

To: Chair and Members of Standards
Committee

Date: 14 September 2017

Direct Dial: 01824 712624

e-mail: democratic@denbighshire.gov.uk

Dear Member of the Committee,

You are invited to attend a meeting of the **STANDARDS COMMITTEE** to be held at **10.00 am** on **FRIDAY, 22 SEPTEMBER 2017** in **CCONFERENCE ROOM 1A, COUNTY HALL, RUTHIN.**

Yours sincerely

G. Williams
Head of Legal, HR and Democratic Services

AGENDA

PART 1: THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES OF THE LAST MEETING (Pages 3 - 10)

To receive the minutes of the Standards Committee meeting held on 30 June 2017 (copy enclosed).

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK (Pages 11 - 24)

To consider a report by the Monitoring Officer (copy enclosed) informing members of the most recent edition of the Ombudsman's Code of Conduct Casebook.

6 CODE OF CONDUCT TRAINING (Pages 25 - 28)

To consider a report by the Monitoring Officer (copy attached).

7 ATTENDANCE AT MEETINGS

To note the attendance by members of the Standards Committee at County, Town and Community Council and to receive their reports.

8 STANDARDS COMMITTEE FORWARD WORK PROGRAMME (Pages 29 - 30)

To consider the Standards Committee Forward Work Programme (copy attached).

9 DATE OF NEXT MEETING

The next meeting of the Standards Committee is scheduled for 24 November 2017.

PART 2: CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information (as defined in paragraph "[Insert Number]" of Part 4 of Schedule 12A of the Act would be disclosed.

10 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000 (Pages 31 - 32)

To consider a confidential report by the Monitoring Officer (copy enclosed) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales.

MEMBERSHIP

Independent Members:

Mr Ian Trigger (Chair),
Mrs Paula White,
Julia Hughes and
Anne Mellor

County Councillors:

Councillor Paul Penlington
Councillor Andrew Thomas

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STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1a, County Hall, Ruthin on Friday, 30 June 2017 at 10.00 am.

PRESENT

Independent Members Julia Hughes, Ann Mellor and Ian Trigger (Chair), together with Councillors Paul Penlington and Andrew Thomas

ALSO PRESENT

Monitoring Officer (GW), Deputy Monitoring Officer (LJ) and Democratic Services Officer (KE)

Tribute to Community Councillor David Jones

The Chair thanked Cllr. David Jones who had been a representative on the Committee for many years. Cllr. Jones had been a helpful and supportive representative who always made a measured contribution to the meetings. The Committee were sorry to see him leave and thanked him for his sterling work. Cllr Jones was presented with a voucher as a token of the Committee's appreciation.

1 APOLOGIES

Apologies were received from independent member Paula White.

2 DECLARATION OF INTERESTS

Councillor Paul Penlington declared a personal interest in item 6 as a member of Prestatyn Town Council.

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent items.

4 MINUTES OF THE LAST MEETING

The minutes of Standards Committee held on 10th March 2017 were submitted to the Committee for:

Accuracy –

Page 5 – item 1 - Mrs P White represents as an Independent Member on the Committee, not a councillor as recorded.

Page 8 – item 5 – The reports presented by Independent Member Julia Hughes covered 37 of the City, Town and Community Council website rather than 8 as stated

Page 9 – Item 8 – The Monitoring Officer informed members an e-learning *pack* had also been produced to accompany the training package.

Matters Arising –

Page 5 – Item 4 – Availability of mediation training for Standards Committee Members. The Monitoring Officer (MO) informed the Committee that mediation training had been raised at the North Wales Standards Forum where it was agreed for Independent Members to be provided with training. The Human Resources Service was to provide a days training in North Wales to assist in the resolution of complaints. The MO would report back to the Committee once the training had been organised.

The Chair reflected mediation was very important, particularly as the Public Services Ombudsman was less inclined to become involved in low level complaints - the public interest test recognises priority would be given to the potential life and death situation of NHS complaints.

Page 7 – Item 5 – The Accessibility of Information from City/Town & Community Councils Annual Review Report. The MO confirmed that the report had been circulated as requested by the Committee.

Page 9 – Item 8 – The MO had provided a list of induction training dates for Clerks and Community / County Councillors to members of the Committee.

