
REPORT OF THE INTERIM MONITORING OFFICER

MEMBERS' CODE OF CONDUCT COMPLAINTS UPDATE – QUARTER 3 OF 2023/24; AND MANDATORY TRAINING COMPLETION

Reason for Report

1. To provide the Committee with an update on (i) 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 notified to the Monitoring Officer during Quarter 3 of 2023/24 (the period running from 1st October 2023 to 31st December 2023); and (ii) Members' mandatory training attendance completion figures.

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 a complaint is formally referred to the Committee for a decision.
4. Complaints received during Quarter 2 of 2023/24 were reported to the Committee meeting on 7th November 2023.

Issues

5. During Quarter 3 of 2023/24, covering the period running from 1st October 2023 to 31st December 2023, a total of 1 complaint alleging a breach of the Members' Code of Conduct was notified to the Monitoring Officer by the Ombudsman.
6. The table below shows the number and type of complaint notified to the Monitoring Officer during Quarter 3 of 2023/24, alongside comparative figures for previous quarters:

	Q3 Oct – Dec 2022	Q4 Jan – Mar 2023	Q1 Apr – Jun 2023	Q2 Jul – Sept 2023	Q3 Oct – Dec 2023
Local Resolution	0	0	1	0	0
Ombudsman*	2	1	1	6	1
Total	2	1	2	6	1

* Reported on the basis of the date upon which the complaint is notified to the Monitoring Officer.

Type of Complaint

	Q3 Oct – Dec 2022	Q4 Jan – Mar 2023	Q1 Apr – Jun 2023	Q2 Jul – Sept 2023	Q3 Oct – Dec 2023
Member on Member	0	0	1	0	0
Public on Member	2	1	0	4	1
Officer on Member	0	0	0	0	0
Community Councillors	0	0	1	2	0
Total	2	1	2	6	1

7. The single complaint notified to the Monitoring Officer during Quarter 2 was submitted to the Ombudsman by a member of the public alleging that a Member had failed to acknowledge or respond to their correspondence. The Ombudsman applied the 2-stage test to decide whether to investigate the complaint and decided that the complaint should not be investigated, because the first stage of the test was whether there is evidence to suggest

that there have been breaches of the Code. In considering this, the Ombudsman found that *'It is for the Member to decide what correspondence and contact from members of the public they wish to respond to. While the complainant may consider it rude and discourteous that the Member ignored her and did not respond to her correspondence or requests, a failure to respond to correspondence would not be so serious as to amount to a breach of the Code. Issues such as the Member's engagement with constituents would be for the local electorate to determine at the ballot box.'* Accordingly, the conduct complained about was found not to meet the first stage of the test. Although there was no need, therefore, to consider the second stage of the test, the Ombudsman found that *'even if a failure to respond to correspondence could be considered to amount to a breach of the Code, any such breach of the Code would not be sufficiently serious to warrant investigation in the public interest.'*

8. The Committee may wish to note that if a complainant is dissatisfied with an Ombudsman's decision to not investigate a complaint, they may ask the Ombudsman for a review. If the Ombudsman agrees to re-open a case following a review, the Monitoring Officer is informed.

Update on Complaints reported previously

9. The report to the last Committee meeting included reference to 2 complaints which were being considered by the Ombudsman, one reported during Quarter 1 of 2023/24 and the other reported during Quarter 2 of 2023/24. The Monitoring Officer has not yet been notified of the Ombudsman's decision on either case, so the details of both complaints must be kept confidential at this stage. The outcomes of both complaints will be reported to the Committee in due course.

Mandatory training completion

10. The Committee will recall that, upon the recommendations of this Committee, the Members' Code of Conduct for Cardiff Councillors now includes a duty to attend all training designated by the authority as mandatory within 6 months from the date on which the training is made available, but not starting until the new duty was introduced by virtue of the Council decision of 29th June 2023. This means that the deadline for completion of mandatory training offered as part of the 2022 Member Induction Programme was 29th December 2023. Under the revised Code of Conduct, an extension of time may be agreed with the Head of Democratic Services if there is a reasonable excuse for requiring more time.
11. Completion of mandatory training has been ongoing and the completion figures to date are shown in the table below:

Mandatory Training	Attendance	
	Actual	%
What Councillors need to Know (including Members' Code of Conduct)	79	100.00%
Information Governance and Data Protection	79	100.00%
Supporting Equality in Cardiff's Diverse Communities	79	100.00%
Corporate Parenting	79	100.00%
Safeguarding	79	100.00%

12. The Committee will be pleased to note that all Councillors have now completed all mandatory training.

Legal Implications

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

Financial Implications

14. There are no financial implications arising directly from this report.

Recommendation

The Committee is recommended to note the contents of the report and make any appropriate observations and comments.

Debbie Marles
Interim Monitoring Officer
30 January 2024

Background papers

Standards & Ethics Committee report, 'Members' Code of Conduct Complaints Update – Quarter 2 of 2023/24; and Ombudsman's Annual Letter 2022/23 and Quarterly Newsletter', 7 November 2023 [Item 7 Report.pdf \(moderngov.co.uk\)](#)

Council report, 'Amendment of the Members' Code of Conduct – Attendance at Mandatory Training', 29th June 2023: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](#)

Monitoring Officer's correspondence in relation to complaints (various)
Democratic Services records of Members' training attendance