

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	14 December 2022
REPORT TITLE:	Published findings by the Public Services Ombudsman for Wales for all Councils in Wales
PURPOSE OF THE REPORT:	To advise the Committee of all Wales findings published on its website by the Public Services Ombudsman for Wales for the period between 1 June and 30 November 2022.
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1. INTRODUCTION

The term of the newly appointed Public Services Ombudsman for Wales (PSOW) started on 1 April 2022. Some of the PSOW's practices have since changed; this includes the way it now publishes findings made in relation to Code of Conduct cases.

The Committee will recall that one of the standing items on the Committee's agenda for its twice-yearly formal meetings was a review of the Code of Conduct Casebooks published by the PSOW. However, the Ombudsman has said that Code of Conduct Casebooks will not be published after April 2021 and all PSOW cases are now published on the website under separate headings.

This report summarises the information published under the "Our Findings" heading on the PSOW's website for the months of June to November 2022 in relation to Code of Conduct matters only **[ENCLOSURE 1]**.

2. BACKGROUND

The PSOW exercises "first sift" powers under Section 69 of the Local Government Act 2000, which requires them to consider complaints that members of local authorities in Wales may have broken their code of conduct. The PSOW's jurisdiction includes county councils and town and community councils.

Having received a complaint, the PSOW apply their threshold test to determine whether or not the complaint should be investigated. The threshold test involves the PSOW being satisfied that:-

- There is evidence to suggest that the code of conduct may have been breached; and
- That the matter is sufficiently serious for it to be in the public interest for an investigation to be opened.

When an investigation is opened, the PSOW may reach one of four findings under Section 69 of the Local Government Act 2000 which are:-

- (a) that there is no evidence that there has been a breach of the authority's code of conduct;
- (b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- (c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee; or
- (d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

If (c) or (d) above apply, the PSOW will then submit their report to the local standards committee or to the Adjudication Panel for Wales (APW), and it is for the committee, or a case tribunal of the APW, to conduct a hearing to consider the evidence and to make the final decision on whether or not the code of conduct has been breached and, if so, whether a penalty should be imposed, and what any penalty should be.

Standards committees have statutory authority to issue a suspension against a councillor for a period not exceeding 6 months. Standards committees have no powers of disqualification and, where there are findings of breach, will try to apply a sanction that is proportionate to the offence. This will often be a censure (public rebuke) or a recommendation of training/undertaking/mediation etc.

A case tribunal has authority to suspend a councillor for up to 12 months and to disqualify for up to 5 years.

3. RECOMMENDATION

The Chair of the Standards Committee will lead a discussion on any matters of interest reported in **ENCLOSURE 1**.

ENCLOSURE 1 (June – November 2022)

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p>1.</p> <p>Tywyn Town Council</p> <p>Case ref number 202005528</p>	<p>07/06/2022</p>	<p>The Complainant alleged that the former Member of Tywyn Town Council had made false allegations about the former Clerk and other Members of the Town Council, and undermined and disparaged the former Clerk at Town Council meetings.</p> <p>The PSOW obtained information from the Monitoring Officer of Gwynedd Council, the Town Council, witnesses and the former Member. During the investigation several attempts were made to obtain a formal statement from the Complainant, without success.</p>	<p>Promotion of equality and respect.</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> - 4(b) – must show respect and consideration for others. - 4(c) – must not use bullying behaviour or harass any person. - 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. 	<p>The PSOW’s investigation considered that although the former Member resigned from the Town Council during the investigation, the former Member had remained a Member of Gwynedd Council and stood for re-election to the Council. However, ultimately, the former Member was not returned by the local electorate and was therefore no longer a member at town or county level. As a result, the PSOW was no longer satisfied that an investigation into the complaint was in the public interest, and it was decided to discontinue the investigation.</p>	<p>CODE - Discontinued</p>	<p>Only limited information is provided in the case summary. However, it shows that the PSOW continues to use the two stage test and the threshold for the “public interest” element (the second stage) is high.</p> <p>Because the individual concerned was no longer a member in either a community or county council, the PSOW decided to stop the investigation; perhaps if the individual was still a councillor, the PSOW would have taken a different approach.</p> <p>There is nothing preventing a former Member standing in a subsequent election or by-election.</p>