The Deputy Monitoring Office informed the Committee that so far 13 Clerks had attended a training session. In response to questions she confirmed that these were new Clerks and that they would also be able to attend member training.

Page 10 – Item 10 – The MO confirmed that as agreed the Authority were working with colleagues on other local authorities in regard to the Self-Regulatory Protocol.

Page 11 – item 12 – Independent Member Julia Hughes requested recirculation of the email to City, Town and Community Councils to remind them that a member from Standards Committee might visit **(GW to action)**.

RESOLVED that minutes from the meeting held on 10 March 2017 as amended above be received and approved as a correct record.

Agenda variation

At this juncture, it was agreed to vary the order of the agenda in order to accommodate Councillor Richard Mainon, a guest speaker on Bodelwyddan Town Council's dispensation request.

5 BODELWYDDAN TOWN COUNCIL DISPENSATION REQUEST

The Chair introduced Bodelwyddan Town and County Councillor Richard Mainon to the Committee and asked him to provide a background to the request for dispensation by members of Bodelwyddan Town Council.

Councillor Mainon explained that for 42 years the village community centre had been run by the Bodelwyddan Community Association (BCA), but the Association was no longer functioning and the community centre was facing imminent closure.

At the first meeting of the Town Council on 24th May following the Local Authority Elections, which was well attended, it was agreed to hold a separate meeting to decide what to do and to consider setting up a new association.

On 30th May a new association "Friends of Bodelwyddan" was formed. As Bodelwyddan Town Council only has 3 members and a County Councillor operating under s91 of the Local Government Act it was necessary for all of the councillors to make up the committee for the newly formed association. For this reason they were seeking the dispensation request.

The Monitoring Officer (MO) explained that under the Members' code of conduct members would have to complete a declaration of interest form when dealing with agenda items concerning the Friends of Bodelwyddan. Mainly they would be personal interests that would not impact on their right to vote. However the newly formed group would be seeking financial assistance from the Town Council. Therefore the interest would be prejudicial and the councillors would have no vote unless a dispensation had been granted.

The MO informed the Committee that an exemption or dispensation could be granted by the Standards Committee by virtue of the Local Government Act 2000. He referred them to the regulation extract in appendix 2 and those specifically applicable in this case – Regulation 2(a), (d) and (h).

Whilst the Standards Committee need only select one ground for granting dispensation they were not obliged to grant it. Whilst the Clerk to the Bodelwyddan Town Council's letter requested dispensation for 12 months the Committee – if it were inclined to grant – could do so for any period they saw fit. Further, the Committee could place a financial limit at which further approval would need to be sought.

The Chair sought clarification on whether dispensation was granted to named councillors or to the body i.e. Friends of Bodelwyddan.

The MO responded that the councillors would be listed. Should a new councillor be co-opted they would not benefit from the dispensation but would have to apply for their own. It was envisaged that as the community association developed and acquired more volunteers that councillors would withdraw from it. The MO assured the Committee that this type of application was common in Wales as it was deemed for the public's good.

Councillor Mainon elaborated on the condition of the community facilities estimating that £42000 would be required to bring the building up to standard. The renovation would include: two new boilers; hall refurbishment; kitchen upgrade; wet floor barrier and changing facilities for football. It was anticipated that costs would be no more than £60000. The Town Council had sufficient resources to cover that amount. It was expected that once the hall was up to a good standard it would be easier to draw back engagement from the community. The work could start immediately if dispensation was approved.

The Committee discussed the merits of extending the time limits for dispensation from 12 to 18 months. Whilst it gave leeway should any aspect of the project slip the Committee also felt that time limits aided in focussing people's minds and that the Association could re-apply in future if necessary.

When questioned on whether they would seek lottery funding to support the project going forward Councillor Mainon said they would, that he thought that they would be able to acquire another 50% through grants. However the priority is to get the Association legally formed and the building refurbished by winter.

In summing up the Chair informed the Committee that they have the legal power under s81(4) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001/2279 where –

- (a) No fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business.

RESOLVED that, subject to the above:

- (a) *The Standards Committee grant the dispensation request with the restrictions of a £60000 cumulative limit for a period of 12 months and*
- (b) *The MO would write to the Clerk to Bodelwyddan Town Council and circulate the letter to the Committee (**GW to action**).*

6 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Standards Committee Forward Work Programme was presented for consideration and members agreed the following addition:-

- Inclusion of report on attendance at training provided for City, Town and Community Councils for September's Committee meeting.

