

<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>18 June 2024</b>
<b>REPORT TITLE:</b>	<b>Published findings by the Public Services Ombudsman for Wales for all Councils in Wales</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To advise the Committee of all Wales findings published on its website by the Public Services Ombudsman for Wales for the period between 1 December 2023 and 31 May 2024.</b>
<b>REPORT BY:</b>	<b>Mared Wyn Yaxley Solicitor – Corporate Governance <a href="mailto:mwyics@ynysmon.llyw.cymru">mwyics@ynysmon.llyw.cymru</a></b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer <a href="mailto:lbxcs@ynysmon.llyw.cymru">lbxcs@ynysmon.llyw.cymru</a> 01248 752586</b>

## 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 December 2023 to May 2024 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 third Quarterly Newsletter from the Public Services Ombudsman for Wales [September – December 2023 ] (dated January 2024) can be seen [here](#).
- The fourth Quarterly Newsletter from the Public Services Ombudsman for Wales [January – March 2024] (dated May 2024) 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:-

- (1) that there is no evidence that there has been a breach of the authority's code of conduct;
- (2) that no action needs to be taken in respect of the matters that were subject to the investigation;
- (3) that the matter be referred to the authority's monitoring officer for consideration by the standards committee; or
- (4) 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 (3) or (4) 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.	A summary of the information published under the " <a href="#">Our Findings</a> " heading on the <a href="#">Public Services Ombudsman for Wales (PSOW)</a> website for the months of December 2023 to May 2024 in relation to Code of Conduct matters only.
----	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## ENCLOSURE 1

	Date	Name of Council	Case Reference Number	Link to case on POSW's website	Report Type - Subject	Report Type - Outcome	Commentary / Points to note:
	01/16/2024	Neath Port Talbot Council	202207282	<a href="#">Duty to uphold the law : Neath Port Talbot Council - Public Services Ombudsman for Wales</a>	Duty to uphold the law	Referred to Standards Committee	Neath Port Talbot Council's Standards Committee is yet to conduct a Hearing.
	03/13/2024	Aberystwyth Town Council	202207025/ 202106268	<a href="#">Duty to uphold the law : Aberystwyth Town Council - Public Services Ombudsman for Wales</a>	Duty to uphold the law	Referred to the Adjudication Panel for Wales	Adjudication Panel for Wales is yet to conduct a Hearing.
	03/27/2024	New Quay Town Council	202204033	<a href="#">Duty to uphold the law : New Quay Town Council - Public Services Ombudsman for Wales</a>	Duty to uphold the law	Referred to the Adjudication Panel for Wales	Adjudication Panel for Wales is yet to conduct a Hearing.
	03/11/2024	Llantilio Pertholey Community Council	202203308	<a href="#">Promotion of equality &amp; respect : Llantilio Pertholey Community Council - Public Services Ombudsman for Wales</a>	Promotion of equality & respect	Referred to Standards Committee	Monmouthshire County Council's Standards Committee is yet to conduct a Hearing.
	03/27/2024	Porthcawl Town Council	202201160/ 202201353	<a href="#">Promotion of equality &amp; respect : Porthcawl Town Council - Public Services Ombudsman for Wales</a>	Promotion of equality & respect	Referred to Standards Committee	Bridgend County Borough Council's Standards Committee is yet to conduct a Hearing.
	03/27/2024	Bridgend Town Council	202204885	<a href="#">Disclosure &amp; register of interest : Bridgend Town Council - Public Services Ombudsman for Wales</a>	Disclosure & register of interest	Referred to Standards Committee	<p>Bridgend County Borough Council's Standards Committee found that the Member had failed to comply with paragraphs 4(b) and 6(1)(a) of the Code of Conduct. A link to the Hearing details can be seen <a href="#">here</a>.</p> <p>The Committee decided that the most appropriate sanction to be applied was a censure, and put on record that if the Former Member was still an elected Member, they would have imposed a suspension of 4 months.</p>

