

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	6 February 2025
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 2024 and 31 December 2024.
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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 2024 to December 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 fifth edition of the quarterly newsletter from the Public Services Ombudsman for Wales [April – October 2024] (dated November 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 " <u>Our Findings</u> " heading on the <u>Public Services Ombudsman for Wales (PSOW)</u> website for the months of June 2024 to December 2024 in relation to Code of Conduct matters only.
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ENCLOSURE 1

Date	Name of Council	Case Reference Number	Links to case on PSOW's website	Report Type – Subject	Report Type – Outcome	Commentary / Points to note:
13/06/2024	Chirk Town Council	202107304	<u>Promotion of equality & respect : Chirk Town Council - Public Services Ombudsman for Wales</u>	Promotion of equality & respect	Referred to Standards Committee	The report on the investigation was referred to the Monitoring Officer of Wrexham County Borough Council for consideration by the County Council's Standards Committee.
17/06/2024	Bridgend Town Council	202201997	<u>Promotion of equality & respect : Bridgend Town Council - Public Services Ombudsman for Wales</u>	Promotion of equality & respect	Referred to the Adjudication Panel for Wales	The report on the investigation was referred to the Adjudication Panel for Wales.
04/09/2024	Llanedi Community Council	202204452	<u>Promotion of equality & respect : Llanedi Community Council - Public Services</u>	Promotion of equality & respect	No action necessary	The Ombudsman found that the Member's behaviour was suggestive of a breach of the Code. The evidence also suggested that the Member gave a poor impression of the Council during this incident.

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			<u>Ombudsman for Wales</u>			The Member accepted that his actions were unwise and has considered how his language impacts on others. Given the Member's reflection the Ombudsman's decision was that no action needed to be taken in respect of the matters investigated
26/09/2024	Porthcawl Town Council/Bridgend County Borough Council	202307279/ 202307319	<u>Disclosure & registration of interest : Porthcawl Town Council/Bridgend County Borough Council - Public Services Ombudsman for Wales</u>	Disclosure & registration of interest	No action necessary	The Member has acknowledged he had a personal interest in each of the agenda items that were considered as part of this investigation. The Member also seemed to understand the need to declare an interest and did so for all but 1 of the items. The Member accepts he should have declared an interest for that item. He explained that personal matters may also have impacted his judgement on that occasion.

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						<p>Given the limited impact of the Member's actions on the matters in question, that he has reflected on this and there are no obvious aggravating factors, the Ombudsman does not consider it is in the public interest for any further action to be taken. However, the Ombudsman recommends that the County Council and the Town Council arrange training for the Member on the Code, particularly in relation to personal and prejudicial interests as soon as possible.</p>
26/09/2024	Bridgend County Borough Council/Porthcawl Town Council	202307277/ 202307318	<u>Disclosure & registration of interest : Bridgend County Borough Council/Porthcawl Town Council - Public Services</u>	Disclosure & registration of interest	No action necessary	During the investigation, the Member acknowledged she had a personal interest in each of the items that were considered as part of this investigation. She also seemed to understand the need to declare a personal interest and did so for all but 1 of

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			<u>Ombudsman for Wales</u>			<p>the items. However, there seemed to be a lack of awareness that there might also be a need to declare a prejudicial interest. The Member did declare an intention to seek further guidance.</p> <p>Given the limited impact of the Member's actions on the matters in question, that she has reflected on this and there are no obvious aggravating factors, the Ombudsman does not consider it is in the public interest for any further action to be taken. However, the Ombudsman recommends that the County Council and the Town Council arrange training for the Member on the Code, particularly in relation to personal and prejudicial interests as soon as possible.</p>

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08/10/2024	Merthyr Tydfil County Borough Council	202304595	<u>Disclosure & registration of interest : Merthyr Tydfil County Borough Council - Public Services Ombudsman for Wales</u>	Disclosure & registration of interest	No action necessary	The Member accepted, with hindsight, that she had an interest in the matter and has taken corrective action to ensure her understanding of the requirements of the Code and appropriate application of interests in future. This demonstrates her commitment to abide by the requirements of the Code and should prevent a similar future occurrence. It was also noted that the Member co-operated fully with the investigation. For these reasons, the Ombudsman considered it was not in the public interest to refer this matter to the Standards Committee or Adjudication Panel for Wales, as a sanction is unlikely to be imposed. The Ombudsman's finding therefore was that no action needed to be taken in