RESOLVED that, subject to the above inclusion, the Standards Committee's Forward Work Programme be agreed.

7 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK

The Monitoring Officer (MO) reminded the Committee that the Ombudsman produces a quarterly review that summarises all of the cases they have investigated during the relevant period.

The MO highlighted an example from Prestatyn Town Council (section 4.9 of the report). At that juncture Councillor Paul Penlington felt that the personal interest may well veer toward prejudicial and asked to be excused for the remainder of the discussion.

The MO went on to describe the facts of the case and the findings of the Ombudsman that as the Town Councillor was only asking questions relating to a planning matter and not able to influence the decision then no further action was required. However the Ombudsman was of a view that the Councillor should reflect on his actions and attend training on the Code of Conduct.

RESOLVED that, the Standards Committee note the information contained within the Code of Conduct Casebook.

8 ATTENDANCE AT MEETINGS

Independent member Julia Hughes was experiencing difficulties in establishing the correct day for an upcoming meeting. She felt this highlighted how difficult it was for members of the public to know what is going on in their community when incorrect information is published on community / town or city websites.

Independent member Anne Mellor (AM) attended a Tremeirchion Town Council meeting. She was made to feel welcome by the new clerk. The County Councillor was present also. AM said that the meeting ran very smoothly and everyone was very respectful. The meeting had been very informative and included a presentation by North Wales Police.

RESOLVED that the attendance be noted and the attendance report updated to reflect it. (**GW to action**)

9 CHAIR'S ANNUAL REPORT

The Deputy Monitoring Officer (DMO) explained that the Chair's Annual Report had been deferred to September's Council Meeting due to the significant agendas in May and July. The DMO's draft had been discussed extensively at the previous Standards Committee meeting.

RESOLVED that:

- (a) the change of date of presentation of the Chair's Annual Report to Council be noted and*
- (b) an updated copy of the report be forwarded to the Chair (LJ to action)*

10 UPCOMING TRAINING EVENTS FOR MEMBERS

Code of Conduct training for community, town and city councils had been scheduled for:

- Wednesday 5th July at the Hwb, Denbigh commencing at 2:00pm and
- Tuesday 11th July at County Hall, Ruthin. Two sessions starting at 2:00pm and 6:00pm

A further evening event was planned for County Councillors in September.

Standards Committee members were welcome to attend any training event.

RESOLVED that:

- (a) The Standards Committee note the training schedule and*
- (b) The MO to bring an attendance report to September's Standards Committee meeting (GW to action)*

11 NORTH WALES STANDARD COMMITTEE FORUM

The North Wales Standard Committee Forum comprised of 6 local councils and the Snowdonia National Park Committee. The Chairs and Vice-chairs of each authority were invited to discuss common interests and the Ombudsman attends occasionally.

Ceridigion and Powys & Mid West Fire and Rescue Authority had requested to join the forum which had been agreed on the proviso that North Wales venues were exhausted before moving meetings out of the area.

The Forum were investigating ways to support community, town and city councils in member to member disputes, including considering training packs produced by the Welsh Local Government Association.

The next meeting of the Forum was scheduled to be held in Wrexham.

RESOLVED that, the Standards Committee receive the verbal report on the North Wales Standard Committee Forum and it be noted.

12 DATE OF NEXT MEETING

Members noted that the Standards Committee's next meeting had been scheduled for 10:00am on Friday 22 September 2017 in conference room 1a, County Hall, Ruthin.

13 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Monitoring Officer (MO) presented the confidential report (previously circulated) to provide Members with an overview of complaints lodged with the Public Services Ombudsman for Wales (PSOW) since 1 April 2014.

The Standards Committee had previously requested to be regularly informed of the level of complaints lodged with the PSOW. The tables in Appendix 1 provided an overview of complaints lodged since the 1st April, 2014.

The MO provided an update on the one on-going complaint, explaining to the committee that this particular case had been discussed at previous meetings.

The MO also provided some context and explanation of the background to the complaint and why no action was taken. It was possible that an update would be in the next edition of Code of Conduct Casebook.

RESOLVED –that the Standards Committee receive and note the contents of the report.

