

To: Chair and Members of Standards
Committee

Date: 5 September 2019

Direct Dial: 01824 712589

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, 13 SEPTEMBER 2019** in **CONFERENCE ROOM 1A, COUNTY HALL, WYNNSTAY ROAD, RUTHIN LL15 1YN.**

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 (Pages 5 - 16)

To receive the minutes of the Standards Committee meetings held on the 12 April 2019 (copy enclosed) and the 24 July 2019 (copy enclosed).

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK (Pages 17 - 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 ATTENDANCE AT MEETINGS

To note the attendance by members of the Standards Committee at the North Wales Standards Committees Forum and City, Town and Community Council meetings and to receive their reports.

7 STANDARDS COMMITTEE FORWARD WORK PROGRAMME (Pages 25 - 26)

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

8 DATE OF NEXT MEETING

The next meeting of the Standards Committee is scheduled for 6 December at 10am in conference room 1a, County Hall, Ruthin.

PART 2: CONFIDENTIAL ITEM

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 of business because it is likely that exempt information (as defined in paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act) would be disclosed.

9 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000 (Pages 27 - 40)

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), Julia Hughes, Anne Mellor and Peter Lamb

Town/Community Council Member

Gordon Hughes

County Councillors

Councillor Paul Penlington

Councillor Andrew Thomas

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STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in the Council Chamber, Russell House, Churton Road, Rhyl LL18 3DP on Friday, 12 April 2019 at 10.00 am.

PRESENT

Independent Members: Ian Trigger (Chair), Julia Hughes, Anne Mellor and Peter Lamb

Town / Community Council Member: Gordon Hughes

ALSO PRESENT

Monitoring Officer (GW) and Democratic Services Manager (SP)

1 APOLOGIES

An apology for absence was submitted by Councillor Andrew Thomas.

2 DECLARATIONS OF INTEREST

Independent member Julia Hughes drew attention to a case referred to in the documents for today's meeting which was linked to another Standards Committee of which she was a member. However, the Monitoring Officer advised that as the connection did not involve a close personal association it was not a personal interest under the code of conduct.

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent matters raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Standards Committee meeting held on the 30 November 2018 and the special Standards Committee meeting held on the 24 January 2019 were submitted.

Attention was drawn to the title 'councillor' having been used in error for committee members Julia Hughes and Gordon Hughes.

Independent member Peter Lamb requested that the final draft version of minutes be emailed to committee members for information, rather than members having to wait for the publication of the agenda for the following meeting.

RESOLVED that the minutes of the Standards Committee meeting held on the 30 November 2018 and the special Standards Committee meeting held on the 24 January 2019 be received and confirmed as correct records.

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK

The Monitoring Officer (MO) introduced a report on the Public Services Ombudsman for Wales – Code of Conduct Casebook (previously circulated). The MO informed the Committee that the Casebook was intended to help members and others in considering whether circumstances that they were experiencing amounted to a breach of the Code. It also provided information about the way the Ombudsman and other standards committees in Wales dealt with cases.

The MO highlighted cases in the Casebook relating to:

- the censure of a former member of Neyland Town Council for breaching the Code of Conduct by improperly attempting to stop a project the Council had agreed to support;
- a complaint against a former member of Monmouthshire County Council (and a current community councillor) who had sent emails which the complainant considered contained comments which failed to show respect and consideration for members of the LGBT community. The Ombudsman had referred the case to the Adjudication Panel for Wales for adjudication by tribunal. A defence against the complaint cited freedom of expression, freedom of religious expression and public interest. The Tribunal concluded that the councillor had breached the Code of Conduct and after taking mitigating factors into consideration, suspended the councillor for a period of two months.

Members discussed the Casebook process of reporting cases and how the Public Services Ombudsman system worked. The MO reported on a case relating to Llandegla Community Council which the Ombudsman had investigated but found that no action was required. The parties involved had agreed to accept the MOs assistance to mediate but one of the parties resigned their post prior to the mediation taking place.

RESOLVED – *that the Committee notes the information contained within the Code of Conduct Casebook.*

6 REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Monitoring Officer (MO) introduced a 2019 report by the Committee on Standards in Public Life reviewing local government ethical standards in England.

Although the review related only to the operation of the standards regime in England, the MO advised that the report and its recommendations provided an interesting comparison of the systems in Wales and England.