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						respect of the matters investigated.
10/10/2024	Flintshire County Council	202309367	<u>Integrity : Flintshire County Council - Public Services Ombudsman for Wales</u>	Integrity	No evidence of breach	<p>Public confidence in the impartiality and integrity of a council's decision making is severely undermined if there is any appearance of outside influence. In accordance with paragraph 9(b) of the Code for Members of Local Authorities, acceptance of the donation offer considered in this matter, given its substantial financial size and the appearance of personal inducements to candidates, had to be "avoided" because it gave the appearance of placing members under an improper obligation.</p> <p>The Ombudsmen found that no donation had ultimately been received or accepted, and no action had been taken by the</p>

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						<p>Electoral Commission or the Police. The Ombudsmen did not consider that the evidence showed that the Member had encouraged the acceptance of the offer, and after careful consideration the investigation did not find that the evidence was suggestive of any breaches of the Code by the Member. However, it has been advised to the Member that he must take great care to avoid any appearance of undue influence or bias given how damaging this can be to public confidence in local democracy. The Member was also advised that he should undertake further training on the Code.</p>

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15/10/2024	Newport City Council	202305968	<u>Promotion of equality & respect : Newport City Council - Public Services Ombudsman for Wales</u>	Promotion of equality & respect	No evidence of breach	<p>The Ombudsman found that whilst the Member had used his title of “Cllr” in submitting his complaint, the Member’s status as a councillor would have been clear from him having to document why he was choosing to make the complaint.</p> <p>The Employer said that no weight was given to the Member’s role when it investigated his complaint. Given that the substance of his complaint focused on the Complainant’s comments about him, in the context of his role as an elected member, it would have been evident that he was a councillor, even if the title had not been used.</p> <p>The Ombudsman found that there was no evidence of any failure to comply with the Code</p>

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						under Section 69(4)(a) of the Local Government Act 2000 in respect of the matters investigated.
16/10/2024	Saundersfoot Community Council and Pembrokeshire County Council	202402416/ 202402419	<u>Integrity : Saundersfoot Community Council and Pembrokeshire County Council - Public Services Ombudsman for Wales</u>	Integrity	Discontinued	<p>Soon after the investigation commenced, the Ombudsman was informed by the Complainant that she wished to withdraw her complaint. In determining whether it would be in the public interest to continue with the investigation, a number of factors were considered, specifically the complainant's wishes, that the individual himself had not complained and no concerns had been raised by any relevant staff members at the County Council or the wider public.</p> <p>It was considered that it would not be proportionate or in the public interest to investigate the</p>

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						matter further and it was decided to discontinue the investigation.
22/10/2024	Llantilio Pertholey Community Council	202206450	<u>Integrity : Llantilio Pertholey Community Council - Public Services Ombudsman for Wales</u>	Integrity	No evidence of breach	<p>The Ombudsman's investigation found that there was evidence of a breakdown in the communication and relationship between the Complainant and the Member. It appeared that the Member did not attempt to resolve the issues or work with the Complainant to enable a smooth transition to new signatories for the Council's bank account. The Ombudsman considered that the matter could have been dealt with in a more productive manner.</p> <p>However, under Section 69(4)(a) of the Local Government Act 2000, the Ombudsman found that there was no evidence that the Member failed to comply with the Code.</p>

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						The Ombudsman suggested that to avoid a potential similar escalation of matters in the future, advice could be sought from the Monitoring Officers and that concerns should be addressed through the appropriate local channels and procedures.
22/10/2024	Llantilio Pertholey Community Council	202206449	Integrity : Llantilio Pertholey Community Council - Public Services Ombudsman for Wales	Integrity	No evidence of breach	The Ombudsman's investigation found that there was evidence of a breakdown in the communication and relationship between the Complainant and the Member. It appeared that the Member did not attempt to resolve the issues or work with the Complainant to enable a smooth transition to new signatories for the Council's bank account. The Ombudsman considered that the matter could

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						<p>have been dealt with in a more productive manner.</p> <p>However, under Section 69(4)(a) of the Local Government Act 2000, the Ombudsman found that there was no evidence that the Member failed to comply with the Code.</p> <p>The Ombudsman suggested that to avoid a potential similar escalation of matters in the future, advice could be sought from the Monitoring Officers and that concerns should be addressed through the appropriate local channels and procedures.</p>