

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	13 December 2023
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 2023.
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1. INTRODUCTION

This report summarises the information published under the “[Our Findings](#)” heading on the [Public Services Ombudsman for Wales \(PSOW\)](#) website for the months of June to November 2023 in relation to Code of Conduct matters only [**ENCLOSURE 1**].

2. QUARTERLY NEWSLETTER

In addition to the information on the website, the Ombudsman also publishes quarterly Newsletters. The second Quarterly Newsletter from the Public Services Ombudsman for Wales (dated August 2023) can be seen [here](#).

3. BACKGROUND

The PSOW exercises “first sift” powers under Section 69 of the Local Government Act 2000, which requires the PSOW 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 applies its 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 its 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.

4. RECOMMENDATION

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

ENCLOSURE 1 (June - November 2023)

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
<p>1.</p> <p>Mumbles Community Council</p> <p>Case ref number 202106588</p>	<p>21/03/2023</p>	<p>The Ombudsman received 2 complaints from the then-Chair of Mumbles Community Council ("the Council") that a Former Councillor had breached the Council's Code of Conduct.</p>	<p>6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</p> <p>6(1)(d) – Members must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.</p>	<p>The report on the investigation was referred to the Monitoring Officer of Swansea Council for consideration by its Standards Committee.</p>	<p>CODE - Referred to Standards Committee</p>	<p>Link to Swansea Council's Standards Committee's report at its Hearing on 13 October 2023 is available here.</p> <p>It resolved that:</p> <p>Former Councillor Louise Thomas be found to be in breach of Paragraphs 6 (1) (a) and 6 (1) (d) of the Code of Conduct.</p> <p>Former Councillor Louise Thomas be formally censured for breaching Paragraphs 6 (1) (a) and 6 (1) (d) of the Code of Conduct.</p> <p>Should Former Councillor Louise Thomas still have been a serving Community Councillor, the Standards Committee would have imposed a 6-month suspension, which is the maximum period of suspension</p>

ENCLOSURE 1 (June - November 2023)

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						that the Committee could impose.
<p>2.</p> <p>Mumbles Community Council</p> <p>Case ref number 202106524</p>	21/03/2023	The Ombudsman received 2 complaints from the then-Chair of Mumbles Community Council ("the Council") that a Former Councillor had breached the Council's Code of Conduct.	<p>6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</p> <p>6(1)(d) – Members must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.</p>	The report on the investigation was referred to the Monitoring Officer of Swansea Council for consideration by its Standards Committee. This summary will be updated following the Standards Committee's decision.	CODE - Referred to Standards Committee	<p>The matter was heard at the same time as the above matter in number 1.</p> <p>Link to Swansea Council's Standards Committee's report at its Hearing on 13 October 2023 is available here.</p>
<p>3.</p> <p>Bay of Colwyn Town Council</p> <p>Case ref number 202205087</p>	30/03/2023	A member of the public complained about a post a Member had shared on social media featuring a mass murderer holding up a sign promoting a supermarket meal deal. It was alleged the Member had used his platform to make an offensive political comment. The Ombudsman determined that an	6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.	The investigation found that the post drew attention on social media and in online news articles. The Member had apologised for any offence caused and removed the post immediately claiming that he did not know who the person was in the picture and it had been an erroneous use of clipart and a genuine mistake. The complainant provided no further information.	CODE - Discontinued	<p>Members are reminded to be mindful when using social media; the Code of Conduct may still apply.</p> <p>A Guide for Members on their use of social media has been developed by WLGA and is available here.</p>

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		<p>investigation should consider whether the Member may have breached paragraph 6(1)(a) of the Code of Conduct by conducting themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</p>		<p>The Ombudsman considered that suggesting a link between the mass murderer and the meal deal would be an egregious parallel to have been made, and the post and the resultant media attention which referred to the Member's role as a councillor was suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct. However, the Member claimed that the link was unintentional and although the Ombudsman considered the Member's explanation for how the post was made lacked credibility, no evidence was provided to the contrary and no information about similar behaviours was provided by the complainant.</p> <p>The post was wholly inappropriate. However, given the lack of engagement from the complainant, the remorse expressed by the Member, the challenge of disproving his explanation, his co-operation with the</p>		

