

**Cardiff Council**

**DRAFT**  
**Standards and Ethics**  
**Committee**  
**Annual Report**  
**2016/17**



# The Ten General Principles of Public Life

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

# Contents

	<b>Page</b>
Chair's Foreword	4
The Role of the Standards and Ethics Committee	5
The Committee's Work in 2016/17	6 - 13
Taking Action on Complaints	14 - 16
Future Priorities	17
Committee Membership	18- 21
Attendance Record	22
Helpful Contacts	22

DRAFT

# Chair's Foreword

I am pleased to present the Committee's Annual Report, which outlines the work undertaken by the Committee in 2016-17.

The Committee has continued to make itself more visible, through attendance at Council and Committee meetings and its Member briefings. I was pleased to have the opportunity of meeting and addressing Members at the induction sessions following the last elections and to attend one of the training sessions on the Code of Conduct. Committee members played a part in designing the exit survey undertaken in February 2017 and the induction and development programme for new Members.

The exit survey findings on incidents of bullying or discriminatory behaviour raised concerns, which required addressing. The Committee welcomes moves to strengthen training on these subjects, to provide confidential counselling support to Members if required, to continue to monitor Members' perceptions, and to ensure any alleged incidents are properly dealt with.

Committee members shared widespread concern about levels of conduct in some full Council meetings - which attracted adverse comment in public media and risked affecting the overall reputation of the Council. It also undermines the great dedication that individual Councillors bring to their everyday work in their role. The new Council gives the opportunity for a fresh start in this regard.

The Committee has not been called upon at all in the past year to act in its formal adjudication role. The analysis of complaints contained in the report shows that most complaints were resolved informally or by the Monitoring Officer. Three cases referred to the Public Services Ombudsman for Wales were not proceeded with because of lack of sufficient evidence of a breach of the Code of Conduct. Three cases are still outstanding. One case outstanding from last year was dealt with by the Adjudication Panel for Wales. Of eight cases referred last year to the Ombudsman, involving Community Councillors, three were not investigated and in the remaining five, no evidence of breach of the Code was found.

The work programme reflects our intention to be more pro-active in promoting good standards of practice and seeking to resolve problems at an early stage, rather than relying on reacting to complaints once they reach a more formal level.

As ever, the Committee's work relies heavily on the support it receives from officers, particularly Davina Fiore and all her staff. I wish to record our thanks to them. I wish personally to thank my fellow Committee members, and to make particular mention of Community Councillor John Hughes, who stands down at the end of a lengthy and loyal term of office, and of independent member Hollie Edwards-Davies, who is standing down after a less lengthy but active period of service.

Richard Tebboth  
Chair of Standards and Ethics Committee  
Cardiff Council

# The Role of the Standards and Ethics Committee

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

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

## The Committee has identified its major role as being to:

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

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

DRAFT

# The Committee's Work in 2016/17

## LOCAL RESOLUTION PROTOCOL

Cardiff Council adopted a Local Resolution Protocol in May 2013, as recommended by the Ombudsman, to deal with relatively 'low-level' behavioural complaints made by Members about other Members. The aim of local resolution is to resolve matters at an early stage, so as to avoid the unnecessary escalation of a situation which may damage personal relationships within the authority and the authority's reputation.

The Committee reviewed the Protocol and observed that local resolution was generally agreed to have been helpful in resolving Member disputes within Cardiff Council. Various minor amendments to the Protocol were recommended, to ensure it remained up to date and fit for purpose.

The Committee considered whether the Protocol should be extended to officers, for low level complaints about the conduct of a Member. Whilst officer complaints are usually dealt with informally by the Monitoring Officer, it was noted that extending the Protocol to officers would allow the option of Hearings Panel proceedings if appropriate. It was agreed that local resolution of officer complaints could similarly help to avoid unnecessary escalation of a situation and damage to personal relationships within the Council and the Council's reputation; and noted that some other authorities already extend their local resolution process to officers. The Committee therefore agreed to recommend the extension of the Protocol to officer complaints, subject to agreement by the Council's Senior Management team and full Council.

The Committee also considered whether the Protocol should be made available to Community Councillors. As local resolution is a voluntary arrangement, not having any statutory basis, the Committee asked the Monitoring Officer to discuss this with the community councils. Subsequently the Ombudsman has agreed a standard local resolution protocol for community councils which they may adopt with One Voice Wales (which represents Community Councils in Wales). This has been raised with Community Councils and may be a better option for them.

