

Standards and Ethics Committee Annual Report 2022/23

Cardiff Council



The Ten General Principles of Public Life

<p>Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.</p>	<p>Personal judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.</p>
<p>Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.</p>	<p>Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers and its other employees.</p>
<p>Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefit.</p>	<p>Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.</p>
<p>Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.</p>	<p>Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.</p>
<p>Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.</p>	<p>Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.</p>
<p style="text-align: center;">“Nolan Committee on Standards in Public Life”</p>	

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Chair's Foreword

This is the first statutory annual report, being presented under the Local Government and Elections (Wales) Act 2021, since the Committee presented its first annual report to Council over 20 years ago. A few changes have been made to the structure and contents of the report to reflect the new statutory requirements.

In particular, we have included a new section dealing with the new statutory duties of Group Leaders to promote and maintain high standards of conduct by their Group members and set out the arrangements which have been put in place by the Committee, in consultation with Group Leaders, to fulfil the new duties. I must thank all Group Leaders for engaging with the Committee so positively and constructively to introduce the new reporting arrangements and for all their efforts to promote and maintain high standards of conduct within the Council.

This report covers the first year of the new Council elected in May 2022. The reporting period has changed to the financial year, rather than the municipal year as in previous reports, although it includes updates on key issues, where we considered it appropriate to do so. We are delighted to report that all 79 Cardiff Councillors have now completed the mandatory training on the Code of Conduct, which was delivered as a key component of the Member Induction Programme. The Committee believes that relevant training is essential for Members to be able to discharge their roles properly and, with the support of Group Leaders, has been pleased to follow this through by introducing a new duty to attend mandatory training within the Members' Code of Conduct. We think the acceptance of this new duty evidences the commitment of all Cardiff Councillors to ensure they are equipped to serve their communities to the best of their abilities.

We are pleased to report that standards of conduct during 2022/23 have remained generally high. The number of complaints recorded this year (7) shows a significant reduction from last year (20), although we noted that several of the complaints reported last year involved the same Members and related incidents. None of the 7 complaints reported this year resulted in a finding of a breach of the Code, which is good news indeed. We continue to encourage anyone with concerns about the conduct of an elected Member to raise their concerns with their group leader, group whip, the Monitoring Officer, Community Council clerk (if appropriate), or if they are a member of the public and wish to lodge a formal complaint, with the Public Services Ombudsman for Wales, so that their concerns can be properly addressed.

I must thank my fellow Committee members, who have all contributed diligently to the work of the Committee. We are also grateful to the former Monitoring Officer, Davina Fiore, who supported the Committee so effectively during her time at Cardiff Council. We welcome the new Interim Monitoring Officer, Debbie Marles, and look forward to working with her.

As the Council continues to face unprecedented budget pressures and all the associated challenges, we urge Members to remember the importance of high standards of conduct to maintain public trust and confidence in local democracy.

Jason Bartlett
Chair of Standards and Ethics Committee

The Role of the Standards and Ethics Committee

The Committee operates within a statutory framework and the following terms of reference:

- (a) 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.
- (b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.
- (c) 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.
- (d) To consider and determine the outcome of complaints that Councillors and Co-opted Members have acted in breach of the Code in accordance with procedures agreed by the Standards Committee, including the imposition of any penalties available to the Committee.
- (e) To oversee and monitor the Council's whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.
- (f) To grant or refuse requests for dispensations in respect of Members' interests under the Members Code of Conduct in accordance with the relevant statutory provisions.
- (g) 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.
- (h) To recommend to Council and the Cabinet any additional guidance on issues of probity.
- (i) To hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer, whether on reference from the Ombudsman or otherwise.
- (j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.
- (k) To monitor compliance by political group leaders with their duties in relation to Member conduct (under section 52A(1) of the Local Government Act 2000), and to advise, train or arrange training for political group leaders in relation to those duties.

All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.

The Committee has identified its major role as being to:

- Promote and maintain high standards of conduct by County Councillors, Community Councillors and Co-opted Members.
- Provide support, advice and training for County Councillors and Community Councillors on conduct and personal interests.
- Monitor the operation of the Code of Conduct and the governance of the Council.
- Hear and determine any complaints referred by the Public Services Ombudsman for Wales.
- Provide advice and guidance on the whistleblowing procedure, constitutional, protocols and ethical issues.

The Committee operates on the clear understanding that Elected Members that sit on the Committee are independent of political allegiance and that all discussions and decisions are taken with ethical principles at the forefront. The Committee is mindful that not all political groups are represented on the Committee and welcomes attendance by all Members at its meetings and is happy to receive contributions from those groups not so represented. The Committee wishes to do all it can to support Elected Members and Co-Opted Members in their role.

The Committee's Work in 2022/23

MEMBERS EXIT SURVEY

The Committee gave detailed consideration to the outcomes from the Members Exit Survey carried out at the end of the 2022 local government terms, to enable lessons to be learned about the experiences of Councillors in relation to standards of conduct and behaviour. The 2022 survey outcomes were compared with the 2017 Exit Survey outcomes and it was noted that the number of reports of incidents of experienced and witnessed unacceptable behaviours remained broadly consistent with the numbers reported the 2016-17 Exit Survey. The Committee was pleased to note that the majority of those who reported unacceptable behaviours experienced confirmed that they were happy with how it was dealt with, and the Committee was mindful that behaviour considered to be unacceptable may not necessarily constitute a breach of the Code of Conduct, particularly, in view of the enhanced protection afforded to the right to freedom of political expression under human rights law.

