

The Code of Conduct Casebook

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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).

(Continued overleaf)

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 2015, but also includes the summaries of older cases for which the standards committee or Adjudication Panel hearings were concluded during this period.

Case Summaries

No evidence of breach

Cardiff Council - Promotion of equality and respect

Case reference 201408688 – Report issued in October 2015

A complaint was received that a member of Cardiff Council (“the Councillor”) had breached the Code of Conduct for members by using her position improperly to obtain “confidential” information relating to another member of Cardiff Council and by sharing this information with her political party in order to create a disadvantage for him and for political purposes.

Evidence was obtained from Cardiff Council and a number of elected members.

The Councillor was interviewed and said that she received a request for information from an outside organisation and that her role as councillor required her to seek appropriate advice and act in accordance with that advice.

The Ombudsman concluded that it was not unreasonable for the Councillor to rely on the advice provided to her and on this basis was not persuaded that evidence gathered was suggestive that she had breached the Code of Conduct.

No action necessary

Pembrokeshire County Council – Integrity / Disclosure and registration on interests Case reference 201500279/201500292 – Report issued in December 2015

A complaint was made that a member of Pembrokeshire County Council had breached the Code of Conduct by seeking to influence a decision of the Council over a matter in which he had a prejudicial interest, that he had failed to have regard to relevant advice provided by the Council's Monitoring Officer and that he had conducted himself in a manner which could reasonably be regarded as bringing his authority into disrepute.

Evidence was obtained from the Council and a formal interview was carried out with the Councillor.

The Councillor declared a prejudicial interest, but it was apparent at interview that he did not believe that his interest in the matter was prejudicial. The Councillor acted against the direction of the Standards Committee and rejected the advice of the Monitoring Officer, both of which were based upon his declaration that he had a prejudicial interest. These actions were not appropriate and may have amounted to a breach of the Code of Conduct. However, had the Councillor fully considered his position at the outset, he may not have declared a prejudicial interest. Since these events, the Councillor has sought and complied with advice from the Monitoring Officer and the Standards Committee.

The Ombudsman determined that it would not be proportionate or in the public interest to take further action against the Councillor.

Llanelli Town Council - Objectivity and propriety

Case Number: 201500965 – Report issued in December 2015

A complaint was made that, due to his conduct at an event, a member of Llanelli Town Council may have breached the Code of Conduct by failing to show respect and consideration for others, using bullying or harassing behaviour towards another, using the resources of his authority imprudently and bringing his authority into disrepute. It was alleged that the Councillor had been drinking excessively at tax payers' expense, had been verbally abusive towards members of staff and had acted in a violent manner towards another guest at the event.

A number of witness statements were obtained and the Councillor was formally interviewed. The Ombudsman determined that the evidence was not sufficiently robust that it would satisfy a Standards Committee or the Adjudication Panel for Wales that a breach of the Code of Conduct had occurred and that a sanction would be appropriate, therefore no further action was necessary.

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

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.Geen@ombudsman-wales.org.uk, or sent to the following address:

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