The recommended changes to the Protocol have been agreed by the Council's Senior Management Team and are due to be reported to full Council for approval in September 2017.

## MEMBER BRIEFINGS

The Committee was asked to publish biannual Member Briefings on the work of the Standards and Ethics Committee as part of the Cabinet's approved Action Plan (21/03/16, Action P5a) following the Wales Audit Office Corporate Assessment Follow On Report. The aim of the Briefing is to underline the importance of the Cardiff Undertaking and Member conduct and behaviour.

The first Member Briefing was issued in August 2016; and included information for Members on:

- the aim of the briefing;
- the Cardiff Undertaking;
- the Wales Audit Office Corporate Assessment Follow-On findings in respect of Member conduct matters;
- the work of the Standards and Ethics Committee;
- the regular meetings of the Standards and Ethics Committee with Group Leaders and Whips;
- feedback from the Committee's Independent Members' on their observations of Council and Committee meetings;
- Code of Conduct complaints;
- the Social Media Guidance for Councillors issued by the Committee;
- the work of the Committee on Members' training and development (particularly in relation to the Code of Conduct); and
- useful contact details for standards and ethics matters.

[\[Insert link to the Briefing?\]](#)

A second briefing was later issued in March 2017 in the form of a message from the Standards Committee Chair to all Councillors. In this briefing, the Chair referred to allegations of bullying behaviour towards councillors and concern about this. He confirmed that a specific question about any such concerns was included in the Members' Exit Survey undertaken in February 2017, and emphasised that all survey responses would be treated in confidence. The Chair also extended an invitation to any Members who may have experienced such issues to speak with him personally. One Member took up this offer.

## **PLANNING COMMITTEE PROTOCOL**

The Committee had previously expressed an interest in considering the openness and transparency of the Council's planning processes. However, Members noted that the Committee's terms of reference would only cover issues in relation to ethical standards, probity and Member conduct, whereas planning issues are the responsibility of the Planning Committee.

The Committee received a report on the Welsh Local Government Association (WLGA) draft Planning Committee Protocol, which had been circulated to all Welsh planning authorities for consultation. The Planning Committee had approved a response to the consultation, which was then considered by the Standards and Ethics Committee. (The Standards and Ethics Committee was not able to consider this before the consultation deadline as its May 2016 meeting was inquorate and cancelled).

The Committee observed that one aim of the Protocol was to ensure that there were no grounds for suggesting a planning decision had been biased, partial or not well-founded; and it was intended to complement any national and local codes on Councillor Conduct and general arrangements regarding the running of meetings. It also noted that the draft WLGA Protocol covered issues which are addressed in Cardiff's Members' Planning Code of Good Practice (which had been previously considered by the Standards and Ethics Committee) as well as matters addressed in the Planning Committee Procedure Rules. The Committee heard from the Operational



Manager for Strategic Planning, who provided further information and answered Members queries.

Members welcomed the Protocol's reinforcement of principles relating to Member conduct and its guidance on avoiding perceptions of bias. They recommended that the Protocol, if adopted by Cardiff, should be incorporated in Members' training and development sessions. Concerns were raised about the arrangements in relation to Community Councils, and it would have been considered helpful to make reference to the role of principal authority Councillors who were also Community Councillors. The Committee noted that the Community Councils and their representative body, One Voice Wales, had also been consulted separately and had the opportunity to directly raise any such issues of concern with the WLGA.

## **SOCIAL MEDIA GUIDANCE**

The Committee reviewed the social media guidance it had issued for Councillors in July 2014. It was content that the guidance remained relevant and useful and did not require amendment. However, it was agreed that it would be helpful to remind Members about the guidance; and that this issue should be included in the Committee's Member Briefing.

The Committee discussed its role in relation to inappropriate social media comments by Councillors and noted the Monitoring Officer's advice that the Council did not have the resources to routinely monitor Members' posts, but would consider any complaints made or issues raised. The Committee agreed it should be proactive on training and raising Members' awareness of the guidance. It was also suggested that Independent Members may find it useful to look at Members' social media posts to identify problems arising between Councillors. The Committee stressed the importance of Members making it clear when they are commenting in their personal capacity rather than in their role as elected Member, using separate accounts as appropriate, and that this was an area in which problems sometimes arose. It was agreed that Members' training should provide an opportunity for Members to discuss what is acceptable and unacceptable in their use of social media. This was included in the members' induction on the Code of Conduct.