Although the Committee noted that female Members were still more likely to report experiencing unacceptable behaviour compared to their male counterparts, it was encouraging to note that the proportion of female Councillors as well as the differential between female and male Councillors had reduced. Similarly, the number of Councillors reporting discrimination, both female and male, had reduced from 2017.

The Committee agreed that a repeat survey should be carried out to identify whether the 2022 Member Induction had been successfully assimilated by Councillors elected in 2022 and check for any improvements in behaviours; and to revise the section dealing with unacceptable behaviours to include definitions of key terms, such as 'bullying', 'harassment' and 'discrimination' and to encourage Members to provide as much information about any incident or multiple incidents and types of behaviours, as possible.

It was noted that a mid-term survey is to be carried out in early 2024 and then a further Exit Survey towards the end of 2026.

COMMITTEE MEMBERSHIP

The Committee appointed a new Community Council representative to fill the vacancy which arose following the May 2022 local government elections. Nominations were invited from all 6 community councils in Cardiff, and One Voice Wales was consulted, as required under the Standards Committees (Wales) Regulations 2001. The Committee set up an Appointments Panel to select and interview suitable candidates and make a recommendation to full Council. The Committee decided to also recommend a substitute Community Council representative to be appointed to deal with any misconduct complaints in which the community council member may have a conflict of interests (for example, if a complaint were to involve a community councillor from their own council).

After shortlisting and interviewing suitable candidates, the Appointments Panel recommended the appointment of Community Councillor Julia Charles of Radyr and Morganstown Community Council as the Community Council representative on the

Committee; and Community Councillor Mike Jones-Pritchard of Tongwynlais Community Council, as substitute Community Council representative. The new Community Council representative appointments were approved by full Council in September 2022.

There were also changes to the elected Members serving on the Committee following the May 2022 local government elections – please see Committee membership details at the end of this report; and, following the public appointments process carried out at the end of 2021, the Committee welcomed a new Independent member, Rashpal Singh, who joined the Committee in June 2022.

WELSH GOVERNMENT STATUTORY GUIDANCE

The Committee considered the draft Welsh Government statutory guidance on standards of conduct issued in February 2022 and approved a consultation response. The draft guidance covered the new statutory duties on political group leaders and the Committee’s associated monitoring duties (which are addressed in the separate section on Group Leaders’ Duties below). The guidance also covered the new statutory requirements for standards committees to make an annual report to Council, which has been considered and taken into account in the preparation of this annual report.

The Committee also considered the separate Welsh Government consultation on statutory guidance relating to democracy in principal councils (‘the Democracy Handbook’). Whilst most of the Democracy Handbook falls outside the remit of the Standards and Ethics Committee, the Committee considered the consultation question about the publication of Members’ home addresses within their Register of Interests. The Committee was content, on the basis of the statutory guidance issued by the Public Services Ombudsman for Wales on the Members’ Code of Conduct, to support the view of the Welsh Government that there is no requirement for Members’ full home addresses to be included within their Register of Interests and that a description referring to a street name or postcode would suffice. The guidance issued by the Council on the Register of Interests confirms this and the Committee agreed to respond to the Welsh Government consultation accordingly.

MEMBERS USE OF COUNCIL IT FOR REMOTE / HYBRID GROUP MEETINGS

The Committee considered a request from party group whips to allow the use of the Council’s IT equipment to facilitate remote / hybrid group meetings. Whilst the law does not permit Council resources to be used for purely political purposes, the Committee noted that the Ombudsman’s statutory guidance on the Code of Conduct states that the Council may authorise Members to use Council resources and facilities for political purposes in connection with the authority’s business, such as holding political group meetings. On the basis that Members’ discussions at their political group meetings relate predominantly to Council business, and in recognition of the fact that facilitating remote attendance is consistent with the Council’s general approach to its formal decision making meetings (as set out in its Multi-Location Meetings Policy), the Committee agreed that the requested use should be permitted.

On the advice of the Council's Head of Democratic Services, the Committee agreed a draft protocol should be developed to clearly set out appropriate conditions and limitations. The Committee also agreed to recommend the amendment of the Members' Code of Conduct to expressly permit the use of Council resources for political group meetings held for the purpose of discussing Council business, in accordance with the approved protocol.

On the recommendations of this Committee, the draft Protocol for the Use of Council Hybrid Meetings IT Equipment for Political Group Meetings and the corresponding amendment of the Members' Code of Conduct were subsequently approved by full Council in November 2022.

CARDIFF UNDERTAKING

The Committee has reviewed the purpose and status of the Cardiff Undertaking, in light of the fact that there are no prescribed mechanisms for enforcing it and that two Members have declined to give the Undertaking. The Committee noted that the commitments given in the Undertaking are similar to the statutory duties imposed in the Members' Code of Conduct and that, by law, Members are required to give an undertaking to comply with the Code of Conduct within their statutory declaration of acceptance of office. The Committee agreed to seek the views of Group Leaders on the value of retaining the Cardiff Undertaking before making any recommendation to full Council in this regard.