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				<p>investigation, and the immediate removal of the post, it was decided that further investigation would not be in the public interest. The Member was warned to take care when making public posts in future and the investigation was discontinued.</p>		
<p>4. Barry Town Council and the Vale of Glamorgan Case ref number 201806120</p>	<p>30/03/2023</p>	<p>In December 2018, the Ombudsman's office received a complaint from the Monitoring Officer of the Vale of Glamorgan Council that the Former Member (who was still a member of both town and county Councils at the time) had been charged with historic sexual offences and, as such, may have brought both his Councils and his office as a councillor into disrepute.</p> <p>The Former Member was found guilty. He was sentenced to 7 years imprisonment.</p>	<p>6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</p>	<p>Section 80A of the Local Government Act 1972 provides that a person shall be disqualified from being elected or being a member of a local authority in Wales if a person has been convicted of a criminal offence and has been sentenced to imprisonment (whether suspended or not) of 3 months or more.</p> <p>The Former Member has automatically been disqualified from being a member of any Authority in Wales under the above provision. As the maximum period of disqualification which is available to the Adjudication Panel for Wales has already been imposed there is no benefit from continuing the</p>	<p>CODE - Discontinued</p>	<p>The facts for cases numbers 4 and 5 (below) are the same, though there are two case reference numbers, suggesting two separate complaints were made in relation to the same issue.</p>

ENCLOSURE 1 (June - November 2023)

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
				investigation. Therefore it was discontinued.		
5. Barry Town Council and the Vale of Glamorgan Case ref number 201805958	30/03/2023	In December 2018, the Ombudsman's office received a complaint from the Monitoring Officer of the Vale of Glamorgan Council that the Former Member (who was still a member of both town and county Councils at the time) had been charged with historic sexual offences and, as such, may have brought both his Councils and his office as a councillor into disrepute. The Former Member was found guilty. He was sentenced to 7 years imprisonment.		Section 80A of the Local Government Act 1972 provides that a person shall be disqualified from being elected or being a member of a local authority in Wales if a person has been convicted of a criminal offence and has been sentenced to imprisonment (whether suspended or not) of 3 months or more. The Former Member has automatically been disqualified from being a member of any Authority in Wales under the above provision. As the maximum period of disqualification which is available to the Adjudication Panel for Wales has already been imposed there is no benefit from continuing the investigation. Therefore it was discontinued.	CODE - Discontinued	The facts for cases number 4 (above) and 5 are the same, though there are two case reference numbers, suggesting two separate complaints were made in relation to the same issue.
6. Carmarthen shire County Council	30/03/2023	The Ombudsman received a self-referred complaint from a Member ("the Member") of Carmarthenshire	4(b) – Members must show respect and consideration for others. 6(1)(a) – Members	The Ombudsman found that the Member's explanation for his comments appeared to be credible. Whilst the language he used following his private exchange with	CODE - No Action Necessary	The case shows that the PSOW continues to use the two stage test i.e. (1) the evidential test - is there direct

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Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
Case ref number 202201203		<p>County Council (“the Council”) that they may have breached the Code of Conduct. The Member said that during a council training session other members of the Council heard him “swearing”.</p> <p>Information was obtained from the Council, including a link to a recording of the Council training session. Witnesses were interviewed. In comments to the Ombudsman, the Member said that he attended the Council’s training session via Zoom and was heard “swearing”. The Member explained that he was in the office of his private business whilst attending the Council training session, he had not realised his microphone was not on mute and during the session, he had</p>	<p>must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</p>	<p>his sub-contractor was disrespectful, the evidence gathered suggested that it was a private exchange, and she was therefore not persuaded that there was sufficient evidence suggestive of a breach of paragraph 4(b) of the Code.</p> <p>However, the Ombudsman found that the Member’s wholly inappropriate comments were heard by members of the Council, officers of the Council delivering the training and also attracted significant media interest and were widely reported in the press. The Ombudsman determined that as a result of the adverse publicity which reported on the Member’s conduct during a council training session, the Member’s comments were such that could reasonably be regarded as having brought the Council and the Member’ office into disrepute.</p> <p>In view of this, the Ombudsman found that the</p>		<p>evidence that a breach of the Code took place; and</p> <p>(2) the public interest test – considering if an investigation or a referral to the Adjudication Panel or a standards committee is required in the public interest.</p> <p>The PSOW made a recommendation that the Member should make a public apology to the Council at the next meeting of the Council.</p>