## **WHISTLEBLOWING**

The Committee's terms of reference include responsibility for monitoring and overseeing the Council's Whistleblowing Policy and considering any ethical issues arising from complaints made under the Policy. The Monitoring Officer keeps a record of all whistleblowing reports made, and reports annually to the Standards and Ethics Committee for this purpose.

The Committee received a report on whistleblowing cases recorded during 2016. It was noted that four whistleblowing reports had been recorded during 2016. Members considered the issues raised and the outcomes in each case, on a confidential and exempt basis, so as not to disclose the identities of the individuals involved.

Overall, the Committee was content that the Policy was working effectively, although it noted there was potential for misuse of the Policy by employees involved in ongoing disputes with the Council. There were no ethical concerns arising from the cases.

Members reiterated the importance of regularly refreshing the posters, leaflets and other communications activities used to publicise the Policy, so that all staff were aware they could safely report concerns. The Monitoring Officer confirmed that a suitable communications plan was in place, and included a simple guide leaflet and briefings for managers on their responsibilities under the Policy.

## **MEMBERS' EXIT SURVEY 2017**

The Committee received and considered the anonymised findings of the Members' Exit Survey undertaken in February 2017, in respect of the issues falling within its remit.

The Exit Survey was open to all Members holding the Office of Councillor since May 2012, and made available electronically and in hard copy, with support available to complete the survey, if necessary, from the Committee and Members Services team. In total 46 responses were received.

A number of questions had been included in the survey about bullying and discriminatory behaviour, as the Committee had noted that these issues were sometimes raised during Standards and Ethics Committee Hearings. The Committee was pleased to see a reasonable number of responses from Members to those questions. However, the responses indicated that a third of respondents had witnessed some bullying behaviour, which was of concern to the Committee. The Monitoring Officer confirmed that this issue was being taken up with group leaders and whips and that she was underlining the responsibilities of Members and groups in this regard. The Committee was also glad to note that the confidential counselling service available for employees had been extended to Elected Members, and that this would be made clear to Members during the Member Induction Programme. The Code of Conduct training would also fully explain the penalties and sanctions which may be applied. The Committee stressed that any complaints about bullying behaviour would be dealt with promptly. The Monitoring Officer advised that the Democratic Services Committee had suggested a repeat of the survey at the end of the 2017 calendar year to capture the perceptions of newly elected Councillors; and the Standards and Ethics Committee agreed it would review Members' responses on this issue at that time.

## **COMMUNITY COUNCIL CHARTER**

The Charter between Cardiff Council and Community Councils in Cardiff (known as *The Charter*) was adopted by the Executive in March 2012, reflecting the model Charter issued by the Welsh Government (under section 130-133 of the Local Government (Wales) Measure 2011.) The aim of the Charter was to support structured, regular engagement and communication between the two tiers of local government. The Charter states that the Standards and Ethics Committee will review progress towards achieving the measures and actions set out in the Charter, but this is not incorporated in the Committee's terms of reference, so the Committee has no authority itself to determine or change it.

The Committee had previously reviewed the Charter in response to concerns raised by the Community Council representative about its implementation. Having consulted with all six of Cardiff's Community Councils and taken advice from officers, the Committee had recommended a number of amendments to the Charter, which were approved by Cabinet. However, the Community Councils had raised concerns with the planning section of the Charter, specifically, seeking a commitment to more consultation with community councils about the application of Section 106 funds and Community Infrastructure Levy funds arising from developments within their communities.

The Committee sought advice from the Council's Head of Planning about these planning issues, which are not within the Committee's terms of reference. His professional advice was that the existing consultation provisions were sufficient and appropriate and that the amendments requested by the Community Councils could not be agreed. The Committee asked the Head of Planning to liaise directly with the community councils and seek to resolve their concerns. Meetings were held between the community councils and planning officers, but unfortunately, no agreement has been reached.

As planning matters are not within the remit of the Standards and Ethics Committee, the Committee is unable to progress this matter further and Community Councils have been invited to consider agreeing the charter as it stands.

## **MEMBER INDUCTION AND DEVELOPMENT**

The Standards and Ethics Committee has a role in ensuring that all Members receive appropriate training on the Code of Conduct. In recognition of the fact that the Member Induction Programme following the May 2017 elections would set the tone for the future administration, the Committee has sought to play an active role in the Induction Programme. The Committee agreed that the Chair of the Committee should address all Members following the Chief Executive's welcome to the induction sessions. The Chair took the opportunity to emphasise the importance of high ethical standards for all holders of public office and to introduce the work of the Committee.