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Report To:	Standards Committee
Date of Meeting:	22nd September 2017
Lead Member / Officer:	Gary Williams, Monitoring Officer
Report Author:	Gary Williams, Monitoring Officer
Title:	Public Services Ombudsman for Wales – Code of Conduct Casebook

1. What is the report about?

The report is about the Code of Conduct Casebook produced by the Public Services Ombudsman for Wales (the Ombudsman).

2. What is the reason for making this report?

To inform the Committee of the most recent edition of the Ombudsman's Code of Conduct Casebook.

3. What are the Recommendations?

That members of the Committee note the information contained within the Code of Conduct Casebook.

4. Report details.

4.1 The Ombudsman has since 2013 produced a Code of Conduct Casebook (the Casebook). The Ombudsman had for some time previously produced a casebook relating to the complaints he investigated in respect of alleged maladministration by public bodies. Following calls for a similar approach to be taken with regard to code of conduct complaints, the Ombudsman began publishing the Casebook in 2013.

4.2 The Casebook was originally published twice a year, however the Ombudsman decided to produce the casebook on a quarterly basis from April 2015. The Casebook contains summaries of all of the cases in respect of which the Ombudsman has completed an investigation during the relevant period.

4.3 The production of a Casebook is intended to help Members and others in considering whether circumstances that they may be experiencing amount to a breach of the Code. This is an extension of the publication of real life examples in the Ombudsman's Guidance on the Code.

- 4.4 The casebook also assists local authority Standards Committees by giving them access to information about the way in which other Standards Committees in Wales are imposing sanctions and disposing of cases and help to explain why in some cases the Ombudsman may decline to investigate alleged breaches on the basis that previous similar allegations have not resulted in a sanction.
- 4.5 Appendix 1 to this report contains Issue 13 of the Casebook published in July 2017 covering the period April 2017 to July 2017. Members will note that there are 12 case summaries in this edition of the casebook, 2 of which involved a referral to a Standards Committee and one was referred to the Adjudication Panel for Wales. Overall, there were 7 cases involving allegations relating to bringing the authority or office into disrepute, 3 relating to equality and respect, and 2 relating to the disclosure or registration of interests.
- 4.6 Of the 9 cases that did not result in a referral to either a Standards Committee or the Adjudication Panel, 5 were found to have no evidence of breach. These 5 cases all involved allegations against different members of Powys County Council that they had brought the Council or office of Councillor into disrepute. These allegations all seem to arise out of what appears to be the same issue. In each of the cases, the Ombudsman found that the Councillor concerned had acted in good faith and had not breached the Code.
- 4.7 There were four cases in which the Ombudsman concluded that further action was unnecessary. These included a case of disrespectful conduct for which the member concerned apologised, and a case involving a member who had used disrespectful language on a social media page but who failed to get re-elected. Two of these cases involved members who had taken part in business in which they had a prejudicial interest. In one of these cases, the member had not obtained a dispensation and continued to take part. The Ombudsman considered that the member's involvement had not significantly affected the outcome of the meeting and that it was not therefore in the public interest to proceed. The second case involved a member who had obtained a dispensation on terms that she could speak but not vote on a matter. The member proceeded to speak and vote. The Ombudsman found the intentional disregard of the Standards Committee that issued the dispensation troubling but, as the member had apologised he considered that it was not in the public interest to pursue further. The member was however informed that this conduct would be taken into account in any future investigation.
- 4.8 The 2 cases that were referred to a Standards Committee were both referred to the Powys Standards Committee and related to 2 members who had both been prosecuted by the Council in respect of breaches of the Cattle Identification (Wales) Regulations 2007. Both Councillors were considered by their convictions to have brought their authority into disrepute and were suspended for two and four weeks respectively.

4.9 The one case that was considered by the Adjudication Panel for Wales in this period, concerned a member of Cardiff City Council and involved an allegation that a member had failed to show respect and consideration to an officer and had brought the authority and office into disrepute. The allegation concerned a comment made outside a court hearing involving a constituent of the councillor. The Panel concluded that as the comment had not been made in public it did not bring the authority into disrepute but that it did amount to a failure to show respect and consideration and amounted to bullying behaviour. The councillor was suspended for a month.

5. How does the decision contribute to the Corporate Priorities?

The report has no direct impact on the corporate priorities.

