

Report To: Standards Committee

Date of Meeting: 16th September 2016

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 editions 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 Where those cases have been referred to a Standards Committee or the Adjudication Panel for Wales, a link is provided in the electronic version of the Casebook to the full report of the outcome of the case produced by the relevant Committee or Panel.
- 4.4 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.

- 4.5 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.
- 4.6 Appendix 1 to this report contains the Issue 8 of the Casebook published in April 2016 covering the period January 2016 to March 2016. In his introduction to this issue of the Casebook, the Ombudsman expresses his pleasure in the fact that although the number of complaints received by his office has gone up, there has been an increase in the number of those complaints that were closed after initial consideration. He attributes much of this to the operation of the public interest test introduced last year. Members will note that the majority of complaints investigated during this period related to the disclosure and registration of interests. Of the 6 complaints reported during the period of this issue of the casebook, 4 related to the disclosure of interests and 2 to objectivity and propriety. Of the 6 investigations conducted, 1 case resulted in a finding that there was no evidence of breach, 3 found that although there had been a breach no action was necessary, 1 was referred to a standards committee and 1 to the Adjudication Panel for Wales. None of the cases related to any elected member of any council within the county of Denbighshire.
- 4.7 Where the investigations concluded that no further action was necessary, the member concerned was considered to have been in breach of the Code of Conduct but it was not felt that it was in the public interest to pursue the matter further.
- 4.8 The matter referred to a standards committee involved a failure by a community councillor in the Vale of Glamorgan to declare an interest as well as a finding that the councillor concerned had brought their authority or office into disrepute by operating a business without the appropriate licence or permissions. The councillor was suspended for 1 month for each of a number of breaches arising from this conduct. The suspensions were imposed to run concurrently.
- 4.9 The matter referred to the Adjudication Panel for Wales involved a failure by a member of Magor with Undy Community Council to declare an interest and leave the meeting during discussion of the remuneration package of the Clerk to the Council. The member was in a relationship with the Clerk and they were later married. The Panel imposed a 3 month suspension on the member with a recommendation that he undergo further training with regard to the Code of Conduct before returning to office.
- 4.10 Appendix 2 to this report contains the Casebook published in July 2016 covering the period April 2016 to June 2016. There are 7 investigations referred to in this edition. Of these, 4 resulted in a finding of no evidence of breach and 3 resulted in a finding of no further action being necessary. There

were no cases referred to either a Standards Committee or the Adjudication Panel for Wales.

- 4.11 Of these cases, 1 related to the disclosure and registration of interests and 6 to the promotion of equality and respect. None of the cases related to any elected member of any council within the county of Denbighshire.
- 4.12 Members will note that where a breach was considered to have taken place but no further action was necessary this was on the basis that it was not in the public interest to pursue the matter. One of these cases would have been pursued but for the fact that the member concerned was no longer a member of the relevant community council and as such could not be the subject of a sanction other than disqualification. The Ombudsman did not consider that the case would result in disqualification and that therefore it was not in the public interest to pursue.

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 Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

This report does not require an equality 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 implications as a consequence 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.