

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	14 March 2018
REPORT TITLE:	Public Services Ombudsman for Wales Decisions
PURPOSE OF THE REPORT:	To advise the Committee of All Wales decisions published by the Public Services Ombudsman for Wales in his Casebooks for July 2017 and November 2017
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1. INTRODUCTION

The Public Services Ombudsman for Wales (PSOW) publishes a [Casebook of Code of Conduct Complaints](#) once every quarter.

This report summarises the information published by the PSOW in his Casebooks for July 2017 and November 2017. A summary of the cases is attached at **ENCLOSURE 1**

2. BACKGROUND

The PSOW exercises “first sift” powers under Section 69 of the Local Government Act 2000, which requires him 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 his 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;
- (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 his 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 Panel, 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 for up to 12 months and to disqualify for up to 5 years.

While the APW has the legal status of a tribunal and has always published its decisions (including any appeals against the decisions of standards committees) the PSOW did not publish his reports or findings but recently has introduced the quarterly Case Book which provides a case summary. Anything referred to a standards committee will, of course, be available on that council's website.

3. RECOMMENDATION

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

ENCLOSURE 1

Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
Powys County Council	A Councillor self-referred to the PSOW on the basis that he considered he may have brought his office and the Council into disrepute. Councillor x managed a livestock farm but was prosecuted by the Council for failing to maintain accurate cattle records and failing to promptly dispose of animal carcasses. He pleaded guilty to 6 charges and received a criminal conviction.	Bringing the role of councillor and the authority into disrepute	<ul style="list-style-type: none"> Matter referred to Council's Standards Committee to consider Breach of the Code 	<ul style="list-style-type: none"> Suspension for 2 weeks Recommendation that he undertake additional training on the Code of Conduct
Powys County Council	A Councillor self-referred to the PSOW on the basis that he considered he may have brought his office and the Council into disrepute. Councillor x managed a livestock farm but was prosecuted by the Council for failing to maintain accurate cattle records. He pleaded guilty to 8 charges and received a criminal conviction.	Bringing the role of councillor and the authority into disrepute	<ul style="list-style-type: none"> Matter referred to Council's Standards Committee to consider Breach of the Code 	<ul style="list-style-type: none"> Suspension for 4 weeks Recommendation that he undertake additional training on the Code of Conduct
Bridgend County Borough Council	A Councillor had approached a member of the public undertaking her employment duties and owing to her manner had brought the office of Councillor and the Council into disrepute	<ul style="list-style-type: none"> Failure to show respect and consideration Disrepute 	<ul style="list-style-type: none"> No action to be taken as Councillor apologised for her actions and she was not acting in an official capacity as Councillor or on behalf of the Council 	

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Name of Council	Summary of Complaint	Relevant Provision of Code	Decision Summary	Findings
Powys County Council	A Councillor had failed to disclose a personal and prejudicial interest at various Council meetings during which a School Modernisation Programme was discussed and that he continued to take part in these meetings although the Standards Committee had refused to grant him a dispensation to do so.	Failure to disclose personal and prejudicial interest	<ul style="list-style-type: none"> • Breach of the Code • However because the Councillor's involvement in the meetings did not significantly alter the outcome it was not in the public interest to pursue the matter. 	
Saltney Town Council	That a Councillor had voted on a matter in which she had a prejudicial interest without obtaining a dispensation from the County Council's Standards Committee.	Failure to declare prejudicial interest	<ul style="list-style-type: none"> • Councillor had recognised her error and apologised. • PSOW accepted the Councillor's explanation. • As the Councillor's actions were of limited consequence it was not in the public interest to pursue and no further action would be taken. 	Although the PSOW would take no further action he advised the Councillor that this matter would be taken into account should he receive future complaints of a similar nature
Torfaen County Borough Council	That a Councillor had used inflammatory and disrespectful language on a public /social media page.	Failure to show respect	As there had subsequently been an election during the course of the investigation, and the Councillor had not been re-elected, the PSOW	

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			decided that it was not in the public interest to take further action	
Powys County Council	A Councillor brought the office of Councillor and the Council into disrepute when acting as Portfolio Holder for Education as she did not take sufficient action to address the fact that a High School was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council's Scheme for Financing Schools.	Bringing the Office of Councillor and the Council into disrepute	No evidence of breach of the Code	Although the Councillor could be criticised for not doing more there were mitigating reasons why she had not done so
Powys County Council	A Councillor had brought the office of Councillor and the Council into disrepute when acting as a school governor and did not take sufficient action to address the fact that a High School was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council's Scheme for Financing Schools.	Bringing the Office of Councillor and the Council into disrepute	<ul style="list-style-type: none"> The Councillor had acted in good faith and on the information available to him No breach of the Code. 	
Powys County Council	A Councillor had brought the office of Councillor and the Council into disrepute when acting as a school	Bringing the Office of Councillor and the Council into	<ul style="list-style-type: none"> The Councillor had acted in good faith and on the information available to 	

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	governor and did not take sufficient action to address the fact that a High School was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council's Scheme for Financing Schools.	disrepute	him <ul style="list-style-type: none"> No breach of the Code 	
Powys County Council	A Councillor brought the office of Councillor and the Council into disrepute when acting as a school governor and did not take sufficient action to address the fact that a High School was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council's Scheme for Financing Schools.	Bringing the Office of Councillor and the Council into disrepute	<ul style="list-style-type: none"> The Councillor had acted in good faith and on the information available to him No breach of the Code 	
Vale of Glamorgan Council	A Councillor had misled the public to gain an advantage for herself in an election campaign by making misleading statements in a campaign pamphlet.	Integrity	PSOW concluded that there had been no intent to mislead and that once the complaint had been received that the pamphlet could be misleading it was withdrawn.	PSOW found no evidence of breach
Llanelli Rural Council	A Councillor had accused another Councillor at a public meeting of the Council of being corrupt.	Failure to show respect Bringing the	No action needed to be taken as it was unclear exactly what was said and	

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		Council into disrepute	that the evidence showed that what occurred was no more than robust political debate	
Tywyn Town Council	That a Councillor had failed to declare a personal and prejudicial interest in the matter of an adverse possession claim on a parcel of land owned and managed by the Town Council	<ul style="list-style-type: none"> Abusing her position to gain a financial advantage Failure to declare a personal and prejudicial interest Bringing the Office of Councillor into disrepute 	No evidence of breach of the Code in any respect	