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		<p>an exchange with a sub-contractor and used a “few swearing words”. The Member said that the comments were to his sub-contractor and were not aimed at any member of the Council. He apologised for the incident and offered to apologise to the full Council.</p>		<p>Member’s the comments were suggestive of a breach of paragraph 6(1)(a). In view of the Member’s recognition of the inappropriateness of his actions and contrition, his prompt self-referral to the Ombudsman and his willingness and eagerness to offer an apology to the Council, the Ombudsman considered that that it was not in the public interest for any further action to be taken. However, the Ombudsman noted that but for the member’s action and apology, conduct of this kind would have met the Ombudsman’s threshold for a referral to the Standards Committee. The Member was informed that he should make a public apology to the Council at the next meeting of the Council. The Ombudsman 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>7.</p> <p>Solva Community Council</p> <p>Case ref number 202201039</p>	<p>30/03/2023</p>	<p>The Ombudsman received a complaint that a Member (“the Former Member”) of Solva Community Council (“the Council”) had breached the Code of Conduct) The Former Member recorded a video of himself verbally abusing the complainant and uploaded this video to his Facebook page before removing it a couple of hours later. In the video the Former Member can be seen making allegations regarding the complainant and his daughter. It is also alleged that he made inappropriate comments; he stated the complainant would be dead by the time of the next election and he called the complainant a derogatory term.</p> <p>Information was obtained from the</p>	<p>The Ombudsman’s investigation considered whether the Former Member’s conduct may have breached paragraphs 4(a), 4(b), 4(c) and 6(1)(a) of the Council’s Code of Conduct.</p> <p>4(a) – Members must carry out their 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.</p> <p>4(b) – Members must show respect and consideration for others.</p> <p>4(c) – Members must not use bullying behaviour or harass any person;</p> <p>6(1)(a) – Members must not conduct</p>	<p>In comments to the Ombudsman, the Former Member acknowledged the remarks had been inappropriate, although clarified his comment regarding the complainant’s death was a remark against his age rather than a threat of any physical harm.</p> <p>The Ombudsman accepted that the Former Member did not mean the reference to the complainant’s death to be interpreted as a threat on his life. The explanation he gave was credible. However, the comment was in reference to his age and failed to show regard to the principle that there should be equality of opportunity for all people, regardless of their age. The comments were also disrespectful and his actions amounted to behaviour which may be capable of bringing his office or authority into disrepute.</p> <p>The Ombudsman considered that the actions of the member were</p>	<p>CODE - No Action Necessary</p>	<p>The case shows that the PSOW continues to use the two stage test i.e.</p> <p>(3) the evidential test - is there direct evidence that a breach of the Code took place; and</p> <p>(4) the public interest test – considering if an investigation or a referral to the Adjudication Panel or a standards committee is required in the public interest.</p>

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		Council including minutes confirming that the Former Member had resigned his post. Three witnesses, including the complainant, were interviewed.	themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.	<p>suggestive of a breach of paragraphs 4(a), 4(b) and 6(1)(a).</p> <p>The Former Member has resigned as a member and apologised publicly and privately for his conduct and those apologies seemingly have been accepted by the complainant. The Ombudsman considered that his actions had addressed his behaviour and it would not be in the public interest to take further action.</p> <p>The Ombudsman 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>8.</p> <p>St Harmon Community Council</p> <p>Case ref number 202106161</p>	31/03/2023	The Ombudsman's office received a complaint that a former member ("the Former Member") of St Harmon Community Council ("the Council") had breached the Code of Conduct.	7(a) – Members must not in their 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,	The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal. This summary will be updated following the Adjudication Panel for Wales' decision.	CODE - Referred to the Adjudication Panel for Wales	

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			<p>or any other person, a disadvantage.</p> <p>6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</p>			
<p>9.</p> <p>Abertillery & Llanhilleth Community Council</p> <p>Case ref number 202105435</p>	<p>03/05/2023</p>	<p>The Ombudsman's office received a complaint that a Member ("the Member") of Abertillery & Llanhilleth Community Council ("the Council") had breached the Code of Conduct.</p>		<p>The report on the investigation was referred to the Monitoring Officer of Blaenau Gwent County Borough Council for consideration by the Council's Standards Committee. This summary will be updated following the Standards Committee's decision.</p>	<p>CODE - Referred to Standards Committee</p>	<p>Link to Blaenau Gwent County Borough Council's Standards Committee's report, when it agreed to proceed to a full hearing, at its meeting on 21 September 2023 is available here.</p> <p>Hearing not yet conducted.</p>
<p>10.</p> <p>Abertillery & Llanhilleth Community Council</p> <p>Case ref number</p>	<p>03/05/2023</p>	<p>The Ombudsman's office received a complaint that a Member ("the Member") of Abertillery & Llanhilleth Community Council ("the Council") had breached the Code of Conduct.</p>		<p>The report on the investigation was referred to the Monitoring Officer of Blaenau Gwent County Borough Council for consideration by the Council's Standards Committee. This summary will be updated following the Standards Committee's</p>	<p>CODE - Referred to Standards Committee</p>	<p>Link to Blaenau Gwent County Borough Council's Standards Committee's report, when it agreed to proceed to a full hearing, at its meeting on 21 September 2023 is available</p>