ENCLOSURE 1 (June – November 2022)

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<p>2.</p> <p>Langstone Community Council</p> <p>Case ref number 202101430</p>	<p>08/06/2022</p>	<p>The complainant alleged that a former Member of Langstone Community Council was violent and abusive during an altercation outside the complainant's property. It was also alleged that the former Member operated an illegal waste disposal business on his property.</p>	<p>Duty to uphold the law.</p> <p>Considering a breach of paragraph:</p> <ul style="list-style-type: none"> - 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. 	<p>The PSOW's investigation found that whilst an Enforcement Notice for an alleged breach of planning control had been served against the former Member, there was no evidence to suggest the former Member's involvement in any official capacity in planning affairs and the matter related to the former Member's private capacity alone. In addition, the former Member had an ongoing appeal against the Enforcement Notice, which had not been determined.</p> <p>The investigation also found there was historic animosity between both parties and that, during the altercation, both had used expletives and provocative behaviour, which culminated in the former Member throwing a punch and the matter being reported to the Police. The Police did not take further action and the former Member stepped down from the Council during the investigation.</p> <p>The PSOW considered that as the matter was not sufficiently serious for the Police to take action, and the former Member was no longer a councillor, it was unlikely that a sanction would be imposed, and it was not in the public interest to pursue the matter.</p>	<p>CODE - No action necessary</p>	<p>The case shows that the PSOW continues to use the two stage test and the threshold for the "public interest" element (the second stage) is high. Because the individual concerned was no longer a member of the community council, and that the Police did not take action in relation to the same incident, the PSOW decided that no action was necessary in this matter. Perhaps if the individual was still a community councillor, the PSOW would have taken a different approach, despite the Police decision, as the level of proof is different in criminal and civil cases.</p>

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<p>3.</p> <p>Pencoed Town Council</p> <p>Case ref number 202005940</p>	<p>17/06/2022</p>	<p>A former Councillor of Pencoed Town Council had failed to declare a criminal conviction when he stood for election in 2018 and in doing so had breached the Code of Conduct for elected members.</p> <p>The investigation found that the former Councillor had been convicted of an offence in July 2015 and that this conviction disqualified him from standing as an elected member. The former Councillor stood for election to Pencoed Town Council in November 2018 and could not have done so had they not made a false declaration on their nomination paper. The deception did not come to light until an article featured in a national newspaper in July 2020. The former Councillor resigned once this</p>	<p>Integrity.</p> <p>Considering a breach of paragraph:</p> <p>6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</p>	<p>The PSOW considered that the former Councillor misled the Town Council as to his eligibility to be a Councillor and that his dishonesty, both when signing the declaration of acceptance of office and during the year and 8 months that he acted as a Councillor, was a serious abuse of office which goes against the principles that underpin the Code of Conduct. The former Councillor did not engage with the investigation and did not give any explanation for his actions or show any remorse.</p> <p>The PSOW referred the case to the Adjudication Panel for Wales (APW). The APW heard the case on 10 June 2022 and found that the former Councillor had been elected on a false premise and that his declaration of acceptance of office, undertaking to abide by the Code, and continuation in office took place on the same false premise. APW found that the Consent to Nomination and Guidance to Candidates were so clear that it was inconceivable that the former Councillor was unaware of the fact he was disqualified from being elected and his actions were either deliberate or as the result of extreme recklessness.</p> <p>The APW found that the fact that the former Councillor was disqualified from being elected and yet continued</p>	<p>CODE - Referred to the Adjudication Panel for Wales</p>	<p>Persons who have had a criminal conviction during the period of five years ending with the day of poll, or since being elected have been convicted in the UK of an offence, and have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine and the ordinary period allowed for making an appeal or application in respect of the conviction has passed, are disqualified from standing for election. [Section 80A of the Local Government Act 1972.]</p> <p>This case is discussed in more detail in a separate report presented to</p>

ENCLOSURE 1 (June – November 2022)