During discussion with Group Leaders, the majority view was that the Cardiff Undertaking provides a useful opportunity for Members to publicly reaffirm their commitment to high standards of conduct; and that an additional commitment, over and above the statutory duties imposed under the Code of Conduct, was to be welcomed. On this basis, it was agreed that the Undertaking should be retained, subject to a minor amendment to reflect the fact that Councillors may also have legal duties to other bodies, for example, to outside bodies to which they may be appointed by the Council; and that the Undertaking should be reviewed to ensure it remains up to date and fit for purpose.

On the recommendations of the Committee, the minor amendment to the Undertaking was subsequently approved by full Council and all Councillors were invited to publicly affirm their commitment to the revised Undertaking at the Annual Meeting in May 2023.

NATIONAL STANDARDS COMMITTEE FORUM

The Committee considered proposals in relation to the establishment of a National Standards Committee Forum, in response to one of the recommendations of the Independent Review of the Ethical Standards Framework (published in October 2021). The Committee noted that the Forum, to be comprised of the Chair from each standards committee in Wales, is intended to encourage consistency of approach and the adoption of best practice across Wales. The Committee was supportive of the establishment of the Forum and was content to agree the draft terms of reference for the Forum, which had been prepared collaboratively by the Monitoring Officers' Group and the Welsh Local Government Association (WLGA). The Chair of the

Committee has since attended Forum meetings and reported back to the Committee for information.

MEMBERS BRIEFING

The Committee has resolved to issue periodic Member Briefings to update Members on the work of the Committee and provide advice and guidance on topical issues. Following the May 2022 elections, the April 2022 Briefing was re- issued to all newly elected Councillors. In October 2022 the Committee considered and agreed the content of its next Member Briefing, issued in early 2023 and cover changes to the Committee's membership, to remind Members of the Social Media Codes as social media continues to be a common feature in complaints, to note the new statutory duties of Group Leaders in relation to standards of conduct, to provide an update on the number of Member conduct complaint, and to remind Members of the rules requiring registration of gifts and hospitality. Community Councillors were reminded that they were welcome to attend any of the Committee's meetings. All Members were invited to contact the Chair if they wished to provide any feedback on the Briefing or required any further information about the work of the Committee.

MEMBERS' GIFTS AND HOSPITALITY REGISTER

Under the Members' Code of Conduct, Members are required to register the receipt of any gifts and hospitality which exceeds the threshold value set by their authority, which in Cardiff is £25. The Committee has carried out its annual review of the Members' Hospitality Registers covering the period from 1st January 2022 to 31st December 2022. The Committee was content that there were no concerns regarding the receipt of the gifts and hospitality recorded in the register. However, it was noted that a number of register entries recorded the approximate value of the gift / hospitality as 'unknown', and several of these related to tickets to public events where ticket prices would be available on websites. The Committee agreed that an estimated value should be included for all registrations made and agreed minor amendments to the Council's Guidance and the Member Registration Form to reiterate this.

The Committee also noted that one of the recommendations from the Independent Review of the Ethical Standards Framework in Wales was that the Code of Conduct should specify a threshold for registration to provide consistency across Wales; and a suggestion had been put forward by another Standards Committee that authorities should consider voluntarily aligning their thresholds to avoid the need for legislation. Informal enquiries made through the Monitoring Officers in Wales Group have indicated that the proposed harmonization of thresholds is broadly supported, in principle, by other Welsh authorities, provided a specific threshold value is agreed by all. The Committee noted that the most common threshold value adopted by authorities across Wales is £25, as adopted by Cardiff Council. However, some authorities have lower limits, including a few authorities which require all gifts and hospitality to be registered, irrespective of value, and one authority which had adopted a higher limit for gifts only.

The Committee considered that the £25 threshold was reasonable as it would capture most items at that level. They were content, in principle, to co-ordinate with other authorities, but noted that costs in the capital city may be higher than elsewhere in Wales and so a lower threshold may not be appropriate for Cardiff Council. On this

basis, the Committee was keen to ensure that any standardised threshold should be a matter of local choice by individual authorities, if considered appropriate.

SENIOR OFFICERS' PERSONAL INTERESTS

The Committee completed its annual review of Senior Officers' personal interests declarations for 2022. The purpose of the review was to satisfy the Committee that Senior Officers' personal interests are being appropriately managed and that there are no ethical issues arising. The report to Committee was presented by the Governance Solicitor, as the Monitoring Officer is one of the Council's Senior Officers and therefore has a personal interest in this matter. As the declarations include the personal information of Senior Officers, the review was conducted on a confidential and exempt basis. However, the Committee noted that a register of Senior Officers' outside business interests is published on the Council's website in the interests of transparency and accountability.

Having carefully reviewed all declarations made, the Committee was pleased to note that there were no concerns arising in this regard.

WHISTLEBLOWING REPORTS

The Committee received its regular annual report setting out the number of whistleblowing reports made during 2021/22 (three during the financial year), and considered a confidential note of the nature of the concerns raised and outcomes in relation to each case. This information was considered alongside comparative data on the number of whistleblowing reports recorded by other Welsh local authorities, which had been shared on a confidential basis. The Committee was content that Council's whistleblowing arrangements were operating satisfactorily and that there were no ethical concerns arising from the cases reported.