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202105443				decision.		here. Hearing not yet conducted.
<p>11.</p> <p>Abergele Town Council</p> <p>Case ref number 202107167</p>	15/05/2023	<p>The Ombudsman received a complaint that a Former Member (“the Member”) of Abergele Town Council (“the Council”) had breached the Code of Conduct because of failings when acting in their capacity as Clerk to a Board under the control of this and a neighbouring council (“the Board”).</p> <p>The Member was appointed as Clerk to the Board. At the time of the appointment, the Member and the Board members believed the Board to be an autonomous body.</p> <p>The complaint was that the Member failed to complete</p>	6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.	<p>The investigation considered the actions of the Member and the Board by reviewing documents and interviewing relevant witnesses. The investigation found that the Board and the councils associated with it were all acting under the misunderstanding that it was an independent body and there was no evidence to suggest action was taken by anyone to identify the correct legal position.</p> <p>The investigation found that the Clerk was appointed through a recruitment process, and that all involved believed they were eligible to perform the role.</p> <p>The accounts and documents were poorly maintained and while the Member bore some responsibility for that, there was little to no oversight from the Board or the</p>	CODE - No Action Necessary	<p>The case shows that the PSOW continues to use the two stage test i.e.</p> <p>(5) the evidential test - is there direct evidence that a breach of the Code took place; and</p> <p>(6) the public interest test – considering if an investigation or a referral to the Adjudication Panel or a standards committee is required in the public interest.</p>

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Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
		<p>required tasks, incorrectly asserted that the Board was an autonomous body, when it was not, and that they inappropriately took a wage from the Board.</p> <p>The complaint suggested that these actions resulted in a critical report from Audit Wales which had a negative impact on the reputation of the Board and the councils associated with it.</p>		<p>associated councils.</p> <p>The investigation found that the Member was not acting in their capacity as an elected member when they undertook their role as Clerk, so the whole Code of Conduct was not engaged. The responsibility for the poor governance of the Board lay with all those involved. It was also found that the Member took the wage in good faith and did not mislead anyone regarding her role or remuneration for that role.</p> <p>However, the Ombudsman considered that the Member was in large part responsible for failing to establish the legal position of the Board and that the Member should have undertaken proper research sooner. Failing to do so put the reputation of the Board and the Council at risk and is suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.</p> <p>While it is noted that the</p>		

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				<p>Member's actions were suggestive of a breach of the Code of Conduct, significant mitigation arose because all those involved were acting under the same mistaken belief that the Board was a separate entity and no one sought independent advice on this matter. Even if a referral to the Standards Committee would be made it seems that, given the mitigation, and the fact that the Member is also now retired from public life, it is unlikely, even if a breach of the Code of Conduct were proven, a sanction of any kind would be imposed. Therefore under section 69(4)(b) of the Local Government Act 2000, the finding is that no action needs to be taken in respect of the matters investigated.</p>		
<p>12. Bannau Brycheiniog National Park Authority</p>	28/06/2023	<p>The Ombudsman received a complaint that a Member ("the Member") of the Brecon Beacons National Park Authority ("the</p>	<p>4(b) – Members must show respect and consideration for others. 4(c) – Members must not use bullying</p>	<p>The Ombudsman's investigation considered whether the Member's conduct may have breached paragraphs 4(b), 4(c) and 6(1)(a) of the Code.</p>	CODE - No Evidence of Breach	<p>The Code of Conduct is not to be used to inhibit political discussion.</p>

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Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
Case ref number 202106025		Authority”) had breached the Authority’s Code of Conduct (“the Code”). It was alleged that during 2 specific Authority meetings, the Member failed to treat a member of staff, an officer of the Authority, with respect and used bullying behaviour towards her.	behaviour or harass any person; 6(1)(a) – Members 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 Authority, including relevant correspondence and emails. A video recording and transcript of a relevant meeting was obtained. Witness information was also obtained.</p> <p>The Ombudsman’s investigation found that, with regard to the first Authority meeting, the Member was frustrated with the way in which the meeting was administered. The Member engaged in a robust discussion and voiced his concerns about the meeting’s administration. The Ombudsman found that such criticism of ideas and opinions is considered part of democratic debate. The Member’s comments were political in nature and therefore attracted enhanced protection under the ECHR.</p> <p>The Ombudsman acknowledged that the</p>		