6. What will it cost and how will it affect other services?

There are no costs directly associated with the report.

7. What are the main conclusions of the Well-Being Impact Assessment?

This report does not require an impact assessment.

8. What consultations have been carried out with Scrutiny and others?

This matter has not been reported or consulted upon elsewhere.

9. Chief Finance Officer Statement

There are no direct financial consequences as a result of this report.

10. What risks are there and is there anything we can do to reduce them?

There are no risks directly associated with this report

11. Power to make the Decision

There is no decision required.

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The Code of Conduct Casebook

Issue 13 July 2017

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Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- (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).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defence put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what

penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers October to December 2016.

Case summaries

No evidence of breach

Powys County Council - Integrity

Case Number 201601829 – Report issued in June 2017

A complaint was received that Councillor B of Powys County Council may have breached the Code of Conduct for members (relating to bringing their office or authority into disrepute) when, acting as Portfolio Holder for Education, she did not take sufficient action to address the fact that a High School (“the School”) was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council’s Scheme for Financing Schools (“the Scheme”).

The Ombudsman found that Councillor B had acted in good faith in inviting the School to make a case for amending the Scheme, with the intention that the Scheme would then either be amended or enforced. Unfortunately, the School failed to provide the necessary information. Whilst Councillor B could be criticised for not pursuing the matter, there were mitigating circumstances why she could not do so personally. Accordingly, the Ombudsman found that there was no evidence that Councillor B had breached the Code.

Powys County Council - Integrity

Case Number 201602895 - Report issued in June 2017

A complaint was received that Councillor E of Powys County Council may have breached the Code of Conduct for members (relating to bringing their office or authority into disrepute) when, acting as a Governor of a High School (“the School”) he did not take sufficient action to address the fact that the School was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council’s Scheme for Financing Schools (“the Scheme”).

The Ombudsman found that Councillor E had been acting in the genuinely held belief that the Council either knew that the School was not complying with the Scheme, or should have known from information available to it, and was taking no action. The Ombudsman could understand in those circumstances why Councillor E reached the view (rightly or wrongly) that the Council was endorsing what the School was doing. The Ombudsman concluded that Councillor E had acted in good faith on the basis of the information available to him and there was therefore no evidence that he had breached the Code.

Powys County Council - Integrity

Case Number 201601962 - Report issued in June 2017

A complaint was received that former Councillor A of Powys County Council may have breached the Code of Conduct for members (relating to bringing their office or authority into disrepute) when, acting as a Governor of a High School (“the School”) he did not take sufficient action to address the fact that the School was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council’s Scheme for Financing Schools (“the Scheme”).

The Ombudsman found that former Councillor A had been acting in the genuinely held belief that the Council either knew that the School was not complying with the Scheme, or should have known from information available to it, and was taking no action. The Ombudsman could understand in those circumstances why former Councillor A reached the view (rightly or wrongly) that the Council was endorsing what the School was doing. The Ombudsman concluded that former Councillor A had acted in good faith on the basis of the information available to him and there was therefore no evidence that he had breached the Code.

Powys County Council - Report issued in June 2017

Case Number 201601967 - Integrity

A complaint was received that Councillor C of Powys County Council may have breached of the Code of Conduct for members (relating to bringing their office or authority into disrepute) when, acting as a Governor of a High School ("the School") he did not take sufficient action to address the fact that the School was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council's Scheme for Financing Schools ("the Scheme").

The Ombudsman found that Councillor C had been acting in the genuinely held belief that the Council either knew that the School was not complying with the Scheme, or should have known from information available to it, and was taking no action. The Ombudsman could understand in those circumstances why Councillor C reached the view (rightly or wrongly) that the Council was endorsing what the School was doing. The Ombudsman concluded that Councillor C had acted in good faith on the basis of the information available to him and there was therefore no evidence that he had breached the Code.

Powys County Council - Integrity

Case Number 201601968 - Report issued in June 2017

A complaint was received that Councillor D of Powys County Council may have breached of the Code of Conduct for members (relating to bringing their office or authority into disrepute) when, acting as a Governor of a High School ("the School") he did not take sufficient action to address the fact that the School was continuing to subsidise home to school transport for out of catchment pupils in contravention of the Council's Scheme for Financing Schools ("the Scheme").

