

Report To: Standards Committee

Date of Meeting: 2nd December 2016

Lead Member / Officer: Gary Williams, Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: Public Services Ombudsman for Wales – Code of Conduct Casebook Issue 10

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 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 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.
- 4.6 Appendix 1 to this report contains Issue 10 of the Casebook published in October 2016 covering the period July 2016 to September 2016. Of the 8 complaints reported during the period of this issue of the casebook, 2 related to the disclosure of interests, 2 to objectivity and propriety, and 1 each in respect of accountability and openness, duty to uphold the law, equality and respect, and selflessness and stewardship.
- 4.7 Of the 8 investigations conducted, 4 case resulted in a finding that there was no evidence of breach, 3 found that although there may have been a breach no action was necessary, and 1 was referred to a standards committee. There were no direct referrals to the Adjudication Panel for Wales. None of the cases related to any elected member of any council within the county of Denbighshire.
- 4.8 Where the investigations concluded that no further action was necessary, the members concerned were 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.
- 4.9 The matter referred to a standards committee involved an allegation that a member of Manorbier Community Council failed to make an appropriate declaration of interest and had been improperly involved in discussions at a meeting when it was resolved to recommend to the County Council that a planning application relating to a caravan park be refused. The councillor lived adjacent to the caravan park and had made a number of complaints about the park over the years. The councillor accepted that she had a personal interest but not that she had a personal and prejudicial interest. The Ombudsman considered that the councillor probably had a prejudicial interest in the planning matter given the proximity of her property and her history of complaints. He referred the matter to the Standards Committee of Pembrokeshire County Council.
- 4.10 The Standards Committee found that the councillor was in breach and imposed a 2 month suspension. The councillor appealed to the Adjudication Panel for Wales. The Panel agreed that the member had breached the Code of Conduct and increased the suspension period to 3 months.

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 Wellbeing Impact Assessment?

This report does not require a wellbeing 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.