The MO informed members that the former Standards Board (England) had been obliged to investigate all complaints and the system had fallen into disrepute before being abolished in 2012. That highly centralised system had been replaced by the highly devolved system currently in place in England.

Unlike the Wales model code of conduct used by Welsh local authorities, councils in England were now able to determine the contents of their own codes. The statutory duty was for those codes to, when viewed as a whole, be consistent with the Seven Principles of Public Life (the “Nolan Principles”) and include provisions for registering and declaring pecuniary and non-pecuniary interests. The intention was not that the Seven Principles would be treated as a self-contained code, but instead that the principles should be used to underpin a well-drafted, practical and locally-relevant guide to behaviour.

The MO commented that the English system was focussed on the disclosure of pecuniary interests and lacked an objective test on what constituted a prejudicial interest. There was no requirement to register gifts or hospitality. The MO viewed the lack of sanctions within the English standards system as being likely to make the role of monitoring officers in England a difficult one.

Members were advised that the Committee on Standards in Public Life had taken evidence from the standards bodies in Wales, Scotland and Northern Ireland and many of the highlighted good practices reflected current practice in Wales.

The review had found that of councils in England that had received complaints, 83% said complaints had been made about disrespectful behaviour, 63% about bullying and 31% about disruptive behaviour. In response to a question, the MO advised that anecdotally the majority of complaints in Wales were about behaviour and rudeness and it was likely that failure to disclose interests were under-reported. This was an area that could be developed.

The Chair suggested that this point be debated in more detail at the next meeting alongside the MO’s compilation of complaints made. Independent member Julia Hughes requested that attention also be given to breaches of the Code of Conduct that were similar to the examples of bullying behaviour used by the Committee on Standards in Public Life in page 76 of their review.

The Committee discussed the issue of bullying and abusive behaviour towards women at often male-dominated councils. The MO advised on the range of equality actions employed to improve diversity which were promoted by a range of public sector organisations. He also reported that the Standards Committee’s role related to the Code of Conduct and that the majority of attacks on councillors came from the public rather than fellow-councillors, and that many of these were linked to use of social media.

RESOLVED that the Committee notes the contents of the report.

7 COMMITTEE ATTENDANCE

The Chair invited members of the Committee to share their observations from the city, town or community council meetings they had recently attended.

Town and Community Council member Gordon Hughes provided observations of the Llanynys Community Council meeting held on the 8 January 2019. He reported that details of the meeting time and location had been supplied to him promptly on

request but that he did not have access to an agenda or reports. Mr Hughes advised that the community council had a bilingual website but the website did not provide access to agendas, minutes and reports.

Mr Hughes reported on the meeting which he found to have been conducted in a satisfactory manner with a good atmosphere and an excellent relationship between the councillors.

Mr Hughes had also attended a meeting of Llanrhaeadr-yng-Nghinmeirch Community Council on the 25 February 2019. As with the previous visit, Mr Hughes' enquiry was answered promptly with details of the meeting but he was also supplied with the agenda and minutes. The council had a bilingual website but meeting documents were not available from it.

Members were advised that the meeting was conducted in good order, according to the agenda and with each item having clearly defined decisions and actions. The atmosphere and relationship observed between councillors was excellent. Mr Hughes reported that training was considered to be a high priority by the community council. Declaration of interest forms were available at the meeting and some were completed owing to interests in respect of local community grant applications. All members remained in the meeting room for the item.

Committee members Julia Hughes and Peter Lamb had attended a meeting of Efenectyd Community Council held on the 2 January 2019.

Mrs Hughes advised that she had received a prompt response to a request for meeting information from the clerk, but the council's website was not up-to-date. There was an agenda item for 'public participation' though there were no members of the public present on this occasion and she had observed that the Clerk provided good support to the Chair and the meeting. The councillors had discussed training issues at the meeting.

Mr Lamb reported that the item on declarations of interests was accompanied by a script outlining the purpose of the item. The Monitoring Officer added that Denbighshire County Council had shared a copy of its formal script used for the benefit of the public at webcast meetings.

Mr Lamb queried whether town and community councils viewed attendance by Standards Committee members as being helpful to assist their meeting arrangements? He also added that, as a non-Welsh speaker attending a meeting where the proceedings were generally in Welsh, he was mindful that his attendance could lead to a change in the language of the meeting and that he might bear this in mind when choosing which town and community council meetings he attended.

RESOLVED that the Committee notes the attendance by its members at meetings of city, town and community council meetings.