The Committee has also supported the Monitoring Officer in making arrangements for the Code of Conduct training sessions, and identifying these as an essential training requirement for all Members. The content of the Code of Conduct training sessions has been developed to incorporate relevant issues, including Members' use of social media, behaviour which may be regarded as bullying or discriminatory, the important role of political groups in addressing conduct issues.

The Committee has agreed that, prior to sitting on a Hearings Panel to determine complaints under the Code of Conduct, Members of the Committee will receive bespoke training on hearings procedures.

The Committee has also taken a wider interest in Members' training and development, recognising that conduct issues may arise when Members have not received adequate training. It considered two reports on the Member Induction Programme developed by the Democratic Services Committee; and supported the amendment of the Cardiff Undertaking to include a commitment for all Members to attend training sessions identified as essential in order to perform their role.

## **HOSPITALITY PROVISION AND CONFERENCE ATTENDANCE**

The Council's Internal Audit team asked the Committee to review the Council's procedures governing: (i) the provision of hospitality, gifts and benefits to others; and (ii) the attendance of Members and Officers at conferences, seminars and other events. The purpose of the review was to check whether appropriate controls are in place to ensure the proper use of public funds, as required under the Members' and Officers' Codes of Conduct.

The Committee noted that these are areas of significant public interest, and the importance of checking that the Council's procedures are in line with best practice. It was acknowledged that an appropriate balance was needed to provide adequate regulation and transparency, without imposing disproportionate administrative difficulties. In considering these issues, advice has been sought from the Council's Senior Management team and the Internal Audit office; and enquiries made to ascertain the approaches of other local authorities.

A number of areas for improvement have been identified, but this work is still ongoing. The Committee will seek to agree and introduce revised procedures towards the end of 2017; and then implement a communications plan to ensure that all staff and Members understand the new rules and requirements.

## **REGISTER OF MEMBERS' GIFTS AND HOSPITALITY**

Under the Members' Code of Conduct, Members are required to register any gifts and hospitality received which exceed the threshold value set by the Council of £25. The Standards and Ethics Committee annually reviews the Council's statutory register to monitor compliance and discuss any issues of concern.

The Members' Hospitality Registers for the period from September 2015 to September 2016 were considered by the Committee at its meeting in November 2016. The Committee noted that many of the Register entries related to functions and events attended by the Lord Mayor, and that all hospitality with an estimated value over £25 must be recorded under the Council's rules. No issues of concern were identified.

## **OBSERVATIONS OF COUNCIL AND COMMITTEE MEETINGS**

Independent members of the Committee have continued to attend meetings of Full Council and its Committees as observers, and discussed their observations during each Standards and Ethics Committee meeting. It is agreed that such observation is helpful to inform the Committee's work and understand the work of the Council; and the Wales Audit Office Corporate Assessment Follow-On Report supported this view. Elected Members indicated that the presence of Standards Committee members was a helpful influence on Members' behaviour.

A standard template form has been introduced for independent members to facilitate their feedback.

Observations recorded include the following:

- Some concerns were raised about behaviour and lack of respect shown during a Full Council meeting, and a particular incident between a Councillor and a member of the public in attendance in the public gallery.
- Full Council meetings went on for too long, making it difficult for Members to stay focussed during the whole meeting, particularly Members who may have particular health issues; the break was not well-timed; the acoustics in the Council chamber were poor; Councillors were talking over each other, showing disrespect for the Chair; and many Councillors were seen leaving the meeting early.
- It was suggested that Public Questions should be read out at Full Council meetings, not just made available online and links inserted into the webcast.

The Committee asked the Monitoring Officer to feedback their observations to relevant Members and Officers.

## **ANNUAL MEETING WITH POLITICAL GROUP LEADERS AND WHIPS**

The Committee invites group leaders and whips to meet with it annually to discuss issues relating to Members' conduct and ethics. The Chair and Vice-Chair met with group leaders and whips on 30 November 2016. Issues discussed included:

- Code of Conduct & behaviour of Councillors at Council and Committee meetings;
- Local Resolution Policy;
- Council meeting day arrangements and communal room;
- Member training and Induction.