The Committee also noted that the Whistleblowing Policy was due to be reviewed, but had been delayed due to resource constraints. Accordingly, the review of the Policy, to be accompanied by a training and communications plan, has been rescheduled for 2023/24.

OMBUDSMAN'S ANNUAL LETTER, ANNUAL REPORT AND CASEBOOK 2022/23

The Committee received and considered various documents issued by the Public Services Ombudsman for Wales, specifically, the consultation on the PSOW's Strategic Plan 2023-26, updated Code of Conduct guidance and procedures and the Equality and Human Rights Casebook 2022/23.

The Committee noted that the updated Code of Conduct guidance for Members of principal authorities included reference to the new statutory duties on political group leaders and standards committees, which was agreed to be helpful; and the changes to the PSOW's complaints notification process (detailed under the Complaints section below). The updated Code of Conduct guidance has been circulated to all Cardiff Councillors.

OBSERVATION OF MEETINGS

Independent members of the Committee and the Community Council representative have continued to observe meetings of Full Council and its Committees, as well as Community Council meetings and record their observations using the Committee's standard template form. Observations have been shared with the Chair / Clerk of the relevant meeting and discussed at Standards and Ethics Committee meetings to inform the Committee's work and understand the work of the Council and Community Councils.

The Committee has been pleased to observe that standards of Member conduct and management of the Council, Planning Committee and Community Council meetings attended were all generally good. In one instance, when inappropriate criticism of a senior officer was observed during a Council meeting, the Committee was pleased to note that the Lord Mayor, as Chair of Council and the Leader of the Council had responded appropriately and this had been followed up with the leader of the relevant political group, the Member concerned and the Chief Executive, and the Member had apologised. In another instance, the Committee noted that technical issues had occurred during a full Council meeting, which required the remote part of the meeting to be restarted and a delay with the re-activation of the webcast. The Committee was content to note that the webcast was back online as quickly as possible and upgrades had been made to the system to prevent a recurrence of the problem. A query was also raised in relation to circulation of exempt documents during the Council meeting, which was subsequently clarified to the satisfaction of the Committee.

Committee members are encouraged to continue attending different Council and Committee meetings for observation and feedback to the Committee.

COMMUNITY COUNCILS

The Committee has continued to engage with Community Councils to promote and maintain high standards of conduct within those Councils and build good working relationships with them. Members of the Committee have attended Community Council meetings to familiarise themselves with the work of Community Councils and raise the profile of the Standards and Ethics Committee.

The Monitoring Officer has continued to hold regular meetings with the Community Council Clerks to discuss and provide support and advice to Clerks in relation to Member conduct issues and good governance.

TRAINING

The former Chair of the Committee introduced herself and welcomed Members during the introductory session of the Member Induction in May 2022 and the Monitoring Officer's staff were available to assist Members with their Register of Interests. Mandatory training on the Members' Code of Conduct, Ethical Standards and Interests, which included an overview of Group Leaders' new Member conduct duties, was included within the Member Induction Programme, along with a comprehensive programme of other relevant training.

During the year, the Committee discussed mandatory training and what action could be taken to compel Members' attendance. The Committee noted that the new statutory duties of Group Leaders would require them to take steps to address any non-attendance at mandatory training by Members of their group; and agreed that the Chair of the Standards and Ethics Committee would write to any individual Councillors who had not attended the mandatory Code of Conduct training. The Committee also considered incorporating a requirement to attend mandatory training within the Members' Code of Conduct, as a permitted local variation to the statutory model Code. It was agreed that this issue would be discussed with Group Leaders to seek their views. [With the agreement of the group leaders and on the recommendation of this Committee, the Council has since (in June 2023) amended its Members' Code of Conduct to incorporate a duty to attend within 6 months all training designated by Council as mandatory, unless certain specified exemptions apply.]

By the end of the year, the Committee was pleased to note that, following a number of repeat training sessions on the Code of Conduct delivered by the Monitoring Officer both in person and remotely, with individual sessions offered when necessary, all Cardiff Councillors had completed the mandatory Code of Conduct training.

Taking Action on Complaints

The Standards and Ethics Committee receives quarterly reports from the Monitoring Officer in respect of complaints made about Members' conduct. The Committee monitors the number of complaints and any themes or patterns emerging (but only considers specific details of individual cases if a complaint is formally referred to the Committee by the Monitoring Officer or the Ombudsman.)

During the period from 1st April 2022 to 31st March 2023, the Monitoring Officer was notified of a total of 7 complaints made against Members alleging breach of the Code of Conduct. The table below shows an analysis of the complaints reported on a quarterly basis.

	Q1 Apr, May, Jun 2022	Q2 Jul, Aug, Sept 2022	Q3 Oct, Nov, Dec 2022	Q4 Jan, Feb, Mar 2023	TOTAL
Member on Member	0	0	0	0	0
Public on Member	2	2	2	1	7
Officer on Member	0	0	0	0	0
Community Councillors	0	0	0	0	0
Total	2	2	2	1	7

Change in the Ombudsman's Notification Procedures

During the year, the Committee was notified that the Ombudsman's office had changed its notification procedures; and would in future only notify all parties of a complaint after the Ombudsman's decision had been made on whether the matter would be investigated. The Ombudsman indicated that the new notification approach had several advantages:

'It reduces pressure on the Monitoring Officers who are often contacted by members as soon as a complaint is made about them (seeking advice and support), it also reduces the concern for Members who were previously worrying about a complaint (some even went so far as to engage legal support), which may never be taken further than assessment, and it has reduced the number of counter complaints, which would also not meet the test for investigation. The process is also more in keeping with the legislation which requires that the Monitoring Officer be provided with a reason for decision.'

