

**STANDARDS AND ETHICS
COMMITTEE**

6th OCTOBER 2021

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

MEMBERS' CODE OF CONDUCT COMPLAINTS – UPDATE

Reason for Report

1. To provide the Committee with an update on complaints made against Members of Cardiff Council or any of Cardiff's Community Councils alleging a breach of the Members' Code of Conduct, in particular, complaints received during Quarter 2 of 2021/22 (the period running from 1st July 2021 to 30th September 2021).

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 2020/21 and Quarter 1 of 2021/22 were reported to the Committee meeting on 7th July 2021.

Issues

Complaints received during Quarter 2 of 2021/22

5. During Quarter 2 of 2021/22, covering the period running from 1st July 2021 to 30th September 2021, a total of 8 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.

	Q2 Jul - Sept 2020	Q3 Oct - Dec 2020	Q4 Jan – Mar 2021	Q1 Apr – Jun 2021	Q2 Jul – Sept 2021
Member on Member	0	0	1	1	6
Public on Member	0	9	1	4	2
Officer on Member	0	0	0	0	0
Community Councillors	0	0	0	0	0
Total	0	9	2	5	8

7. Brief details of the eight complaints submitted during Quarter 2 of 2021/22 are as follows:
 - (i) Two Members complained about allegedly inaccurate information contained in a political group leaflet. These complaints were raised with the leader of the group concerned, who was asked whether the inaccuracies were accepted and if so, whether they would be corrected and an apology offered on behalf of the group. Informal resolution discussions are ongoing.
 - (ii) A Member complained about comments made about them by another Member during a meeting with other Members and

Council officers. The complainant considered the comments to be an unacceptable racist slur on the complainant. In response, the Member said that the offending comment was made following allegations made by the complainant against them, which attacked their personal integrity. The Member also made a counter-complaint against the complainant, alleging that the complainant had made discriminatory comments about them during the same meeting. In response to the Monitoring Officer's attempts to informally resolve this matter, the first Member complained of offered an apology to the complainant for any upset caused by their comments. Discussions are ongoing.

- (iii) The counter-complaint referred to in paragraph (ii) above, which has been recorded as a separate complaint. The Monitoring Officer is engaged in ongoing discussions to seek an informal resolution.
- (iv) A Member complained that another Member had threatened them during a meeting with other Members and Council Officers. The complaint was informally resolved by the Member offering an apology and clarifying that this was not their intention. The complainant then withdrew the complaint.
- (v) A Member complained about misleading information, misrepresenting what the complainant had said at a meeting with Members and Officers, being published on social media. The Monitoring Officer is engaged in ongoing discussions to seek an informal resolution.
- (vi) A Member complained that another Member had posted untrue and misleading information about the complainant on social media. The Monitoring Officer is engaged in ongoing discussions to seek an informal resolution.
- (vii) A member of the public complained about comments made by a Member on social media, alleging that they breached the Member's duty to treat everyone equally, without discrimination. The Ombudsman's decision is awaited.
- (viii) Another member of the public complained about comments made by a Member on social media, alleging that they breached the Member's duty to treat everyone equally, without discrimination. The Ombudsman's decision is awaited.

8. Six out of the eight complaints received during Quarter 2 were made to the Monitoring Officer under the Local Resolution Protocol. Four of the complaints (referred to in paragraphs 7 (ii), (iii), (iv) and (v) above) all relate to the same meeting attended by Members and Officers; and three of those complaints involve the same two Members. The two complaints

from members of the public both concern the same Member and the same issue.

Update on Complaint reported during Quarter 4 of 2020/21

9. At its last meeting, in July 2021, the Code of Conduct Complaints report (paragraph 8) included information about a complaint made during Quarter 4 of 2020/21, which 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.
10. It is understood that legal proceedings have been instigated against the Member in relation to this matter and a hearing is to be held at Cardiff Magistrates Court on 21st October 2021. The Committee will be provided with an update on this matter in due course.

Legal Implications

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

Financial Implications

12. 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

29 September 2021

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 4 of 2020/21 and Quarter 1 of 2021/22, July 2021