8 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Monitoring Officer (MO) introduced the Standards Committee Forward Work Programme (previously circulated).

During a discussion on the item for the minutes of the last meeting, the Committee had agreed to a suggestion from Committee Member Julia Hughes to reschedule the item on *review of attendances at town, city and community councils* from June to the September meeting. The report would facilitate a comprehensive discussion on meetings attended and those planned for the future.

RESOLVED that subject to the above, the Standards Committee's forward work programme be approved.

9 DATE OF NEXT MEETING

The next meeting of the Standards Committee was scheduled for the 7th June 2019 at 10.00 a.m. in Conference Room 1a, County Hall, Ruthin.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that 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 of business because it was likely that exempt information (as defined in paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act) would be disclosed.

10 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Monitoring Officer (MO) presented a report (previously circulated) providing an overview of complaints lodged with the Public Services Ombudsman for Wales.

The MO reported on complaints submitted involving councils in Denbighshire, giving outline details of the nature of the complaints made and the actions taken by the Public Services Ombudsman for Wales.

RESOLVED that the Standards Committee notes the contents of the report.

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STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in the Council Chamber, County Hall, Wynnstay Road, Ruthin LL15 1YN on Wednesday, 24 July 2019 at 10.00 am.

PRESENT

Independent members Ian Trigger (Chair), Anne Mellor and Peter Lamb together with Community Councillor Gordon Hughes

ALSO PRESENT

Monitoring Officer (Mr G Williams),
Acting for Public Service Ombudsman for Wales (Mrs A Ginwalla and Ms E Lewis),
Prestatyn Town Councillor Peter Duffy and Solicitor (Mr J Owens),
Democratic Services Officer (Mrs K Evans).

1 APOLOGIES

Apologies for absence were received from Councillor Andrew Thomas and Independent Member Julia Hughes.

2 DECLARATION OF INTERESTS

There were no declarations of interest.

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent matters.

4 DETERMINATION OF AN ALLEGATION OF A BREACH OF THE CODE OF CONDUCT REFERRED TO THE STANDARDS COMMITTEE BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES UNDER SECTIONS 69 AND 71(2) LOCAL GOVERNMENT ACT 2000

Introduction

The Chair, Ian Trigger, asked for introductions from around the table and explained the procedure for the day. The Chair also advised that it was a public meeting and a simultaneous translation service had been provided.

There were potentially four stages to the hearing:

- I. Stage 1 – preliminary procedural issues;
- II. Stage 2 – consideration of any disputed facts;
- III. Stage 3 – decision made on whether on the basis of the facts found, there has been a failure to comply with the Code of Conduct;
- IV. Decision on what sanction to be taken (if any).

Additional information in the form of a copy of the Livingstone v Adjudication Panel England case (October 2006). The Chair asked the Committee to read the paper overnight.

The Chair advised the Public Services Ombudsman for Wales' (PSOW) solicitor (Mrs A Ginwalla) and Prestatyn Town Councillor Peter Duffy's solicitor (Mr J Owens) that Denbighshire County & Prestatyn Town Councillor Paul Penlington (the complainant) was a member of the Standards Committee but the matter of complaint had not been heard at any of the meetings he had attended.

Mr Owens asked that the meetings being considered be referred to with a small "m" as they had not been official public meetings. The PSOW solicitor and Standards Committee Chair agreed.

There being no preliminary issues short opening statements were invited from both sides.

Consideration of any significant disagreements about facts.

Mrs Ginwalla referred to the PSOW's report in the confidential bundle (previously circulated), setting out the complaint from Councillor Paul Penlington regarding Councillor Peter Duffy's behaviour towards him on a number of occasions.

Two of the events were investigated. The incidents on 2 November 2016 and 11 May 2017 were set out in the report and evidenced gathered from a random selection of witnesses.

The PSOW had determined that on the balance of probability that Councillor Duffy's behaviour on the 2 November 2016 had been beyond a level considered reasonable and had potentially been personal abuse. There had also been evidence that Councillor Duffy had said something personal (although there was some disparity as to what witnesses heard) to Councillor Penlington at a meeting on 11 May 2017.