The Committee noted, in relation to complaints notified by the Ombudsman, that the Monitoring Officer could only report to Committee once those complaints had been notified to her and that such complaints may relate to incidents and complaints submitted several months or even years previously, which would make it difficult to make meaningful comparisons in relation to the number of complaints. The Committee agreed, for its future reports, to receive a breakdown of the number of complaints notified by the Ombudsman, alongside the number reported directly to the Monitoring Officer for informal resolution.

The Committee was pleased to note that the number of complaints received during 2022/23 (7 in total) was lower than the three previous years (20 in 2021/22, 13 complaints in 2020/21; and nine complaints in 2019/20). An outline of the complaints submitted during each quarter of the year 2022/23 is set out below.

Quarter 1 of 2022/23

During Quarter 1 of 2022/23, covering the period running from 1st April 2022 to 31st March 2022, a total of 2 complaints alleging a breach of the Members' Code of Conduct were reported to the Monitoring Officer:

- (i) A member of the public complained that a Member had continued to hold advice surgeries during the pre-election period. The complaint was submitted to the Ombudsman who decided not to investigate the matter, because there was no evidence of a breach of the Code of Conduct. The Ombudsman confirmed that *'During the pre-election period, Councillors standing for election can arrange to speak to constituents as long as their activities are not funded nor arranged by the Council.'*
- (ii) A member of the public complained that a Member had, during the election campaign, removed mail from their letterbox. The Ombudsman decided not to investigate the complaint, indicating that concerns related to the election and the campaigning period are primarily a matter for the Electoral Commission and or the Police; and

that he did not consider the Code of Conduct to be engaged in this case.

Quarter 2 of 2022/23

During Quarter 2 of 2022/23, covering the period running from 1st July 2022 to 30th September 2022, a total of 2 complaints alleging a breach of the Members' Code of Conduct were reported to the Monitoring Officer:

- (i) A member of the public complained about a social media comment made by a Member, which was considered to be inflammatory and insulting. The Monitoring Officer resolved this complaint informally by raising this with the Member, who then deleted the offending comment.
- (ii) A member of the public complained that a Member had made malicious attacks on their name and integrity, specifically in relation to (i) alleged events which took place in 2017; and (ii) social media comments made during the election period in 2022. The Ombudsman decided not to investigate the complaint. In relation to the events alleged to have taken place in 2017, the Ombudsman found that, in view of the length of time which had elapsed since then, it was not in the public interest to investigate this aspect of the complaint. In relation to the social media comments made during the election period, the Ombudsman noted that *'It is not the purpose of the Code of Conduct to inhibit free speech and the robust expression of political differences. Councillors have a wide freedom of expression both in a personal and professional capacity.. [meaning that they] can say things which may be shocking or offensive to some people.'*

Quarter 3 of 2022/23

During Quarter 3 of 2022/23, covering the period running from 1st October 2022 to 31st December 2022, a total of 2 complaints alleging a breach of the Members' Code of Conduct were notified to the Monitoring Officer:

- (a) A member of the public submitted a complaint to the Ombudsman in September 2020 alleging that their local Councillor had failed to respond to correspondence and to support them with their concerns. The Ombudsman's decision confirmed that the Ombudsman had decided not to investigate the complaint, because the matters alleged did not constitute a breach of the Code. The decision letter explained the Ombudsman's view that: *'It is a matter for the Member to determine which causes to support and they are elected to make those decisions. Whether the Member has acted for the benefit of the community is something which will be determined at the ballot box at the next election. It is not the Ombudsman's role to interfere with the will of the electorate and Cllr X is the person elected by the constituency to represent it.'*
- (b) Another member of the public complained that their local Councillor had failed to support them with their concerns, lied to residents at a public meeting held in September 2022, was unfit to perform their duties as

Member and had used a religious slur and made other comments, which were considered to be unacceptable behaviour for an elected Member. The Ombudsman decided not to investigate, because the alleged failure to support the constituent's concerns could not constitute a breach of the Code, as the complaint related either to the decisions of the Council as a whole and or to political matters on which the Councillor was entitled to form their own views. The Ombudsman further decided that, whilst the remaining parts of the complaint may amount to a breach of the Code, an investigation would not be in the public interest, because the comments were not 'sufficiently offensive, intimidating or insulting to amount to bullying behaviour', nor 'so inflammatory, violent or shocking that they could amount to a breach of the Code'. However, the Ombudsman did not condone the comments made and indicated that the Councillor would be reminded of their duty to always show respect and consideration for others.

