

## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday 2 September 2019
<b>Report Subject</b>	Public Service Ombudsman for Wales Casebook Issue 20 (January - March 2019)
<b>Report Author</b>	Deputy Monitoring Officer

### EXECUTIVE SUMMARY

The Public Service Ombudsman for Wales (PSOW) considers complaints that Members of local authorities in Wales have broken the Code of Conduct (the Code). There are four findings the PSOW can arrive at:

- (a) that there is no evidence of breach;
- (b) that no action needs to be taken in respect of the complaint;
- (c) that the matter be referred to the authority's Monitoring Officer for consideration by the Standards Committee;
- (d) that the matter be referred to the President of the Adjudication Panel for Wales (the APW) for adjudication by a tribunal.

The PSOW summarises the complaints that he has investigated on a quarterly basis in the Code of Conduct Casebook (the Casebook). In reference to (c) and (d) findings, the Casebook only contains the summaries of those cases for which the hearings by the Standards Committee or APW have been concluded and the outcome of the hearing is known. This edition covers January to March 2019.

This edition highlights that two complaints were investigated by the PSOW during this time, of which both were findings of no action necessary. There were no findings of no breach, no referrals to Monitoring Officers for consideration by their Standards Committees and there were no referrals to the APW for adjudication by a tribunal.

### RECOMMENDATIONS

1	To note the findings of those complaints that were investigated by the PSOW during January to March 2019, as summarised in issue 20 of the Casebook.
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## **REPORT DETAILS**

<b>1.00</b>	<b>BACKGROUND</b>
1.01	<p>The PSOW considers complaints that Members of local authorities in Wales have broken the Code. The PSOW investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act. Where the PSOW decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the PSOW can arrive at, namely:</p> <p>(a) that there is no evidence that there has been a breach of the authority's Code of Conduct;</p> <p>(b) that no action needs to be taken in respect of the matters that were subject to the investigation;</p> <p>(c) that the matter be referred to the authority's Monitoring Officer for consideration by the Standards Committee;</p> <p>(d) that the matter be referred to the President of the APW for adjudication by a tribunal (this is usually only the more serious cases)</p>
1.02	<p>In terms of findings (c) and (d) it is for the Standards Committee or tribunal to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.</p>
1.03	<p>The Casebook contains summaries of reports issued by the PSOW for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, the Casebook only contains the summaries of those cases for which the hearings by the Standards Committee or APW have been concluded and the outcome of the hearing is known. This edition (issue 20) covers January to March 2019. There were no referrals under findings (c) or (d) during this period.</p>
1.04	<p>The summary of the findings in this edition of the Casebook, are as follows:-</p> <p><u>No action necessary</u></p> <p><u>Pembroke Dock Town Council - Promotion of equality and respect</u>  <u>Case Number: 201706079</u></p>
1.05	<p>The PSOW received a complaint that a Member (the Member) of Pembroke Dock Town Council (the Council) had breached the Code. It was alleged that the Member had acted in a disrespectful and bullying manner towards the previous Clerk to the Council, both in Council meetings and when communicating with her by email, between 2014 and her resignation from the Council in 2017.</p>
1.06	<p>The PSOW investigated whether the Member's actions amounted to a</p>

	breach of the parts of the Code that concern showing respect and consideration, bullying and harassment, bringing the Council into disrepute and a Member's duty to disclose an interest in any Council business.
1.07	Information was sought from the Council, Pembrokeshire County Council and the Member. Interviews were also undertaken with relevant witnesses. Having considered the evidence, the PSOW concluded that he was not persuaded that the Member acted in a disrespectful or bullying manner towards the Clerk at meetings or when communicating with her by email. He also decided that the evidence was not suggestive of a breach of the Code that the Member had brought the Council into disrepute. The PSOW further concluded that it was likely that the Member may have breached the Code when failing to declare a personal interest at meetings.
	<u>Saltney Town Council - Promotion of equality and respect</u> <u>Case Number: 201800177 &amp; 201800178 &amp; 201800179 &amp; 201800180</u>
1.08	The PSOW received a complaint that Members (the Members) of Saltney Town Council (the Council) had breached the Code of Conduct by engaging in an argument with other councillors in front of members of the public, following a Town Council meeting.
1.09	The PSOW commenced an investigation on the basis that there may have been breaches of paragraphs 4(b), 4(c) and 6(1) (a) of the Code.
1.10	The PSOW found that the behaviours complained about were below the standard that he would expect from Elected Members but that their behaviour was petty and immature and therefore to take further action and use further public resources would not be in the public interest.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	N/A

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	N/A

<b>5.00</b>	<b>APPENDICES</b>
5.01	None

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p><a href="https://www.ombudsman.wales/wp-content/uploads/2019/06/Code-of-Conduct-Jan-March-2019-UPLOAD-.pdf">https://www.ombudsman.wales/wp-content/uploads/2019/06/Code-of-Conduct-Jan-March-2019-UPLOAD-.pdf</a></p> <p><b>Contact Officer:</b> Matthew Georgiou, Deputy Monitoring Officer  <b>Telephone:</b> 01352 702330  <b>E-mail:</b> <a href="mailto:matthew.georgiou@flintshire.gov.uk">matthew.georgiou@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>APW</b> – The Adjudication Panel for Wales is an independent tribunal whose function is to determine alleged breaches by elected and co-opted members of Welsh County, County Borough and Community Councils, Fire and National Park Authorities, against their authority’s statutory Code of Conduct.</p> <p><b>PSOW</b> - Public Services Ombudsman for Wales is independent of other bodies and has legal powers to investigate complaints about public services and independent care providers in Wales and to investigate complaints that members of local government bodies have broken their authority’s Code of Conduct.</p>