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				<p>member of staff may have been upset at the criticism of the way in which the meeting had been handled, but the Ombudsman did not consider there was evidence that the Member's comments were personally or gratuitously offensive. The Ombudsman found on the basis of the evidence and, in particular, the video recording of the first meeting, that the Member was not particularly forceful or aggressive, although it is clear he was frustrated. The Ombudsman did not consider that the Member's comments were sufficiently offensive, intimidating or insulting to amount to bullying or disrespectful behaviour within the meaning of the Code. As a result, the Ombudsman was not persuaded that there was evidence to suggest a breach of paragraphs 4(b) or 4(c) of the Code.</p> <p>In relation to the second meeting, the Ombudsman's investigation found that there was a disagreement</p>		

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				<p>between the Member and the member of staff about the working arrangements and governance in the Authority. The Ombudsman found, on the basis of the evidence, that the Member's comments during the second meeting were political comments about the Authority's policies and administration. The Ombudsman found that the Member's comments fell within the realms of freedom of expression and were not sufficiently offensive, intimidating or insulting to amount to bullying or disrespectful behaviour within the meaning of the Code. As a result, the Ombudsman was not persuaded that there was evidence to suggest a breach of paragraphs 4(b) or 4(c) of the Code.</p> <p>The Ombudsman found that, in view of her findings above, there was also no evidence to suggest the Member had brought his office as Member or his Authority into disrepute.</p>		

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				<p>The Ombudsman found that under Section 69(4)(a) of the Local Government Act 2000, there was no evidence of any failure to comply with the Code.</p>		
<p>13. Conwy County Borough Council Case ref number 202205954</p>	<p>07/09/2023</p>	<p>The Ombudsman received a complaint that a Member (“the Member”) of Conwy County Borough Council (“the Council”) had breached the Code of Conduct (“the Code”) by participating and voting in a Council meeting, which he attended virtually, while appearing to be driving.</p>	<p>6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</p>	<p>The Ombudsman’s investigation considered whether the Member had breached the Code by bringing his office or authority into disrepute.</p> <p>Information was obtained from the Council, including minutes from the relevant Council meetings and videos of the incidents that led to the complaint. Information was also obtained from the Member and from the Police. The video footage from the first Council meeting showed the Member to be driving a vehicle whilst participating in the meeting and the Member acknowledged that this was the case. The Member felt it important that he attend all meetings.</p> <p>Subsequent videos showed</p>	<p>CODE - No Action Necessary</p>	<p>The case shows that the PSOW continues to use the two stage test i.e. (7) the evidential test - is there direct evidence that a breach of the Code took place; and the public interest test – considering if an investigation or a referral to the Adjudication Panel or a standards committee is required in the public interest.</p> <p>The PSOW’s decision will be held on record and will be taken into account if there is any future similar behaviour by the Member.</p>

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				<p>the car either to be stationary or that the Member was in the passenger seat.</p> <p>The Police said it had not received a complaint and it would not now be in the public interest to investigate the matter.</p> <p>It is not the Ombudsman's role to determine whether the Member's actions would have amounted to criminal behaviour. However, the Police decision does not mean the Member's actions were considered acceptable.</p> <p>The Ombudsman found that the actions of the Member were suggestive of a breach of the Code. The public rightly expect elected members to engage fully with Council business and to attend a meeting whilst driving a vehicle demonstrated poor judgement and had the potential to bring the Council into disrepute.</p>		

ENCLOSURE 1 (June - November 2023)

Name of Council	Report date	Summary of Complaint	Relevant Provision of Code	Decision Summary	Report Type	Learning points for members
				<p>The Ombudsman considered that there was evidence of a single incident where the Member was driving and interacted with the meeting, and that it did not appear to be indicative of repeated behaviour. That subsequent videos showed the Member to be in the passenger seat or in a stationary vehicle suggests the Member had not repeated the behaviour and has learned from this complaint.</p> <p>The Ombudsman found that although the Member's actions were suggestive of a breach of the Code, that he had not repeated the behaviour since, and the lack of a criminal investigation meant it would not be in the public interest to take further action.</p> <p>The Ombudsman 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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				This decision will be held on record and will be taken into account if there is any future similar behaviour by the Member.		