The Committee were advised by the Chair (IT) that Prestatyn Town Councillor Martyn Poller had provided a witness statement to the PSOW previously but would not be attending in person and did not want it to be relied on as evidence. Mrs Ginwalla confirmed that was the case but Councillor Poller's statement and contemporaneous notes from the meeting on 11 May 2017 had been agreed as an accurate record and considered as part of the PSOW's deliberations. The same was true for the witness statement of Prestatyn Town Councillor Sandilands. Councillor Sandilands had not withdrawn his statement but had declined to attend the hearing.

Mr Owens informed the Committee that Councillor Duffy had approached him as a long standing Councillor seeking advice on the response from the PSOW regarding complaints made about his behaviour in addition to the contradictory and factually incorrect witness statements.

Witnesses who had previously made statements for the PSOW were invited to give their evidence to the hearing. There would be an opportunity for both sides and Committee members to ask questions supplementing witness' statements.

When introducing each witness Mrs Ginwalla asked each of them to confirm that they had had the opportunity to review their statement; that they had signed a statement of truth and asked whether any amendments were required (none were).

Witness evidence was heard in the following order from:

- Peter Gaffey – Anti Social Behaviour Officer
- Carol Evans – Assistant Town Clerk (Prestatyn)
- Tina Jones – Denbighshire County & Prestatyn Town Councillor
- Paul Penlington - Denbighshire County & Prestatyn Town Councillor
- Peter Duffy – Prestatyn Town Councillor
- Police Sergeant Mark Jones – North Wales Police
- Gerry Frobisher – Prestatyn Town Councillor
- Andrea Tomlin - Prestatyn Town Councillor
- Linda Muraca - Prestatyn Town Councillor

The Chair confirmed that with respect to the representations of non-attending witnesses:

- Councillor Poller's statement would be discounted and
- Councillor Sandiland's would be considered but with less weight given to it.

Disputed facts.

The Chair referred to the PSOW's disputed facts (page 17) and asked whether these remained disputed or whether there should be any amendments given the evidence heard.

Following discussion it was agreed that the first fact in respect of aggressive and threatening behaviour should be dropped and the wording of the other three disputed facts be amended as follows:

- Did Councillor Duffy demonstrate disrespect and a lack of consideration to either or both police officers at the meeting of 2 November 2016?
- Did Councillor Duffy refer to Council Penlington as a "f***ing prick" or "prick" before the meeting of 11 May 2017 started?
- Did Councillor Duffy refer to Councillor Penlington as a "fool" or "idiot" during the meeting of 11 May 2017?

Both parties were invited to make submissions on the disputed facts from the evidence before them.

Mr Owens raised concerns regarding the partial submission of an email from Police Sergeant Mark Jones. A copy of the original, complete email was in Mrs. Ginwalla's bundle and subsequently shared with Councillor Duffy, Mr Owens and the Committee.

The Standards Committee retired to consider the submissions, asking the Monitoring Officer to join them for part of the recess to advise on procedural matters.

Decision made on whether there had been a failure to comply with the Code of Conduct.

Having considered all the evidence – oral and written the Standards Committee found unanimously that on the balance of probabilities that Councillor Duffy:

- I. Did demonstrate disrespect and lack of consideration to either or both police officers at the meeting of 2 November 2016.
- II. Referred to Council Penlington as a “prick” before the meeting of 11 May 2017 started.
- III. Did refer to Councillor Penlington as a “fool” or “idiot” during the meeting of 11 May 2017.

The Chair thanked both advocates for their manner of representation and asked them to make representations as to whether the actions amounted to a breach of Prestatyn Town Council’s Code of Conduct. The discussion revolved around:

- Para 5 – Members must... show respect and consideration for others and
- Para 6 – Members must not... conduct themselves in a manner which could be regarded as bringing the office of member or their authority into disrepute.

The Standards Committee concluded that Councillor Duffy did give the impression at the meetings that he was acting as a Councillor and was therefore obliged to observe the Code of Conduct.

The Standards Committee found that in respect of each of the facts found Councillor Duffy had failed to show respect and consideration for others and had conducted himself in a manner which could be regarded as bringing the office of member or their authority into disrepute.

Decision on action to be taken (if any)

Both parties were invited to present submissions as to sanctions. Possible sanctions included:

- no further action should be taken in respect of the failure to comply with the Code of Conduct;
- that the Member should be censured; or
- that the Member should be suspended or partially suspended from being a member of Prestatyn Town Council for a period not exceeding six months.

The Monitoring Officer advised that it was for the Standards Committee to decide and referred them to guidance supplied by The Adjudication Panel for Wales.