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		<p>information became public but had acted as a member for 1 year and 8 months when he was not eligible to do so.</p> <p>.</p>		<p>to act as Member went to the heart of public trust in democracy and undermined the Code and standards regime. The former Councillor continued to deal with his constituents and act on a false premise and this constituted a clear breach of paragraph 6(1)(a) of the Code. It also noted that the significant media and public attention and disquiet, would inevitably bring both the office of Member and his Authority into disrepute.</p> <p>The APW concluded that the former Councillor should be disqualified for 24 months from being or becoming a member of the Council or any other relevant authority within the meaning of the Local Government Act 2000.</p> <p>A link to the APW's decision in relation to former Councillor Gordon Lewis can be seen here.</p>		<p>the Standards Committee in relation to decisions made by the Adjudication Panel for Wales [item 7 on the Agenda for the Standards Committee on 14/12/2022].</p>

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<p>4.</p> <p>Pembrokeshire County Council</p> <p>Case ref number 202000660</p>	<p>17/06/2022</p>	<p>The PSOW received a complaint that a Member of Pembrokeshire County Council had allegedly published a post in June 2020 on the social media platform Facebook, which could be considered to be racist, and could have the potential to damage the reputation of the office of Member and of the Council.</p> <p>The PSOW's investigation established that the Member had publicly published his post in order to raise concerns about the Council's decision to light up County Hall in support of Black Lives Matter. The Member deleted his entire Facebook profile page some weeks later. Numerous complaints about the post were made to the Council and to</p>	<p>Promotion of equality and respect.</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> - 4(b) – must show respect and consideration for others. - 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. 	<p>The PSOW accepted that the Member had the right to question the Council's decision to support Black Lives Matter, however the language used by the Member was offensive and went beyond what would be expected of a councillor in a political discussion. The Member had not taken advantage of opportunities to attend equality and diversity training or social media training.</p> <p>The PSOW determined that the Member may have breached paragraph 6(1)(a) of the Code.</p> <p>The PSOW referred his investigation report to the Monitoring Officer of Pembrokeshire County Council for consideration by its Standards Committee.</p> <p>The Standards Committee decided that the Member had made the post in his capacity as Councillor and censured him for breaches of paragraphs 4(b) and 6(1)(a) of the Code. It said it would have considered a suspension had the Member been re-elected at the recent Local Government elections.</p>	<p>CODE - Referred to Standards Committee</p>	<p>The Minutes of the Standards Committee meeting when considering this matter at a Hearing can be seen on Pembrokeshire County Council's website via this link.</p> <p>The breach of the Code by the Councillor was considered serious. But because the individual was no longer serving as a Councillor, the Standards Committee had little options available to it by way of sanction for the breach.</p> <p>IOACC has a Protocol on Social Media included in the Council's Constitution (section 5.10).</p>

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		<p>the PSOW's office, and the Member was subject to local and national Press interest, as well as considerable comment on Facebook. The Member said that he considered the post to fall within his right to free speech because he did not believe he had really offended anybody, and the complaints that were made against him were politically motivated.</p>				

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<p>5.</p> <p>Llansantffraed Community Council</p> <p>Case ref number 202004442</p>	<p>24/06/2022</p>	<p>The PSOW received a complaint that alleged a Member of Llansantffraed Community Council was involved in an incident with a Council contractor (“the Contractor”), following which there was a Police investigation. The Member subsequently pleaded guilty to a charge of causing bodily harm by wanton and furious driving.</p>	<p>Duty to uphold the law.</p> <p>Considering a breach of paragraph:</p> <ul style="list-style-type: none"> - 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. 	<p>A witness account was obtained from the Clerk and information was obtained from the Police and the Court. The Member declined to cooperate with the PSOW’s investigation. The investigation found that the nature of the criminal offence involving the Council’s Contractor, the impact upon the young boys hurt in the incident, and the publicity surrounding the incident, which referred to the Council, suggested that the Member’s actions may have brought her office and the Council into disrepute.</p> <p>The report on the investigation was referred to the Adjudication Panel for Wales for adjudication by a tribunal.</p> <p>The APW concluded that the Member had breached paragraph 6(1)(a) of the Code of conduct by bringing their office as Councillor into disrepute and decided that the member should be disqualified for 12 months from being or becoming a member of the authority or of any other relevant authority.</p> <p>A link to the APW’s decision in relation to Former Councillor Caryl Vaughan can be seen here.</p>	<p>CODE - Referred to Standards Committee/ APW</p>	<p>This case is discussed in more detail in a separate report presented to the Standards Committee in relation to decisions made by the Adjudication Panel for Wales [item 7 on the Agenda for the Standards Committee on 14/12/2022].</p>

