

**STANDARDS AND ETHICS
COMMITTEE**

3rd MARCH 2021

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

**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 3 OF
2020/21**

Reason for Report

1. To provide the Committee with an update on complaints made during Quarter 3 of 2020/21 (the period running from 1st October 2020 to 31st December 2020) 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 2 of 2020/21 were reported to the Committee meeting on 9th December 2020.

Issues

5. During Quarter 3 of 2020/21, covering the period running from 1st October 2020 to 31st December 2020, a total of nine complaints alleging a breach of the Members' Code of Conduct were reported to the Monitoring Officer. However, eight out of the nine complaints all concerned one Member's activities in relation to one particular incident.
6. The table below shows the figure for this period alongside comparative figures for the previous four quarters.

	Q3 Oct, Nov, Dec 2019	Q4 Jan, Feb, Mar 2020	Q1 Apr, May, Jun 2020	Q2 Jul, Aug, Sept 2020	Q3 Oct, Nov, Dec 2020
Member on Member	0	0	1	0	0
Public on Member	1	1	1	0	9
Officer on Member	0	0	0	0	0
Community Councillors	0	0	0	0	0
Total	1	1	2	0	9

7. The eight complaints made about one individual Member were made by members of the public alleging the Member had wrongly participated in a planning committee decision whilst having a personal prejudicial interest in the matter arising from involvement with a campaign group. The Ombudsman considered all eight complaints and found there was insufficient evidence that the Member had a prejudicial personal interest; that the alleged involvement with the campaign group may suggest a predisposition (which was permissible by law), but did not indicate a predetermination (closed mind) on the decision. The Ombudsman decided not to investigate any of these complaints, because there was

insufficient evidence of a breach of the Code and the public interest test was not met.

8. The other complaint made during Quarter 3 was submitted by a member of the public, who alleged that a Member had improperly used their position as Councillor to bully and harass him. The Ombudsman found there was insufficient evidence of a breach of the Code and decided not to investigate the complaint.

Legal Implications

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

Financial Implications

10. 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

11th February 2021

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 2 of 2020/21, December 2020