## ENCLOSURE 1

	Date	Name of Council	Case Reference Number	Link to case on POSW's website	Report Type - Subject	Report Type - Outcome	Commentary / Points to note:
							The member may appeal against this decision.
	01/05/2024	Bridgend County Borough Council	202206441	<a href="#">Promotion of equality and respect : Bridgend County Borough Council - Public Services Ombudsman for Wales</a>	Promotion of equality and respect	No action necessary	Advice was issued to the Member to be mindful of his future behaviour, particularly when trying to manage contentious and sensitive situations, and to be mindful of his use of language, and how this could be perceived by others. Given this was an isolated incident, it was not proportionate or in the public interest to take any further action in relation to the matter.
	03/26/2024	Tenby Town Council	202207862	<a href="#">Promotion of equality and respect : Tenby Town Council - Public Services Ombudsman for Wales</a>	Promotion of equality and respect	No action necessary	The Ombudsman found that this was a private dispute which the Member sought to resolve in his private capacity. Overall, the Ombudsman was not persuaded by the evidence considered that it was suggestive that a breach of the Code of Conduct for members has occurred.
	12/07/2023	Caerphilly County Borough Council	202203322/ 202203379	<a href="#">Promotion of equality &amp; respect : Caerphilly County Borough Council - Public Services Ombudsman for Wales</a>	Promotion of equality & respect	Referred to Standards Committee	Caerphilly County Borough Council's Standards Committee found that the Member had failed to comply with paragraph 6(1)(a) of the Code of Conduct. The Committee decided that the most appropriate sanction to be applied was a censure, with a recommendation for further training in respect of the Members' Code of Conduct, with a particular emphasis upon the use of social media in order to prevent breaches arising in the future.

## ENCLOSURE 1

	Date	Name of Council	Case Reference Number	Link to case on POSW's website	Report Type - Subject	Report Type - Outcome	Commentary / Points to note:
							A link to the Hearing details can be seen <a href="#">here</a> .
	12/13/2023	Newport City Council	202207150	<a href="#">Promotion of equality and respect : Newport City Council - Public Services Ombudsman for Wales</a>	Promotion of equality and respect	No evidence of breach	The Ombudsman's investigation found that the complainant and Member's version of events differed. The Member said that he had not referenced his role as a councillor. The Ombudsman found that there was no independent witness evidence, or any other type of evidence, available to account for what happened during the exchange and accordingly, there was not sufficient evidence to suggest that the Member had referenced his role as a councillor. As a result, given that there was not sufficient evidence that the Member was acting in his capacity as a councillor during the exchange, most of the provisions of the Code (including the requirement to show respect and consideration to others) were not engaged. The only relevant provision of the Code which applies at all times, including when the Member was acting in a private capacity, was the obligation not to act in a way which could reasonably be regarded as having brought disrepute upon the Council and/or the office of councillor. Whilst the complainant reported the incident to the Police, the Police did not speak with the Member about the

## ENCLOSURE 1

	Date	Name of Council	Case Reference Number	Link to case on POSW's website	Report Type - Subject	Report Type - Outcome	Commentary / Points to note:
							interaction and took no action in relation to the matter. In view of this, the Ombudsman found that there was no evidence that the Member had brought his office as councillor or his Council into disrepute. Therefore, on the balance of the available evidence, the Ombudsman was not persuaded that there was evidence of a breach of the Code
	03/23/2024	Haverfordwest Town Council	202208468	<a href="#">Promotion of equality and respect : Haverfordwest Town Council - Public Services Ombudsman for Wales</a>	Promotion of equality and respect	No action necessary	As the Former Member is no longer a council member, if a breach of the Code of Conduct were found by the County Council's Standards Committee, any sanction would be limited to a censure only. In view of the above, the Ombudsman did not consider that it was in the public interest to take any further action.
	01/12/2024	Llansantffraed Community Council	202208582	<a href="#">Duty to uphold the law : Llansantffraed Community Council - Public Services Ombudsman for Wales</a>	Duty to uphold the law	Referred to Standards Committee	Ceredigion County Council's Standards Committee is yet to conduct a Hearing.
	01/24/2024	Vale of Glamorgan Council	202200739	<a href="#">Objectivity &amp; propriety : Vale of Glamorgan Council - Public Services Ombudsman for Wales</a>	Objectivity & propriety	Referred to Standards Committee	Vale of Glamorgan Council' Standards Committee is yet to conduct a Hearing.
	02/28/2024	St. Nicholas & Bonvilston Community Council	202104717	<a href="#">Integrity : St. Nicholas &amp; Bonvilston Community Council - Public Services Ombudsman for Wales</a>	Integrity	Referred to Standards Committee	Vale of Glamorgan Council' Standards Committee is yet to conduct a Hearing.
	05/20/2024	Bridgend Town Council	202203440	<a href="#">Promotion of equality &amp; respect: Bridgend Town Council -</a>	Promotion of equality & respect	Referred to Standards Committee	Bridgend County Borough Council's Standards Committee

## ENCLOSURE 1

	Date	Name of Council	Case Reference Number	Link to case on POSW's website	Report Type - Subject	Report Type - Outcome	Commentary / Points to note:
				<a href="#">Public Services Ombudsman for Wales</a>			is yet to conduct a Hearing.
	[no date noted]	Wrexham County Borough Council	202200187	<a href="#">Promotion of equality &amp; respect: Wrexham County Borough Council - Public Services Ombudsman for Wales</a>	Promotion of equality & respect	No action necessary	No information apart from what is included here has been published by PSOW in relation to this matter.