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<p>6.</p> <p>Tiers Cross Community Council</p> <p>Case ref number 202005972</p>	<p>28/06/2022</p>	<p>The PSOW received a complaint from a member of the public that a member of Tiers Cross Community Council had failed to declare an interest in an environmental / planning matter, had disclosed confidential information, and had emailed the complainant's employer in an attempt to discredit her.</p>	<p>Disclosure & register of interest.</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> - 11(1) – disclosure of personal interest at a meeting of the authority - 14(1)(a)(ii) – to withdraw from a meeting when the member has a prejudicial interest in the matter being discussed - 5(a) - must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so - 7(a) – must not in official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other 	<p>The PSOW considered that the Member had a personal and prejudicial interest in the environmental/planning matter, as the person involved was also the Member's landlord and a relative by marriage.</p> <p>The PSOW found the following breaches:</p> <ul style="list-style-type: none"> - that the Member had failed to declare the interest at a Council meeting held in August 2020. The Member declared an interest at video meetings held in March and April 2021 but did not leave the meetings when the matter was discussed. - that the Member had shared information he had received as a Council Member with his landlord. - That the Member had sent several emails about the matter to fellow Members of the Council, despite having an interest. The emails were critical of the complainant and supportive of the person involved in the matters. - That the Member had sent a factually inaccurate email of complaint about the complainant to her employer. The Member withdrew his complaint when he was advised of the inaccuracies. 	<p>CODE - No Action Necessary</p>	<p>The case shows that the PSOW continues to use the two stage test and the threshold for the "public interest" element (the second stage) is high. Because the individual concerned was no longer a member of the community council, the PSOW decided that no action was necessary in relation to the breaches of the Code carried out by the Member. It appears likely that if the individual was still a community councillor, the PSOW would have taken a different approach.</p> <p>The PSOW also advised that the remaining members of the Council in this matter undertook training on the code of conduct as</p>

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			<p>person, a disadvantage.</p> <ul style="list-style-type: none"> - 14(1)(d) – making written representations in relation to a business in which the member has a prejudicial interest 	<p>The overall behaviour of the Member did not appear to have had any wider implications for the Council and was not therefore suggestive of a breach of paragraph 6(1)(a) of the Code [<i>paragraph 6(1)(a) - Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</i>].</p> <p>The PSOW took into account that the Member had apologised and withdrawn his complaint, and that there appeared to be a lack of understanding about personal and prejudicial interests within the Council as a whole. Furthermore, as the Member did not stand for election in May 2022, and was no longer a Member of any Council, the PSOW determined that it was not in the public interest to refer her report to Pembrokeshire County Council's Standards Committee for consideration. Had the Member stood for election and/or been re-elected then it is likely that further action would have been considered.</p> <p>In view of the issues which have arisen in this case, the PSOW recommended that training be arranged for the Members of the Council in relation to both personal and prejudicial interests and their obligations under the Code.</p>		<p>there seemed to be a lack of understanding about personal and prejudicial interests within the Council. The PSOW encourages training on the Code for Members.</p>

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<p>7.</p> <p>Llanvaches Community Council</p> <p>Case ref number 202005979</p>	<p>01/07/2022</p>	<p>The PSOW received a complaint that a former Member of Llanvaches Community Council had breached the Code of Conduct regarding matters concerning work conducted by a tree surgeon, intimidating behaviour and the disclosure of confidential information.</p>	<p>Promotion of equality & respect</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> - 4(b) – must show respect and consideration for others. - 4(c) – must not use bullying behaviour or harass any person. - 5(a) – must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so - 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. - 7(a) – must not in official capacity or otherwise, use or attempt to use their position improperly 	<p>The PSOW found that when the former Member went to a public playing field and found a tree surgeon at work without an adequate cordon to ensure public safety, the former Member expressed a concern about public safety and work being conducted on Community Council leased land. The PSOW found there was no evidence to suggest the former Member's behaviour was inappropriate or aggressive, or that abusive or offensive language or intimidating behaviour was used in breach of the Code.</p> <p>The PSOW also found that accounts of a conversation between the former Member and the complainant concerning the disclosure of information differed and, as there were no witnesses to the event, it was not possible to draw a conclusion on exactly what was said. Further, the subject matter of the disclosed information had also been discussed at Community Council meetings and recorded in publicly available minutes. Therefore, the PSOW was not persuaded that the alleged conduct was suggestive of a breach of the Code.</p> <p>During the investigation the former Member did not stand in the Local Government elections on 5 May 2022 and stood down from the Community</p>	<p>CODE - No evidence of breach</p>	<p>Only limited information is provided in the case summary.</p>