The Ombudsman found that Councillor D had been acting in the genuinely held belief that the Council either knew that the School was not complying with the Scheme, or should have known from information available to it, and was taking no action. The Ombudsman could understand in those circumstances why Councillor D reached the view (rightly or wrongly) that the Council was endorsing what the School was doing. The Ombudsman concluded that Councillor D had acted in good faith on the basis of the information available to him and there was therefore no evidence that he had breached the Code.

No action necessary

Bridgend County Borough Council – Promotion of equality and respect

Case Number 201603705 – Report issued in April 2017

The Ombudsman considered a complaint that a member of Bridgend County Borough Council (“the Councillor”) breached the Code of Conduct for elected members (“the Code”) by manner in which the Councillor approached a member of the public undertaking her employment duties. The Ombudsman investigated that the Councillor had brought herself, her office and the Council into disrepute through her manner.

The Ombudsman found that the Councillor’s actions were in breach of the Code, in relation to the complaint that the Councillor had brought herself into disrepute through her actions. However since the Councillor apologised for her actions, the Ombudsman did not consider that the circumstances warranted any further action. Since the Councillor was acting in a purely personal capacity and there was no involvement of the Council, the Ombudsman did not consider that the Councillor had brought her office or the Council into disrepute.

The Ombudsman’s finding was that no action needed to be taken in respect of the matter investigated.

Powys County Council – Disclosure and registration of interests

Case Number 201505874 - Report issued in April 2017

The Ombudsman considered a complaint that a member of Powys County Council (“the Councillor”) breached the Code of Conduct for elected members (“the Code”) by failing to disclose a personal and prejudicial interest at various Council meetings, during which a School Modernisation Programme was discussed and that the Councillor continued to take part in meetings following a decision by the Council’s Standards Committee not to grant him dispensation to do so.

The Ombudsman found that the Councillor’s actions were in breach of the Code, however as his involvement at the meetings he attended did not significantly alter the outcome of the Council’s discussion, it was not in the public interest to pursue the matter further.

The Ombudsman’s finding was that no action needed to be taken in respect of the matter investigated.

Saltney Town Council - Disclosure and registration of interests

Case Number 201606253 - Report issued in May 2017

The Ombudsman considered a complaint that a member of Saltney Town Council (“the Councillor”) had breached the Code of Conduct for elected members. It was alleged that the Councillor had voted on a matter in which they had a personal and prejudicial interest without obtaining an appropriate dispensation from the County Council’s Standards Committee. The member concerned had obtained a dispensation from the Standards Committee which allowed her to speak about the matter. However, the dispensation did not allow her to vote.

The Ombudsman considered the minutes from the relevant meeting and found that it was recorded that the Councillor had voted. He also considered correspondence from the Councillor in which she

acknowledged that she should not have cast a vote at the meeting. The Councillor had also formally apologised for this error of judgement in the next Town Council meeting.

The Ombudsman accepted the explanation and apology provided by the Councillor and, whilst recognising that the intentional disregard of the Standards Committee by the Councillor was concerning, he was of the view that the Councillor's actions were of limited consequence and it was not in the public interest to pursue the matter further.

The Ombudsman's finding was that no action needed to be taken in respect of the matters investigated. However, the Councillor was advised that this matter would be taken into account if any future complaints of a similar nature were received.

Torfaen County Borough Council – Promotion of equality and respect
Case Number 201601551 – Report issued in June 2017

The Ombudsman received a complaint that a member of Torfaen County Borough Council had breached the Code of Conduct by using inflammatory and disrespectful language on a public social media page. During the course of the investigation an election took place and the member concerned was not re-elected. The Ombudsman decided that it was not in the public interest to take further action on the matters which were investigated.

Referred to Standards Committee

Powys County Council - Integrity

Case Number 201504317 – Report issued in October 2016

Councillor X of Powys County Council referred himself to the Ombudsman on the advice of the Council's Monitoring Officer on the basis that he may have breached the members' Code of Conduct.

Councillor X, who manages a livestock farm, reported that he may have brought his office and the authority into disrepute when he was prosecuted by Powys County Council under the Cattle Identification (Wales) Regulations 2007 (for failing to maintain accurate cattle records) and the Animal By-Products (Wales) Regulations 2014 (for failing to promptly dispose of animal carcasses). Councillor X pleaded guilty to six charges and received a criminal conviction.

