

**STANDARDS AND ETHICS  
COMMITTEE**

**5<sup>TH</sup> DECEMBER 2018**

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

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**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTERS 1 & 2  
OF 2018/19**

**Reason for Report**

1. To provide the Committee with an update on complaints made during Quarters 1 and 2 of 2018/19 (the period running from 1<sup>st</sup> April 2018 to 30<sup>th</sup> September 2018) against Members of Cardiff Council or any of Cardiff's Community Councils, alleging a breach of the Members' Code of Conduct.

**Background**

2. The Committee receives regular 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 4 of 2017/18 were reported to the Committee’s last meeting, in June 2018.

## Issues

5. In Quarter 1, one complaint; and in Quarter 2, two complaints alleging a breach of the Members’ Code of Conduct were received by the Monitoring Officer; amounting to a total of 3 complaints received during Quarters 1 and 2 of the current financial year, covering the period running from 1<sup>st</sup> April 2018 to 30<sup>th</sup> September 2018.
6. The table below shows the type of complaints received in Quarters 1 and 2 of this year and provides comparative figures for the previous 4 quarters.

	Q1 Apr, May, Jun 2017	Q2 Jul, Aug, Sept 2017	Q3 Oct, Nov, Dec 2017	Q4 Jan, Feb, Mar 2018	Q1 Apr, May, Jun 2018	Q2 Jul, Aug Sept 2018
Total	4	1	1	2	1	2
Member on Member	2	0	0	0	0	2
Public on Member	2	1	1	1	1	0
Officer on Member	0	0	0	1	0	0
Community Councillors	0	0	1	0	0	0

7. The single complaint received in Quarter 1 was notified to the Monitoring Officer by the Ombudsman. The complaint was made by a member of the public alleging intimidating and bullying behaviour by a Member. The Ombudsman is considering this complaint and his decision is awaited.
8. The two complaints received during Quarter 2 were both Member on Member complaints, which have been resolved informally by the Monitoring Officer. One complaint alleged abusive behaviour and language by another Member. The other complaint related to social media comments which implied that a Member's decision was biased. In each case an apology was offered and accepted.
9. The Committee will note that the number of complaints received during Quarters 1 and 2 remains low; and that 2 of the 3 complaints have been informally resolved, with a decision awaited from the Ombudsman on the one remaining case.

### **Legal Implications**

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

### **Financial Implications**

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

### **Recommendation**

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

**Davina Fiore**

**Director of Governance and Legal Services, and Monitoring Officer**

22 November 2018

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 4 of 2017/18', 13<sup>th</sup> June 2018.