ENCLOSURE 1 (June – November 2022)

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			<p>to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.</p>	<p>Council.</p> <p>The PSOW noted that since the events the Community Council had taken steps to ensure that when similar authorised work is conducted, members are present to ensure appropriate health and safety measures to protect the public are in place.</p> <p>The PSOW found no further action was necessary or required in the public interest.</p>		

ENCLOSURE 1 (June – November 2022)

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<p>8.</p> <p>Llanigon Community Council</p> <p>Case ref number 202100842</p>	<p>01/07/2022</p>	<p>The PSOW received a complaint that a member of Llanigon Community Council had breached the Code of Conduct by</p> <ul style="list-style-type: none"> • Behaving in a disrespectful, aggressive, and very intimidating manner towards the complainant in a Council meeting on 9 December 2020. • Bullying and intimidating the Clerk. • Discriminating towards female Members by not including them in correspondence and discussions. • Failing to consult full Council when taking decisions. • Failing to discuss the Clerk's wages. • Failing to conduct virtual Council meetings during the COVID-19 	<p>Accountability & openness.</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> - 4(b) – must show respect and consideration for others. - 4(c) – must not use bullying behaviour or harass any person. - 5(a) - must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so - 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. - 7(a) – must not in official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for 	<p>Witness accounts were obtained from all members of the Council, the Clerk, and a County Councillor. Documentation provided by the Clerk and the Monitoring Officer of Powys County Council was also reviewed.</p> <p>The Member was not re-elected at the May 2022 elections and the evidence was inconsistent. The PSOW did not consider that it was in the public interest to take further investigative steps and took the decision that no action needed to be taken in respect of the matters investigated.</p>	<p>CODE - No Action Necessary</p>	<p>The case shows that the PSOW continues to use the two stage test and the threshold for the “public interest” element (the second stage) is high. Because the individual concerned was no longer a member of the community council, the PSOW decided that no action was necessary in relation to the breaches of the Code carried out by the Member. There is limited information contained in the case summary but it is possible that if the individual was still a community councillor, the PSOW may have taken a different approach.</p>

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		<p>pandemic.</p> <ul style="list-style-type: none"> • Delaying having a Council website and subsequently made one himself, which was inaccessible to the public, and for which he claimed a fee from the Council for maintaining. • Refusing to provide receipts when claiming expenses. 	<p>themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.</p> <p>- 9(a) – must observe the law and their authority’s rules governing the claiming of expenses and allowances in connection with their duties as a member.</p>			

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<p>9.</p> <p>Sully and Lavernock Community Council</p> <p>Case ref number 202104219</p>	<p>04/07/2022</p>	<p>An employee of Sully and Lavernock Community Council complained that a former Member used bullying and disrespectful language towards him during a telephone conversation in September 2021.</p> <p>The employee complained about the former Member's behaviour to the Police and the PSOW on the day of the telephone conversation. The former Member resigned from the Council on the same day. The former Member denied the allegations to the Police, who took no further action.</p>	<p>Promotion of equality & respect.</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> - 4(b) – must show respect and consideration for others. - 4(c) – must not use bullying behaviour or harass any person. - 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. 	<p>The former Member refused to be interviewed and did not wish to participate in the PSOW's investigation. However, the former Member confirmed that a telephone conversation occurred but said that the Code did not apply at the time as they had resigned from the Council.</p> <p>The PSOW therefore determined the investigation on the evidence available and concluded, on the balance of probabilities, that the former Member was a Member at the time of the telephone call and had directed offensive language towards the employee which could be considered disrespectful and bullying.</p> <p>The PSOW concluded that the former Member's conduct was suggestive of a breach of paragraphs 4(b), 4(c), and 6(1)(a) of the Code. However, as the former Member had resigned from the Council and had not been elected to any Council at the May 2022 elections, the PSOW did not consider it to be in the public interest for any further action to be taken.</p>	<p>CODE - No Action Necessary</p>	<p>The case shows that the PSOW continues to use the two stage test and the threshold for the "public interest" element (the second stage) is high. Because the individual concerned was no longer a member of the community council, the PSOW decided that no action was necessary in relation to the breaches of the Code carried out by the Member. On the basis the case summary explains that the "conduct was suggestive of breaches" of the Code, it appears likely that if the individual was still a community councillor, the PSOW would have taken a different approach.</p>