# Taking Action on Complaints

During the period from 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017 the Monitoring Officer was notified of a total of 18 complaints made against Members alleging breach of the Code of Conduct. The Standards and Ethics Committee receives quarterly reports from the Monitoring Officer in respect of such complaints. The table below shows an analysis of the complaints on a quarterly basis.

	<b>Q1 April, May, June 2016</b>	<b>Q2 July, August, Sept 2016</b>	<b>Q3 Oct, Nov, Dec 2016</b>	<b>Q4 Jan, Feb, Mar 2017</b>	<b>TOTAL</b>
Total	4	3	4	7	18
Member on Member	1	0	2	2	5
Public on Member	3	3	2	5	13
Officer on Member	0	0	0	0	0
Community Councillors	0	0	0	0	0

## Quarter 1

The four complaints received in Quarter 1 of 2016/17 were as follows:

- (a) Alleged misinformation given by a Member to a member of the public. The complaint was dealt with through correspondence and no complaint was made to the Ombudsman.
- (b) Anonymous complaint of malpractice unsubstantiated by evidence. It was not possible to pursue the complaint due to anonymity and lack of detail.
- (c) Complaint from member of public about an elected Member's tone on Twitter. The complaint was resolved by correspondence.
- (d) Correspondence between Members. The complaint was resolved informally through dialogue.

The Committee was also advised of the outcomes of a number of complaints recorded in Quarter 4 of 2015/16 against Community Councillors of one particular Community Council. The Ombudsman had decided not to investigate five out of the eight complaints, and the Committee was later informed that the Ombudsman had investigated the other three, but found no evidence of any breach of the Code. The Chair observed that a number of reported cases where the Ombudsman had not found in favour of the complainant had clarified the threshold of what constitutes robust political debate rather than a breach of the Code.

## **Quarter 2**

All 3 complaints in Quarter 2 were received from members of the public. Brief details of the complaints were reported as follows:

- i. Alleged failure to respond to correspondence in a timely manner. The complaint was dealt with through correspondence.
- ii. Alleged unauthorised disclosure to a third party organisation of concerns raised by an individual. The complaint was dealt with through correspondence. The Deputy MO found no evidence of a breach of the Code.
- iii. Complaint alleging that an elected Member's comments on social media (Twitter) failed to give due regard to equal opportunities and statutory equalities duties. The complaint was dealt with through correspondence.

Members observed that timeliness in dealing with Members' correspondence and the use of social media were common themes for complaints.

## **Quarter 3**

Four complaints were received during Quarter 3, two of which were from members of the public; and two were from Members. All four cases were informally resolved and closed. Brief details of the complaints were noted as follows:

- i. Alleged unacceptable comments made by a Member to another Member after a Council meeting. The allegations were disputed and the complainant agreed that no further action should be taken.
- ii. Alleged unacceptable comments made by a Member to another Member during a Committee meeting. The Member apologised and the complainant agreed that no further action was necessary.
- iii. Complaint from a member of the public alleging that an elected Member's comments on social media were unacceptable / inappropriate. The allegations were investigated, but no evidence was found to show a breach of the Code.
- iv. Complaint from a member of the public about the conduct of a Member. The complainant was asked to clarify the alleged breach of the Code and provide any supporting evidence, but had not responded. No further action was possible.

The Committee noted that the number of complaints during Quarter 4 remained relatively low, particularly in view of the fact this was the pre-election period, during which an increase in the number of complaints was to be expected.

## **Quarter 4**

A total of seven complaints were received during Quarter 4, which was higher than in previous quarters, but lower than the number received during Quarter 4 of 2015/16. Five of these complaints were made by members of the public and two were received from Members.

Brief details of the complaints are as follows:

- i. Complaint alleging that a Member had breached the duty to have regard to equal opportunities – the Ombudsman is considering whether to investigate this complaint.
- ii. Complaint from a member of the public alleging that a Member made misleading statements during a full Council meeting. The Monitoring Officer had sought clarification of the alleged breach of the Code from the complainant and confirmation that the complainant was content for the Monitoring Officer to contact the Member concerned to seek informal resolution. The Monitoring Officer is unable to progress this matter until a response is received from the complainant.
- iii. Complaint alleging unfair treatment by a Member, which was submitted to the Ombudsman. The Ombudsman decided not to investigate the complaint as there was no evidence of a breach of the Code.
- iv. A Member on Member complaint alleging slander. The Monitoring Officer sought confirmation on whether the complainant wished to seek resolution under the Local Resolution Protocol or wished to refer the matter to the Ombudsman. The Monitoring Officer is unable to progress this matter until a response is received from the complainant.
- v. Complaint alleging a Member has breached the duty to show respect and consideration for others. The Monitoring Officer was attempting to resolve this complaint by informal resolution.
- vi. Complaint alleging that a Member's conduct amounts to bullying and bringing the Council into disrepute. The Ombudsman decided not to investigate the complaint as there was insufficient evidence to show a breach of the Code.
- vii. Complaint from a member of the public about a Member's response to certain concerns raised by them. The Ombudsman decided not to investigate the complaint as there is insufficient evidence of any breach of the Code.