Quarter 4 of 2022/23

During Quarter 4 of 2022/23, covering the period running from 1st January 2023 to 31st March 2023, a total of 1 complaint alleging a breach of the Members' Code of Conduct was notified to the Monitoring Officer by the Ombudsman:

A member of the public had complained to the Ombudsman that a Member had treated him poorly, told the complainant that they did not care about the difficulties he had experienced, bragged about how long they had been a member of the Council and failed to respond to correspondence. The Ombudsman decided there was insufficient evidence to suggest a breach of the Code of Conduct, so the complaint would not be investigated. The Ombudsman's decision stated that: *'Failing to respond to correspondence could be considered rude but it is unlikely to amount to a breach of the Code of Conduct. If the Complainant remains unhappy with the service they have received from their elected member, it is open to them to choose a different candidate for election going forward.'*

OUTCOMES

Of the 7 complaints reported to the Monitoring Officer during 2022/23, 1 was resolved informally by the Monitoring Officer under the Local Resolution Protocol.

Six complaints were considered by the Ombudsman, who decided not to investigate any of the complaints on the basis that there was insufficient evidence of a breach of the Code to warrant an investigation in 5 of the cases; and that an investigation would not be in the public interest in 2 of the cases.

LOCAL RESOLUTION

The Committee is pleased to report that the Local Resolution Protocol adopted by Cardiff Council appears to be working well. A significant proportion of complaints are resolved by the Monitoring Officer through discussion with the Members concerned, and complainants are often satisfied with an apology or other action, such as deletion of a

comment on social media. The Committee believes that local resolution provides a helpful process for resolving relatively 'low-level' behavioural complaints made by Members about other Members, in a timely and proportionate way.

However, the Committee reviewed the provision made under the Protocol for those complaints which cannot be resolved informally, which may then be referred to the Hearings Panel. The Committee noted the significant resource involved in arranging a hearing by the Hearing Panel, in terms of obtaining all relevant evidence from the parties; preparation of reports and administrative arrangements for the hearing; Members, officers' and witnesses' time in attending and administering the hearing; and arrangements for preparing and issuing the decision of the Panel. It was observed that the amount of work involved in arranging a hearing may sometimes be seen as disproportionate to the seriousness of the complaint, particularly when the conduct complained about may not meet the threshold for the Panel to find a breach of the Code.

Having carefully considered this matter, the Committee recommended that the Local Resolution Protocol and Procedure should be amended to provide that the Monitoring Officer shall not refer a complaint to the Hearings Panel *unless s/he is satisfied that there is direct evidence of a breach of the Code and that it is in the public interest to do so*, with the proviso that any decision to not refer an unresolved complaint to the Hearings Panel must be made with the agreement of the Chair of the Standards and Ethics Committee (or the Vice-Chair in the absence of the Chair). Full Council accepted this recommendation and in March 2023, the Local Resolution Protocol and Procedure was amended accordingly.

No complaints were referred to the Hearings Panel in 2022/23 under the Local Resolution Protocol.

The Committee encourages Community Councils to adopt their own local resolution protocols, using the model developed by One Voice Wales in consultation with the Ombudsman.

REFERRALS FROM THE OMBUDSMAN / ADJUDICATION PANEL FOR WALES

During 2022/23, no referrals were made to the Standards and Ethics Committee for determination by either the Public Services Ombudsman for Wales or the Adjudication Panel for Wales.

Group Leaders' New Statutory Duties

The Committee received several reports to consider the new statutory duties imposed (under the Local Government and Elections (Wales) Act 2021) on group leaders, with effect from May 2022, promote and maintain high standards of conduct by Members within their groups.

At the start of the year, the Committee considered the Welsh Government consultation on the then draft statutory guidance on standards of conduct, which included guidance on group leaders' new statutory duties and the corresponding duties on Standards Committees to support and monitor group leaders' compliance. The Committee agreed that the draft statutory guidance was helpful for understanding the scope of the new duties and how they may be fulfilled, and endorsed the consultation response submitted by the Monitoring Officer. A draft proforma for group leaders' reports to the Standards and Ethics Committee was agreed, for discussion with group leaders. The Committee was pleased to note that training on group leaders' new statutory duties was included within the Code of Conduct training delivered by the Monitoring Officer as part of the Member Induction Programme 2022 and that further training needs would be discussed with group leaders.

In October 2022, the Committee met with the group leaders and whips and discussed the new statutory duties and the proforma report which group leaders would be asked to complete and submit to the Committee biannually. It was noted that the proforma report had been developed in line with the draft statutory guidance and revised to reflect comments made by members of the Committee, and informed by work undertaken by colleagues in another local authority, which had been shared within the Welsh Monitoring Officers group. Group leaders confirmed their agreement with the proposed proforma and agreed to report to the Committee in May 2023.

The Committee duly received reports from the leaders of each of the three political groups represented on the Council, which included a summary of specific complaints raised with the leaders (on an anonymised basis) and action taken to resolve them, as well as confirmation of the general steps taken by each leader in order to promote and maintain high standards of conduct by Members of their group and to co-operate with the Standards and Ethics Committee in the discharge of its functions. The reports included figures provided by Democratic Services officers on group members' attendance at mandatory training and leaders' comments on these figure, as encouraging group members to attend relevant training and development is recognised (within the draft statutory guidance and the proforma group leaders' report) as one step group leaders should take to promote high standards of conduct.

