

**STANDARDS AND ETHICS
COMMITTEE**

11th DECEMBER 2019

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

**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 4 OF
2018/19 and QUARTERS 1 & 2 OF 2019/20**

Reason for Report

1. To provide the Committee with an update on complaints made during Quarter 4 of 2018/19 and Quarters 1 & 2 of 2019/20 (the period running from 1st January 2019 to 30th September 2019) 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 3 of 2018/19 were reported to the (inquorate) meeting on 6th March 2019, and noted at the Committee's last meeting, on 30th July 2019. The Committee usually receives quarterly update reports, but a longer than usual gap has arisen since the last quarter reported, due to Committee vacancies and consequential quorum issues.

Issues

5. During Quarter 4 of 2018/19 and Quarters 1 & 2 of 2019/20, covering the period running from 1st January 2019 to 30th September 2019, total of ten complaints alleging a breach of the Members' Code of Conduct were reported to the Monitoring Officer.
6. The table below shows the type of complaints received during this period and includes comparative figures for the previous two quarters.

	Q2 Jul, Aug Sept 2018	Q3 Oct, Nov, Dec 2018	Q4 Jan, Feb, Mar 2019	Q1 Apr, May, Jun 2019	Q2 Jul, Aug, Sept 2019
Total	2	6	3	3	4
Member on Member	2	3	2	1	4
Public on Member	0	0	1	2	0
Officer on Member	0	3	0	0	0
Community Councillors	0	0	0	0	0

7. A summary of the complaints received is as follows:

Quarter 4 of 2018/19

- i. A member of the public complained that members of the Planning Committee had not discharged their duties on the Committee in a fair and proper manner. This complaint was considered by the

- Ombudsman, who decided not to investigate the complaint or take any further action.
- ii. A Member complained about social media comments made by another Member. This was resolved informally by the Member clarifying his comments.
 - iii. A Member complained about the conduct of another Member during a meeting of full Council, alleging that it brought the Authority into disrepute. The Ombudsman found that the Member's comments were legitimate political expression and did not constitute a breach of the Code.

Quarter 1 of 2019/20

- i. A member of the public complained that a Member's social media comments did not show due regard for equal opportunities. The Ombudsman found no evidence of a breach of the Code.
- ii. A Member complained about another Member's actions in relation to particular project. The Monitoring Officer considered this under the Local Resolution Protocol and found no evidence had been given to show a breach of the Code.
- iii. A member of the public complained that a Member of the Planning Committee had used their position improperly and not shown respect and consideration to members of the public attending a Planning Committee meeting. The Ombudsman found no evidence of a breach of the Code and decided not to investigate further.

Quarter 2 of 2019/20

- i. A Member complained about social media comments made by another Member. This was resolved informally by the Member clarifying his comments.
- ii. A Member complained about another Member wrongly representing an individual as a Councillor and sharing information inappropriately with that individual. The Monitoring Officer has requested evidence to substantiate the allegations, but received none to date.
- iii. A Member complained that information given by another Member in a newsletter and at a public meeting was misleading and inaccurate, bringing the Council and office of Member into disrepute. The complainant has asked that this matter be referred to the Standards & Ethics Committee's Hearings Panel for determination under the Local Resolution Protocol; and arrangements are being made accordingly.
- iv. A Member complained that social media comments made by another Member failed to show respect and consideration. This was resolved informally by the Member deleting those comments.

Legal Implications

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

Financial Implications

9. 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

27th November 2019

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 3 of 2018/19', 6th March 2019, noted at Committee meeting on 30th July 2019.