

**STANDARDS AND ETHICS
COMMITTEE**

7th JULY 2021

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

**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 4 OF
2020/21 and QUARTER 1 OF 2021/22**

Reason for Report

1. To provide the Committee with an update on complaints made during Quarter 4 of 2020/21 and Quarter 1 of 2021/22 (the period running from 1st January 2021 to 30th June 2021) 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 3 of 2020/21 were reported to the Committee meeting on 3rd March 2021.

Issues

5. During Quarter 4 of 2020/21 and Quarter 1 of 2021/22, covering the period running from 1st January 2021 to 30th June 2021, a total of seven complaints alleging a breach of the Members' Code of Conduct were reported to the Monitoring Officer.
6. The table below shows the figures for this period alongside comparative figures for the previous four quarters.

	Q4 Jan - Mar 2020	Q1 Apr - Jun 2020	Q2 Jul - Sept 2020	Q3 Oct - Dec 2020	Q4 Jan – Mar 2021	Q1 Apr – Jun 2021
Member on Member	0	1	0	0	1	1
Public on Member	1	1	0	9	1	4
Officer on Member	0	0	0	0	0	0
Community Councillors	0	0	0	0	0	0
Total	1	2	0	9	2	5

Quarter 4 of 2020/21

7. One of the two complaints made during Quarter 4 of 2020/21 was submitted by a member of the public, alleging that a 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. Eight earlier complaints had been made about this same matter during Quarter 3 of 2020/21, which were reported to the Committee's last meeting. In line with the Ombudsman's decisions on the eight earlier complaints, the Ombudsman found there was insufficient evidence that the Member had a prejudicial personal interest in the matter or had predetermined the decision. The Ombudsman

decided not to investigate, 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 4 of 2020/21 was submitted by a Member on behalf of all members of their political group, alleging that another Member had delivered election leaflets in breach of Covid restrictions in effect at that time. The complainants were referred to the Ombudsman. The Ombudsman's decision is awaited.

Quarter 1 of 2021/22

9. Brief details of the five complaints submitted during Quarter 1 of 2021/22 are as follows:
 - (i) A Member complained about the responses given by another Member to their questions within email correspondence seeking information in relation to a resident's concerns. It was alleged that the Member had made personal attacks on them, which failed to show respect and consideration and constituted bullying behaviour. The Monitoring Officer's attempt to resolve the complaint informally was unsuccessful. At the complainant's request, this complaint has been referred to the Hearings Panel for determination under the Local Resolution Protocol.
 - (ii) A member of the public complained that a Member's support of objections to his planning application had supported harassment of the complainant. The complainant also submitted that the Member had not fairly represented him. The complaint was considered by the Ombudsman who found there was no evidence of a breach of the Code and decided not to investigate further.
 - (iii) A member of the public complained about statements made by a Member during the Senedd election campaign, which were alleged to be outdated and disrespectful; and about false statements made about the election results. The complainant was advised on the application of the Code of Conduct to a Councillor's activities and advised to refer their complaint to the Ombudsman and or the Standards Commissioner, as appropriate.
 - (iv) A member of the public complained about a comment made by a Member on social media, which was alleged to be threatening. The Ombudsman decided not to investigate the complaint.
 - (v) A member of the public complained about the conduct of a Member in relation to an application being determined by a Committee. The Member was alleged to have made disrespectful comments, discriminated against an individual, misused their position and disclosed confidential information. The Ombudsman's decision is awaited.

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

1st July 2021

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 3 of 2020/21, March 2021