

ATODIAD / ENCLOSURE
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ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE
DATE:	14 March 2012
TITLE OF REPORT:	TO CONSIDER A COMPLAINT AGAINST COUNCILLOR BARRIE DURKIN FOLLOWING INVESTIGATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES
REPORT BY:	CHIEF EXECUTIVE
PURPOSE OF REPORT:	TO DETERMINE WHETHER THE MATTER SHOULD NOW PROCEED TO LOCAL HEARING

DOCUMENTS ENCLOSED

- 1 The Public Services Ombudsman's report

1 BACKGROUND

- 1.1 This report has been prepared by Peter Keith-Lucas, Local Government Partner of Bevan Brittan LLP on behalf of the Chief Executive.
- 1.2 The Public Services Ombudsman for Wales has investigated a complaint by Mr. David Lewis-Roberts that Councillor Barrie Durkin failed to observe the County Council's Code of Conduct for Members by sending an email to persons including County Councillors and Council staff in which he asserted that Mr. David Lewis-Roberts had been able to corrupt the Planning Committee on a number of occasions and with complete impunity.

2 THE OPTIONS AVAILABLE TO THE STANDARDS COMMITTEE

- 2.1 Under the Local Government Investigations (Functions of Monitoring Officers and Standards Committees Regulations 2001, the Standards Committee must determine either –
- a. that there is no evidence of any failure by Councillor Durkin to comply with the County Council's Code of Conduct; or
 - b. that Councillor Durkin should be given an opportunity to make representations, either orally or in writing in respect of the findings of the investigation and any allegation that he may have failed to comply with the County Council's Code of Conduct.

- 2.2 In other words, unless the PSOW's report exonerates Councillor Durkin, the Standards Committee must refer the matter for a local hearing.

3 THE PUBLIC SERVICES OMBUDSMAN'S REPORT

- 3.1 The relevant passages from the PSOW's report are as follows –

Paragraph 108 "I am therefore satisfied that Councillor Durkin's comments about Mr. Lewis Roberts in both the email and blog entry are capable of demonstrating a failure to show respect and consideration and may be capable of breaching 4(b) of the Code."

Paragraph 110 "I am therefore satisfied that Councillor Durkin's comments about Mr. Lewis Roberts and most importantly the Planning Committee could be capable of bringing the Council into disrepute and thus are suggestive of a breach of Paragraph 6(1)(a) also."

- 3.2 Accordingly, the PSOW has found evidence of one or more failures by Councillor Durkin to comply with the County Councils Code of Conduct. The Standards Committee must therefore determine in accordance with Paragraph 2.1(b) above.

4 RECOMMENDATION

I recommend that the Standards Committee resolve that the matter now proceed to local hearing at which Councillor Durkin will be given the opportunity to make representations in respect of the findings of the investigation and any allegation that he may have failed to comply with the County Council's Code of Conduct.