Committee's Assessment of Group Leaders' Compliance

Following careful consideration of the group leaders' reports for 2022/23 and prior discussions held throughout the course of the year, the Committee was satisfied that all group leaders had engaged positively and constructively to take steps to comply with their new statutory duties and the new reporting arrangements. The Committee wishes to thank group leaders for all their efforts to promote and maintain high standards of conduct within Cardiff Council.

Future Priorities




The Committee regularly reviews its work programme and the following areas have been scheduled for consideration in 2023/24:

- **Code of Conduct Complaints** - To continue to receive quarterly reports on complaints made against Cardiff Members alleging a breach of the Code of Conduct.
- **Whistleblowing Policy** - To review the Council's Whistleblowing Policy and its implementation; and to receive information on reports made under the Policy and consider any ethical issues arising.
- **Training** - to oversee the provision of training and advice for group leaders on their new statutory duties in relation to Member conduct.
- **Monitoring compliance with Group Leaders' statutory duties in relation to Member conduct** - to receive and consider reports from political group leaders about steps taken to discharge their new statutory duties in accordance with the agreed reporting arrangements.
- **South East Wales Corporate Joint Committee** – as the duly appointed standards sub-committee for the Corporate Joint Committee, to consider any work required to fulfil its statutory functions.
- **Members' Use of Council IT for Political Group meetings** - to review the operation of the approved Protocol and consider any amendments required or issues arising.
- **Observation of Council and Committee Meetings** – to continue to observe proceedings at Council, Committee and Community Council meetings to give feedback on observations and inform the Committee's work priorities.
- **Member Briefings** To continue to publish Member Briefings on the work of the Committee, underlining the importance of Member conduct and behaviour.
- **Gifts and Hospitality** - To continue to monitor the registers of gifts and hospitality received by Members.
- **Senior Officers' Personal Interests** – to continue to monitor senior officers' personal interests declarations.
- **Cardiff Undertaking** – to review the Undertaking, to ensure it remains fit for purpose.

The Committee recognises the challenging budget position of the Council and the limited resources available for the work of the Committee, and notes that the Committee's work will be progressed as resources permit.

Committee Membership 2022/23

INDEPENDENT MEMBERS

 <p>Jason Bartlett (Chair)</p>	<p>Jason Bartlett worked within the private sector running a number of businesses over a twenty five year period. He studied at the University of Glamorgan completing a post graduate course in Leadership and Management from the ILM (Institute of Leadership and Management). He has been a Magistrate in Cardiff since 2003, serves as a Chair for Social Care Wales on Fitness to Practice and was also appointed as an independent person to the Devon and Somerset Fire and Rescue Authority. He also served on the CHC (Community Health Council) for Cardiff and Vale. Other voluntary work included many years as a lay member for the Royal College of Anaesthetists as well as Chair for his local PACT meetings. Jason was appointed as an Independent Member of the Standards and Ethics Committee in November 2019 and was elected as Chair from June 2022.</p>
 <p>Hollie Edwards-Davies (Former Chair)</p>	<p>Hollie Edwards-Davies was brought up in Rhyl, North Wales and has lived in Riverside, Cardiff for 12 years. She studied for a LLB honours degree in Law with Legal Studies in Europe at the University of Reading, including a year in Germany at <i>Universität Trier</i>. She subsequently completed a degree in Applied Accounting by distance learning with Oxford Brookes University and continued her studies to become a member of the Association of Chartered Certified Accountants (ACCA) in 2010. Hollie served as Chair of the ACCA South Wales Members Network Panel between 2013 and 2015, and is still an active member of the network. Following a variety of roles in the private sector and some voluntary work, Hollie worked at the Welsh Government for ten years and departed in 2015 to pursue a career change. She joined the Standards and Ethics Committee in July 2014; stepped down in November 2017 and resumed her position in June 2018 following maternity absence. Hollie was elected as Vice-Chair in September 2019 and became Chair from 1st November 2021 until the end of her second term of office in June 2022.</p>
 <p>Arthur Hallett</p>	<p>Arthur Hallett was born and brought up in Essex and came to South Wales in 1983. Arthur is a retired NHS Senior Manager having spent virtually all his working life in the public sector including over 30 years in the NHS specialising in Payroll, Pensions and Human Resources Management. He has a Masters Degree in Business Administration from Cardiff Business School. Previously he was a magistrate on the Cardiff and Vale of Glamorgan Bench as Chair in Adult, Youth and Family Courts; a member of the Independent Social Services Appeals Panels under the aegis of the Welsh Government; a member (including six years as Chair) of the Vale of Glamorgan Council's Standards Committee; and a member of the Institute of Personnel and Development and the Institute of Health Services Management. He is currently a member of the Wales Government sub-committee for NHS Consultants Clinical Impact Awards and sits as a Chair for the Valuation Tribunal for Wales. Arthur became an Independent Member of the Standards and Ethics Committee in November 2019.</p>



**Chrissie Nicholls
(Vice Chair)**

Chrissie Nicholls has worked in the public and third sector for 20 years as an experienced senior and project manager for Local Government and a number of National and International charities. Since 2016 she has been working as an independent consultant, providing business development, governance and capacity building support to the third sector, and research and evaluation programmes for local authorities across Wales. She particularly specialises in violence against women, domestic abuse and sexual violence. Originally born in Cardiff, Chrissie studied in Nottingham before moving to London. She returned to Cardiff in 2012 and now lives in the Vale of Glamorgan. In addition to her work, Chrissie is a Trustee for Cancer Research Wales. Chrissie became vice-chair of the Committee on 1st November 2021.