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<p>10.</p> <p>Merthyr Tydfil County Borough Council</p> <p>Case ref number 202200667</p>	12/07/2022	<p>The PSOW received a complaint from an Officer of Merthyr Tydfil County Borough Council that a Member of the Council had failed to observe the Code of Conduct for Members. It was alleged that during the recent election campaign the Member had removed a political leaflet from a member of the public's letterbox, replaced it with his own leaflet, and taken the removed item away. The investigation considered whether the Member's alleged conduct brought the Member and the Council into disrepute.</p>	<p>Duty to uphold the law</p> <p>Considering a breach of paragraph:</p> <ul style="list-style-type: none"> - 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. 	<p>The PSOW obtained information from the Council's Monitoring Officer, including video footage of the incident. The Council confirmed that whilst the matter had been reported to the Electoral Commission and the Police, it had been established that the matter was not an electoral or Royal Mail offence and both bodies had declined to take any further action.</p> <p>As a result, the PSOW was no longer satisfied that an investigation into the complaint was in the public interest, and it was decided to discontinue the investigation.</p>	CODE - Discontinued	<p>The case shows that the PSOW continues to use the two stage test and the threshold for the "public interest" element (the second stage) is high. Whilst the PSOW considered it was appropriate to investigate this matter initially, the PSOW continues to review the public interest test whilst carrying out its investigation and it is at that point that the PSOW has decided to end the investigation in this matter.</p>

ENCLOSURE 1 (June – November 2022)

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p>11.</p> <p>Bridgend Town Council</p> <p>Case ref number 202102372</p>	<p>19/07/2022</p>	<p>It was alleged that a Councillor disclosed confidential information on Facebook when she shared information about a discussion which took place in a private council session and that this may amount to breach of the Code of Conduct.</p> <p>During the course of the investigation, information from the Community Council was considered, including meeting minutes. Witnesses were also interviewed.</p>	<p>Integrity.</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> - 5(a) - must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so. - 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. - 7(a) – must not in official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage. 	<p>The investigation found that the Member posted a comment on her personal Facebook account. The content of the comments related to Council matters and her role within the Council. The PSOW considered that the Member gave the impression she was relying on her status as a member and therefore that the Code of Conduct was fully engaged in relation to the comment.</p> <p>The PSOW found that the meeting discussions and the minutes of the meeting were confidential. However, the PSOW found that during the full Council meeting that took place, some information was shared during the public element of the meeting and was documented in the minutes of the meeting which were shared publicly. Therefore, the PSOW did not consider that there was evidence suggestive of a breach of paragraphs 6(1)(a) and 7(a) of the Code of Conduct. The PSOW was satisfied that, in view of the information which was in the public domain, the impact of the substance of the comment being shared was limited. The PSOW found that under Section 69(4)(b) of the Local Government Act 2000, no action needed to be taken in respect of the matters investigated.</p>	<p>CODE - No Action Necessary</p>	<p>Members should not rely on this case as a way of defending disclosing confidential information obtained in their capacity as member of the council.</p> <p>The case shows that the PSOW continues to use the two stage test and the threshold for the “public interest” element (the second stage) is high.</p>

