

**STANDARDS AND ETHICS  
COMMITTEE**

**18<sup>th</sup> MARCH 2020**

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

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**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 3 OF  
2019/20**

**Reason for Report**

1. To provide the Committee with an update on complaints made during Quarter 3 of 2019/20 (the period running from 1<sup>st</sup> October 2019 to 31<sup>st</sup> December 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 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 4 of 2018/19 and Quarters 1 & 2 of 2019/20 were reported to the Committee meeting on 11<sup>th</sup> December 2019.

## Issues

5. During Quarter 3 of 2019/20, covering the period running from 1<sup>st</sup> October 2019 to 31<sup>st</sup> December 2019, one complaint alleging a breach of the Members' Code of Conduct was reported to the Monitoring Officer.
6. The table below shows the type of complaint received during this period and includes comparative figures for the previous four quarters.

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

7. The single complaint received during Quarter 3 was submitted by a member of the public and alleged that a Member had made unsubstantiated comments about that individual to the public, which besmirched their character within the local community. It was alleged that this constituted a breach of various duties in the Code of Conduct, including the duty to treat others with respect and consideration; not to use bullying behaviour; to have regard to equal opportunities; and not to use the position of Member improperly. It was also alleged that the Member had misused Welsh Assembly resources and had breached Data Protection laws. The Monitoring Officer responded to the complainant by explaining the scope of the Members' Code of Conduct (which applies to Members when they act, or give the impression they are acting, in the role of a Councillor, except for certain limited parts of

the Code which apply at all times, namely, the duty to not bring the office of Councillor or the Council into disrepute, or to use their position improperly to obtain an advantage/disadvantage for themselves or others). The complainant was advised, in relation to the complaints raised, of the respective remits of the Public Services Ombudsman for Wales, the Standards Commissioner for Wales and the Information Commissioner, and advised to refer the complaints to those bodies, as appropriate.

### **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**

2<sup>nd</sup> March 2020

#### Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 4 of 2018/19 and Quarters 1 and 2 of 2019/20', 11<sup>th</sup> December 2019