*[Insert Committee's comments in relation to Q4 complaints following September Committee meeting]*

The total number of complaints received during 2016/17 (18 in total) showed a significant decrease from the total for the previous year, 2015/16 (59 in total). *[Insert comments on 2016/17 year-end figures following September Committee meeting]*  
The Committee agreed that the Local Resolution procedure continued to provide a useful means to informally resolve most Member on Member complaints.



## **Standards & Ethics Committee Hearings Panels 2016/17**

The Hearings Panel is a Sub-Committee of the Standards and Ethics Committee. It has responsibility to hear and determine any complaints that a Member has breached the Code of Conduct or a report of the Monitoring Officer. Complaints may come before the Hearings Panel in one of two ways:

- a) Referral by the Public Services Ombudsman for Wales under Part 3 of the Local Government Act 2000; or
- b) Referral by the Monitoring Officer under the Local Resolution Protocol adopted by the Council to deal with relatively minor “Member on Member” complaints.

No cases were referred to the Hearings Panel during 2016/17.

### **Adjudication Panel for Wales – Decision, March 2017**

The Adjudication Panel for Wales convened a Case Tribunal for a 2 day public hearing in March 2017 to determine a complaint against a Cardiff Councillor. The complaint had been investigated by the Ombudsman, who then referred the matter to the Adjudication Panel for Wales for determination. The complaint alleged that the Councillor’s conduct towards an officer of the Council following a court hearing in July 2015 had breached various provisions of the Code of Conduct.

The Committee received formal notice of the Tribunal’s decision. The Tribunal found that the Councillor had breached the Code of Conduct by failing to show respect and consideration; and using bullying behaviour. However, the Councillor’s behaviour had not brought the office of Councillor or the Council into disrepute. The Tribunal decided that the Councillor should be suspended from acting as a Member of the Council for a period of one month. The Councillor had a statutory right to seek the leave of the High Court to appeal against the decision. However, the Council was not notified of any appeal.

The Committee noted the Tribunal’s decision, which was then reported to full Council for information.

# Future Priorities

The Committee regularly reviews its work programme and has identified the following priority areas for consideration in 2017/18.

- **Code of Conduct, Member Training and Development** – the Committee has agreed that Code of Conduct training sessions should be repeated as necessary to reinforce the importance of the Code and promote good understanding of the principles and rules governing Members' conduct. It will oversee the delivery of learning and development update sessions for Members on the Code of Conduct during 2017/18, and monitor attendance.
- **Promoting High Standards of Conduct in Community Councils** – the Committee to consider ways of interacting with Community Councils.
- **Observation of Council and Committee Meetings** – the Committee will continue to observe proceedings at Council and Committee meetings to give feedback on observations and inform its work priorities.
- **Provision of Hospitality; and Attendance at Conferences** – the Committee will complete its review of the Council's procedures to ensure they demonstrate appropriate levels of probity and transparency.
- **Member Briefings** To continue to publish biannual Member Briefings on the work of the Committee, underlining the importance of the Cardiff Undertaking and Member conduct and behaviour.
- **Annual Meeting with Group Leaders and Whips** - To facilitate ongoing engagement with representatives from all political groups.
- **Role Descriptions for Standards and Ethics Committee Members** - To review the WLGA roles and responsibilities of Members of the Standards and Ethics Committee
- **Appointment of Community Council Member and Independent Member** – to select and appoint a new Community Council member of the Committee and an Independent Member
- **Code of Conduct Complaints** - To receive quarterly reports on complaints made against Members of the Council alleging breaches of the Code of Conduct.
- **Member Survey** - To receive feedback on questions relating to the remit of the Committee
- **Whistleblowing Policy** - To monitor and review the operation of the Council's whistleblowing arrangements; to receive information on reports made under the Whistleblowing Policy and consider any ethical issues arising.
- **Officers' Personal Interests Policy** - To monitor and review the implementation of the Policy.