The Ombudsman obtained evidence from Powys County Council and Councillor X was formally interviewed. The Ombudsman found that there was evidence to suggest that Councillor X may have breached the Code of Conduct and referred the matter for consideration by the Council's Standards Committee.

On 13 March 2017, the Council's Standards Committee found that Councillor X had breached the members' Code of Conduct. He was suspended from being a Councillor for two weeks and it was recommended that he undertake additional training on the Council's Code of Conduct.

The decision of the Standards Committee can be found [here](#).

Powys County Council – Integrity

Case Number 201504433 – Report issued in October 2016

Councillor Y of Powys County Council referred himself to the Ombudsman on the advice of the Council's Monitoring Officer on the basis that he may have breached the Code of Conduct.

Councillor Y, who manages a livestock farm, reported that he may have brought his office and the authority into disrepute when he was prosecuted by Powys County Council under the Cattle Identification (Wales) Regulations 2007 for failing to maintain accurate cattle records. Councillor Y pleaded guilty to eight charges and received a criminal conviction.

The Ombudsman obtained evidence from Powys County Council and Councillor Y was formally interviewed. The Ombudsman found that there was evidence to suggest that Councillor Y may have breached the Code of Conduct and referred the matter for consideration by the Council's Standards Committee.

On 15 March 2017, the Council's Standards Committee found that Councillor Y had breached the members' Code of Conduct. He was suspended from being a Councillor for four weeks and it was recommended that he undertake additional training on the Council's Code of Conduct.

The decision of the Standards Committee can be found [here](#).

Referred to Adjudication Panel for Wales

Cardiff Council – Promotion of equality and respect

Case Number 201502858

The Ombudsman received a complaint from the Monitoring Officer of Cardiff Council (“the Council”) on behalf of a member of Cardiff Council. The Monitoring Officer said that another member of the Council (“the Councillor”) had brought the Council into disrepute by the manner in which he conducted himself following a court hearing at Cardiff Civil Justice Centre (“the Court”) on 23 July 2015. The investigation considered whether the Councillor had breached the Code of Conduct (“the Code”).

The focus of the investigation was on whether an alleged comment made by the Councillor regarding a Council restructure was directed towards a Council officer in a threatening manner. At interview, the Councillor accepted that he made the comment, but he said that the comment was directed towards his constituent whom he was representing at the Court hearing. He accepted that it was overheard by others.

The Ombudsman’s Director of Investigations decided to refer the investigation report to the President of the Adjudication Panel for Wales (“the Panel”) because the evidence gathered suggested that the Councillor did not show the Council officer respect and consideration in breach of the Code. He also considered that if the Panel was satisfied that the Councillor’s comment amounted to threatening behaviour towards the Council officer, his conduct was also suggestive of a breach of the Code.

The Panel decided that the Councillor had not brought either the office of Councillor or the Council into disrepute, as his conduct was not in a public area of the Court and was witnessed by only a few people. The Panel decided that the Councillor failed to show respect and consideration to the Council officer and did use bullying behaviour towards the Council officer.

The Panel concluded that the Councillor had breached the Code of Conduct and should be suspended as a member of the Council for a period of one month, or, if shorter, the remainder of his term of office.

The decision of the Adjudication Panel for Wales can be found [here](#).

More information

We value any comments or feedback you may have regarding The Code of Conduct Casebook. We would also be happy to answer any queries you may have regarding its contents. Any such correspondence can be emailed to Matthew.Aplin@ombudsman-wales.org.uk or Lucy.John@ombudsman-wales.org.uk or sent to the following address:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 0300 790 0203

Fax: 01656 641199

e-mail: ask@ombudsman-wales.org.uk (general enquiries)

Follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)

Further information about the service offered by the Public Services Ombudsman for Wales can also be found at www.ombudsman-wales.org.uk

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Report To: Standards Committee
Date of Meeting: 22nd September 2017
Lead Member / Officer: Gary Williams, Monitoring Officer
Report Author: Gary Williams, Monitoring Officer
Title: **Provision of Code of Conduct Training**

1. What is the report about?

This report is about the Code of Conduct training sessions that have been provided since the local government elections in May 2017.