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<p>12.</p> <p>Ceredigion County Council</p> <p>Case ref number 202106365</p>	<p>03/09/2022</p>	<p>The PSOW received a self-referred complaint from a Member of Ceredigion County Council, that they had breached the Council’s Code of Conduct for members.</p> <p>The Member said that during a discussion at a public Council meeting about Welsh Ambulance Service NHS Trust (“WAST”) provision in Ceredigion, they had made inappropriate comments about “incomers” to the county and “immigrants” being allowed into Wales by the Welsh Government and the potential impact on those services.</p>	<p>Promotion of equality & respect</p> <p>Considering breaches of paragraphs:</p> <ul style="list-style-type: none"> - 4(a) – must carry out duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion - 4(b) – must show respect and consideration for others. - 6(1)(a) – must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. 	<p>Information was obtained from the Council including a transcript of what the Member had said in the meeting, minutes of Council meetings, and comments from the Member.</p> <p>The PSOW found that following the incident the Member had stepped down from their political party to sit as an independent member.</p> <p>During the investigation the Member stood in the election on 5 May 2022 and was not returned by the local electorate.</p> <p>In comments to the Council and the PSOW, the Member accepted the remarks had been inappropriate and taken in a way not intended. The PSOW found that the Member’s remarks did not extend to gratuitous or personal comment or hate speech and would not have been interpreted as representative of the views of the Council. As such, they would not have amounted to a breach of paragraphs 4(a) or 6(1)(a) of the Code of Conduct. The PSOW determined, however, that they could be considered divisive and disrespectful, and suggestive of a breach of paragraph 4(b) in failing to show respect and consideration for others.</p> <p>The PSOW considered that, as the</p>	<p>Code - No Action Necessary</p>	<p>The case shows that the PSOW continues to use the two stage test and the threshold for the “public interest” element (the second stage) is high. Because the individual concerned was no longer a member of the county council, the PSOW decided that no action was necessary in relation to the breaches of the Code carried out by the Member. On the basis the case summary explains that the remarks “could be considered divisive and disrespectful” and “suggestive of a breach” of the Code, it appears likely that if the individual was still a county councillor, the PSOW would have taken a different approach.</p>

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				<p>Member's role was ultimately decided by the local electorate and they were no longer a member of the Council, any sanction which could be given if a breach of the Code of Conduct was found by the Council's Standards Committee would be limited and therefore it was not in the public interest to take any further action in respect of the matter. The PSOW found that under Section 69(4)(b) of the Local Government Act 2000 no action needed to be taken in respect of the matters investigated.</p>		

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<p>13.</p> <p>Llandovery Town Council</p> <p>Case ref number 202100012</p>	<p>27/10/2022</p>	<p>The PSOW received a complaint that a Member of Llandovery Town Council had breached the Code of Conduct. The Member had been convicted of drug driving and it was reported in a newspaper that she did not intend to stand down as Mayor.</p>	<p>Duty to uphold the law.</p> <p>Considering a breach of paragraph:</p> <ul style="list-style-type: none"> - 6(1)(a) - failure to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. 	<p>The PSOW considered the Member's conviction and the fact that her sentence fell short of automatic disqualification as outlined in Section 80A of the Local Government Act 1972. The PSOW also considered the account provided by the Member.</p> <p>The PSOW considered whether further action was needed in the public interest and the overriding purpose of the ethical standards regime in Wales, which is to uphold standards of conduct in public life and maintain confidence in local democracy. The PSOW was of the view that the Member's conviction and the press coverage that followed which referred to the Council, the Member's membership of the Council and her position as Mayor, could be regarded a conduct that was capable of bringing her Council and/or her office as a councillor into disrepute and was suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.</p> <p>The report on the investigation was referred to the Monitoring Officer of Carmarthenshire County Council for consideration by its Standards Committee. The Standards Committee concluded that the member had breached paragraph 6(1)(a) of the Code of Conduct. Accordingly, the Standards</p>	<p>CODE - Referred to Standards Committee</p>	<p>The Minutes of the Standards Committee meeting when considering this matter at a Hearing can be seen on Carmarthenshire Council's website on this link.</p> <p>The breach of the Code by the Councillor was considered serious. But because the individual was no longer serving as a Councillor, the Standards Committee had little options available to it by way of sanction for the breach.</p>

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				Committee decided that the Member should be suspended for 2 months and be required to attend Code of Conduct training within 6 months.		