David Mills





David Mills has worked in financial services for over 40 years in a number of senior roles across a variety of disciplines including IT services and operations, systems development and project & programme management. He has a Master's Degree in Business Administration from the University of Wales College Newport. Previously he sat on the governing body of a Cardiff primary school for 15 years, which included 5 years as chair and is currently a community governor at a Cardiff secondary school which he joined in 2011 and where he has also served as chair for 5 years. He has served on or chaired a number of other governing body committees over the years including an improvement group in 2018/19 which developed a range of resources for use by other governors across five Welsh local authorities. David was appointed as an Independent Member of the Standards and Ethics Committee in January 2022.




Rashpal Singh

Rashpal Singh is a qualified and an accredited Psychotherapist / Counsellor. He has practiced in the welfare, counselling, occupational health and employee assistance field for the past 25 years. He has successfully set up his own practice where he continues to deliver counselling, coaching, training, information, advice and guidance service, where a person in any walk of life can get confidential support. Rashpal specialises in stress, anxiety, depression, trauma and includes relationship counselling, work related stress to domestic/physical or psychological abuse. His current client list includes GPs, consultants, psychiatrists, counsellors, psychologists and employees, managers and directors of businesses. He has been the Chairman and one of the Trustees of the Institute of Welfare for the last 5 years and has been a Justice of the Peace for the last 23 years. Rashpal was appointed as an Independent Member of the Standards & Ethics Committee on 23 June 2022.


COUNTY COUNCIL MEMBERS

 <p>Councillor Stephen Cunnah</p>	<p>Labour Councillor for the Canton Ward</p> <p>Currently serving on the following committees:</p> <ul style="list-style-type: none"> • Constitution Committee • Council • Standards & Ethics Committee <p>Outside Bodies:</p> <ul style="list-style-type: none"> • Chapter (Cardiff) Limited
 <p>Councillor Imran Latif</p>	<p>Liberal Democrat Councillor for the Penylan Ward</p> <p>Currently serving on the following committees:</p> <ul style="list-style-type: none"> • Council • Standards & Ethics Committee
 <p>Councillor Jayne Cowan</p>	<p>Conservative Councillor for the Rhiwbina Ward</p> <p>Currently serving on the following committees:</p> <ul style="list-style-type: none"> • Constitution Committee • Council <p>Committee Term of Office ended: 25/05/23</p>
 <p>Councillor Joel Williams</p>	<p>Conservative Councillor for the Pontprennau and Old St Mellons Ward</p> <p>Currently serving on the following committees:</p> <ul style="list-style-type: none"> • Council • Governance and Audit Committee • Policy Review and Performance Scrutiny Committee <p>Committee Term of Office ended: 08/05/22</p>

	<p>Liberal Democrat Councillor serving the Pentwyn and Llanedeyrn Ward</p>
<p>Councillor Emma Sandrey</p>	<p>Term of Office as an Elected Member and Committee Member on 5 May 2022</p>

[Councillor Catriona Brown-Reckless, Conservative Councillor, serving the Pentyrch and St Fagans Ward was appointed to the Committee on 25 May 2023]

COMMUNITY COUNCIL REPRESENTATIVE

	<p>Community Councillor Julia Charles was appointed to the Standards & Ethics Committee at Full Council on 29 September 2022. Julia has been a Member of the Radyr and Morganstown Community Council since September 2017. Julia has a strong background in Human Resources and Learning and Development in Banking and the Civil Services, taking early retirement in October 2023. This knowledge and experience has helped in her Community Council work as Chair of Chair of the Finance Committee and a member of the Employment and Allowances Committee. She also held the Chair of the Christmas Working Group arranging Christmas festivities in Radyr and Morganstown during the lockdown and pandemic to ensure that the villages still had meaningful Christmas spirit.</p>
<p>Community Councillor Julia Charles</p>	

SUBSTITUTE COMMUNITY COUNCILLOR REPRESENTATIVE

Community Councillor Mike Jones-Pritchard was appointed to the Standards & Ethics Committee as the Substitute Community Councillor Representative at Full Council on 29 September 2029. Mike is the Chair of Tongwynlais Community Council.

Attendance Record

The Committee meets quarterly, with additional ad hoc meetings held as required. During 2022/23, the Standards and Ethics Committee met on the following dates:

- 22 June 2022
- 25 October 2022
- 14 February 2023

COMMITTEE MEMBER	ATTENDANCE MAIN COMMITTEE	
	Possible	Actual
Hollie Edwards-Davies (Chair until 22 June 2023)	1	1
Jason Bartlett (Chair from 23 June 2023)	3	3
Chrissie Nicholls	3	3
Arthur Hallett	3	3
David Mills	1	1
Rashpal Singh (from 23 June 2023)	2	1
Councillor Stephen Cunnah	3	2
Councillor Jayne Cowan (from 26 May 2023)	3	3
Councillor Imran Latif	3	2

Helpful Contacts

Chair of Standards & Ethics Committee – Jason Bartlett

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Public Services Ombudsman for Wales – Michelle Morris

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Email: ask@ombudsman.wales

Webpage: www.ombudsman.wales