2. What is the reason for making this report?

To inform members of the Committee of the training sessions that have been provided since the local government elections in May and the attendance of both County and Town, City and Community councillors

3. What are the Recommendations?

That members consider the information provided in the report and consider what, if any, further training events should be provided

4. Report details

Following their election, all elected members must sign an undertaking that they will abide by the terms of the Code of Conduct for Members before they are allowed to take up office.

The Code of Conduct for County Councillors makes it a requirement of the Code that elected members must attend at least one training session on the code in each Council term.

The first training session for County Councillors was held on 11th May and was attended by 31 of the 47 County Councillors. One of the County Councillors who was unable to attend this session came to one of the later sessions held for Town, City and Community Councillors. A further training session is to be held during the evening of 12th October to provide an opportunity for County Councillors who were unable to attend on 11th May.

There was a training session held on 20th June for Clerks to Town, City and Community Councils which was attended by 8 clerks.

A number of sessions were then arranged for members of Town, City and Community Councils. There were 5 sessions in all, 2 of which were held in Denbigh, 2 in Ruthin and 1 in Rhyl. These were a mixture of daytime and evening sessions.

A total of 78 Councillors attended these 5 sessions as well as 2 members of the Standards Committee. The feedback received from those who attended was very positive. The breakdown of those who attended by their Council is attached as Appendix 1.

A small number of Town, City and Community Councils did ask if it would be possible for training to be provided to them at their Councils. The response to this was that we would wait and see how many members managed to attend the 5 pre-arranged sessions before considering more bespoke arrangements. It may be that this can be revisited through the Autumn and Winter. It would be possible to provide shorter, more focussed sessions on specific parts of the Code of Conduct, depending on individual Council needs rather than the full sessions that have thus far been delivered.

5. How does the decision contribute to the Corporate Priorities?

The decision does not impact directly on the Corporate Priorities

6. What will it cost and how will it affect other services?

There no direct costs associated with this report. The training will be provided by staff whose costs are contained within existing budgets.

7. What are the main conclusions of the Well-being Impact Assessment? The completed Well-being Impact Assessment report can be downloaded from the [website](#) and should be attached as an appendix to the report

This report does not seek to introduce a change or a proposal that would require such an assessment.

8. What consultations have been carried out with Scrutiny and others?

There have been no other consultations

9. Chief Finance Officer Statement

There are no direct financial consequences as a result of this report.

10. What risks are there and is there anything we can do to reduce them?

There is a risk that if Members are not able to access appropriate training they may inadvertently breach the Code of Conduct.

11. Power to make the Decision

Section 8.6.5 of the Council's constitution

Appendix 1

Council	Total attended
Aberwheeler Community Council	3
Betws Gwerfil Goch	1
Corwen Town Council	2
Denbigh Town Council	10
Dyserth Community Council	2
Henllan Community Council	3
Llanarmon yn Ial Community Council	9
Llandegla Community Council	6
Llanfair Community Council	6
Llanferres Community Council	3
Llangollen Town Council	6
Llangollen Town Council	2
Llanrhaeadr Community Council	1
Prestatyn Town Council	2
Rhuddlan Town Council	3
Rhyl Town Council	6
Ruthin Town Council	13
Standards Committee	2
	80

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STANDARDS COMMITTEE FORWARD WORK PROGRAMME

PLEASE NOTE AGENDA TO BE CIRCULATED 1 WEEK IN ADVANCE OF MEETING

DATE OF MEETING	REPORT ITEMS / AREAS	REPORT AUTHOR
24 November 2017	Standing Item: Attendance at Meetings	N/A
	Standing Item: PSOW Code of Conduct Casebook	Gary Williams (Monitoring Officer)
	Standing Item: Standards Committee Forward Work Programme	Gary Williams (Monitoring Officer)
	Standing Part 2 Item: Overview of Complaints in Denbighshire	Gary Williams (Monitoring Officer)
02 March 2018	Standing Item: Attendance at Meetings	N/A
	Standing Item: PSOW Code of Conduct Casebook	Gary Williams (Monitoring Officer)
	Standing Item: Standards Committee Forward Work Programme	Gary Williams (Monitoring Officer)
	Standing Part 2 Item: Overview of Complaints in Denbighshire	Gary Williams (Monitoring Officer)

Updated 17/03/2017 - SJ

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By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

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