratic Services / Monitoring Officer	Medium	Scheduled	ON AGENDA
(10) Welsh Government Consultation on Draft Statutory Guidance	To consider and respond to the WG consultation on statutory guidance in relation to Member conduct matters	Monitoring Officer	Medium	Scheduled	ON AGENDA
(11) Local Resolution Protocol	To review the Local Resolution Protocol and procedure	Monitoring Officer	Medium	Scheduled	Early 2023