Following deliberations the Chair announced the Standard Committee’s unanimous decision that Councillor Duffy had breached the Prestatyn Town Council’s Code of Conduct by:

- Para 5 – not showing respect and consideration for others and
- Para 6 –conduct himself in a manner which could be regarded as bringing his office of member or his authority into disrepute.

The parties were informed that they would receive a full, written decision setting out the Committee's reasons for reaching their conclusions.

RESOLVED that Councillor Peter Duffy be suspended from the role of Prestatyn Town Councillor for a period of four months.

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Report To: Standards Committee

Date of Meeting: 13th September 2019

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 helps 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 20 of the Casebook published in May 2019 covering the period January 2019 to March 2019. Members will note that there are two case summaries in this edition of the casebook, both of which resulted in a finding that no action was necessary. Neither of the cases relate to Councillors in Denbighshire.
- 4.6 Both of the case summaries relate primarily to allegations of failure to promote equality and respect. The first relates to an allegation that a member of Pembroke Dock Town Council had acted in a disrespectful and bullying manner towards the previous Clerk to the Council over a three year period. In addition it was alleged that the member may have failed to disclose an interest in Council business. The Ombudsman conducted an investigation and was not persuaded that the member had acted in a disrespectful and bullying manner. He further concluded that it was likely that the member may have breached the Code when failing to declare a personal interest at meetings. The Casebook does not contain any further information to explain the decision that no further action was necessary in respect of the failure to declare an interest.
- 4.7 The second case summary relates to four complaints about the conduct of members of Saltney Town Council. The allegation was that a number of members of the Council may have breached the Code by engaging in an argument with other councillors in front of members of the public. The Ombudsman commenced an investigation into the complaints and found that the behaviour complained of was below the standard expected of elected members. The Ombudsman concluded that the behaviour was petty and immature and did not justify the use of further public resources. He therefore decided that further action was not in the public interest.
- 4.8 There were no cases referred to either a Standards Committee or the Adjudication Panel for Wales.

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 20 May 2019

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 defense 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 January to March 2019.

The Code of Conduct Casebook

Issue 20 May 2019

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Case summaries

No evidence of breach

There are no summaries in relation to this finding.

No action necessary

[Pembroke Dock Town Council - Promotion of equality and respect](#)

[Case Number: 201706079 - Report issued in January 2019](#)

The Ombudsman received a complaint that a Member ("the Member") of Pembroke Dock Town Council ("the Council") had breached the Code of Conduct ("the Code") for members. It was alleged that the Member had acted in a disrespectful and bullying manner towards the previous Clerk to the Council, both in Council meetings and when communicating with her by email, between 2014 and her resignation from the Council in 2017.

The Ombudsman investigated whether the Members actions amounted to a breach of the parts of the Code that concern showing respect and consideration, bullying and harassment, bringing the Council into disrepute and a Member's duty to disclose an interest if they have one in any Council business. Information was sought from the Council, Pembrokeshire County Council and the Member. Interviews were also undertaken with relevant witnesses.

Having considered the evidence, the Ombudsman concluded that he was not persuaded that the Member acted in a disrespectful or bullying manner towards the Clerk at meetings or when communicating with her by email. He also decided that the evidence was not suggestive of a breach of the Code that the Member had not brought the Council into disrepute. The Ombudsman further concluded that it was likely that the Member may have breached the Code when failing to declare a personal interest at meetings.

[Saltney Town Council - Promotion of equality and respect](#)

[Case Number: 201800177 & 201800178 & 201800179 & 201800180 - Report issued in January 2019](#)

The Ombudsman received a complaint that Members ("the Members") of Saltney Town Council ("the Council") had breached the Code of Conduct by engaging in an argument with other councillors in front of members of the public, following a Town Council meeting.

The Ombudsman commenced an investigation on the basis that there may have been breaches of paragraphs 4(b), 4(c) and 6(1)(a) of the Code of Conduct.

The Ombudsman found that the behaviours complained about was below the standard that he would expect from elected members but that their behaviour was petty and immature and therefore to take further action and use further public resources would not be in the public interest.

Referred to Standards Committee

There are no summaries in relation to this finding.

Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding.

STANDARDS COMMITTEE FORWARD WORK PROGRAMME

DATE OF MEETING	REPORT ITEMS / AREAS	REPORT AUTHOR
06 December 2019	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 3/9/2019 SP

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By virtue of paragraph(s) 12, 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

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