# Committee Membership 2016/17

## INDEPENDENT MEMBERS



**Richard Tebboth  
(Chair)**

Richard Tebboth was born and brought up on the Essex edge of London – with a Welsh grandmother living nearby. He was educated at Sir George Monoux Grammar School, Walthamstow, and Christ’s College, Cambridge. After professional social work training he entered the Probation Service, working as practitioner and manager in South Yorkshire, Buckinghamshire and the West Midlands. In 1997, he joined the Social Services Inspectorate for Wales, becoming Deputy Chief Inspector and Acting Chief Inspector. He transferred into the senior civil service, in the Welsh Government’s Department for Public Service Improvement, until retirement in 2010. Richard lives in Llandaff, where he is Secretary of his local Residents’ Association. He was appointed as an Independent Member of the Standards and Ethics Committee in September 2011; and reappointed for a second term by Full Council on 23 July 2015 for a further four years with effect from 23 September 2015. Richard has been the Committee’s elected Chairperson since 21 October 2014.



**Prof. James Downe  
(Vice-Chair)**

James is a Professor in Public Management and Director of the Centre for Local & Regional Government Research at Cardiff Business School. He has more than fifteen years’ experience of managing large-scale evaluations of public policy. His current research interests are in local government performance regimes, political accountability, public trust and the ethical behaviour of local politicians. He was a member of the UK Government’s Expert Panel on local governance and currently sits on the Welsh Government’s Public Service Scrutiny Reference Group. He became an Independent Member of the Standards and Ethics Committee in November 2013 and was appointed Vice-Chair on 21 October 2014



**Hollie Edwards-Davies**

Hollie Edwards-Davies was brought up in Rhyl, North Wales and has lived in Riverside, Cardiff for 12 years. She studied for a LLB honours degree in Law with Legal Studies in Europe at the University of Reading, including a year in Germany at *Universität Trier*. She subsequently completed a degree in Applied Accounting by distance learning with Oxford Brookes University and continued her studies to become a member of the Association of Chartered Certified Accountants (ACCA) in 2010. Hollie served as Chair of the ACCA South Wales Members Network Panel between 2013 and 2015, and is still an active member of the network. Following a variety of roles in the private sector and some voluntary work, Hollie worked at the Welsh Government for ten years and departed in 2015 to pursue a career change. She joined the Standards and Ethics Committee in July 2014.



**Lizz Roe**

Lizz Roe has worked in the third sector/education sector for the last 20 years. She has lived and worked all over the UK and moved to Cardiff in 2012 to marry her partner and stop commuting to Birmingham. She was previously a commissioner for the Women's National Commission and a trustee for the YWCA of GB and NI. She is a Quaker and has been very active in issues to do with environmental sustainability and equality, as well as having held various roles within the Quaker community nationally and locally. She is an independent member of the Standards and Ethics Committee and began her first term of office on 28 July 2014. She brings a commitment to the Nolan principles of public life in her work on the committee as well as in her personal and professional life.



**Hugh Thomas**

Hugh Thomas, a retired Solicitor, pursued a Local Government career for forty years culminating in his being Chief Executive of Mid Glamorgan County Council (the largest local authority in Wales) for fifteen years. During this time he served as Clerk to the South Wales Police Authority and Honorary Secretary of the Assembly of Welsh Counties. He retired in 1995. He has since chaired a number of public bodies and national voluntary organisations including those in the health and higher education sectors. He was Vice Chairman and Chair of the Audit Committee of the Wales Centre for Health. He was also a non-Executive Director of Welsh Water. Currently, he is Chair of the Regulatory Board for Wales and one of fifteen trustees of The National Library of Wales. He is an independent member of the Standards and Ethics Committee and began his first term of office on 28 July 2014.

### **COMMUNITY COUNCILLOR MEMBER**



**Community Councillor  
John Hughes**

John Hughes – a North Walian educated at Mold Alun Grammar School and, after developing his Insurance career in Chester and West Yorkshire, moved to Cardiff in 1972. John has practised in the Insurance industry for over 50 years, running his own Brokerage for 22 years. He has served St Fagans Community Council for over 23 years and was a former Chair of St Fagans Church in Wales Junior School. He was a Parochial Church Councillor and Organist of St Fagans Church for many years. He also represents Community Councils in Cardiff on the National Executive Council of One Voice Wales.

John was appointed as the Community Councillor representative to the Standards & Ethics Committee in 2008 and served until May 2017. He is currently involved in charitable organisations, a keen golfer and gardener.

## COUNTY COUNCILLOR REPRESENTATIVES

 <p><b>Councillor Georgina Phillips</b></p>	<p>Councillor Georgina Phillips was born and bred in Cardiff and has lived in the Old St Mellons area of the city for over 20 years. She was re-elected as a Labour County Councillor for Pontprennau and Old St Mellons in May 2012, having previously represented the ward for nine years from 1999 to 2008. Cllr Phillips was appointed as a County Councillor representative to the Standards and Ethics Committee in May 2012. In 2016/17 Councillor Phillips was Deputy Lord Mayor of the City &amp; County Of Cardiff.</p> <p>Councillor Phillips has served on the Council's Planning Committee and Economy &amp; Culture Scrutiny Committee. She is an appointed Council representative to the Willie Seager Memorial Homes Trust and, in turn, represents that body in a personal capacity on the South Wales Merchant Navy Welfare Board.</p>
 <p><b>Councillor Jayne Cowan</b></p>	<p>Councillor Jayne Cowan was born and educated in Cardiff and has been a Councillor for Cardiff for the Ward of Rhiwbina for 17 years. She was Deputy Lord Mayor in 2011–12; and chaired the Democratic Services Committee from 2012–2015 in her capacity as an Independent Councillor. Councillor Cowan re-joined the Conservative Party in July 2015.</p> <p>Councillor Cowan sits on the very interesting Glamorgan Archives Joint Committee and has been a Member of the Policy Review and Performance and Constitution Committees; has actively been involved in the Diversity in democracy Welsh Government project to encourage and Mentor prospective candidates. As a Ward Councillor she is an active patron of the Chrysanthemum &amp; Dahlia Society; Ambassador for Autism Puzzle and Rhiwbina RATS; an ambassador for Girl-guiding in Cardiff; the President of the St John Wales – Rhiwbina and Llanishen Division; and a Member of the Rhiwbina Festival Committee.</p>
 <p><b>Councillor Margaret Jones</b></p>	<p>Councillor Margaret Jones was born in Neath West Glamorgan and except for a short period in Lancashire has lived in Cardiff since 1974. IN 2004 after a long career in the Health Service she was elected to serve as a Liberal Democrat in the Grangetown Ward. In 2008 until present she was elected to the Cyncoed Ward. She served as Lord Mayor 2014-2015. Margaret as an Executive Member for Environment in the last Administration. She has also served on Children and Young People, Adult Social Care and Environment Scrutiny Committees in the past and has also sat on Planning and Licensing Committees. Councillor Jones was appointed to the Standards and Ethics Committee in 2015 and was also a member of the Constitution Committee. She has also been a Governor at Cardiff High School.</p> <p>Councillor Jones retired from Cardiff Council on 31 December 2016.</p>

# Attendance Record

The Committee meets quarterly, with additional ad hoc meetings held as required. During 2016/17, the Standards and Ethics Committee met on the following dates:

- 20 July 2016
- 30 November 2016
- 22 March 2017

The scheduled meeting in May 2016 was cancelled (as it would be inquorate); and there was insufficient business for the February 2017 meeting to proceed.

COMMITTEE MEMBER	ATTENDANCE	
	POSSIBLE	ACTUAL
Richard Tebboth (current Chair)	3	3
Dr James Downe (Vice-Chair)	3	3
Hollie Edwards-Davies	3	3
Lizz Roe	3	2
Hugh Thomas	3	2
Community Councillor John Hughes	3	3
Councillor Jayne Cowan	3	3
Councillor Margaret Jones	3	3
Councillor Georgina Phillips	3	3

## Helpful Contacts

**Chair of Standards & Ethics Committee – Mr Richard Tebboth**

**Contact: Committee & Members Services**

**Tel:** (029) 2087 2020

**Email:** [membersservices@cardiff.gov.uk](mailto:membersservices@cardiff.gov.uk)

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

**Tel:** (029) 2087 3860

**Email:** [Davina.Fiore@cardiff.gov.uk](mailto:Davina.Fiore@cardiff.gov.uk)

**Public Services Ombudsman for Wales – Mr Nick Bennett**

**Tel:** 0300 790 0203

**Webpage:** <http://www.ombudsman-wales.org.uk/en.aspx>