

Report To: Standards Committee

Date of Meeting: 10th March 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 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 Issue 11 of the Casebook published in January 2017 covering the period October 2016 to December 2016. Members will note that there are only 2 case summaries in this edition of the casebook, neither of which involved a referral to a Standards Committee or the Adjudication Panel for Wales. Neither of these cases involved any Councillors in Denbighshire.
- 4.7 In the first case summary the Ombudsman found that there was no evidence of a breach of the Code of Conduct. This case involved a complaint made that a County Councillor during a debate condemning hate crime at a Monmouthshire County Council meeting spoke to defend racially offensive language. The Ombudsman found that Members have a duty to scrutinise the subject of any debate no matter how sensitive. Attempts to restrict that scrutiny and analysis would unjustifiably affect a Member's freedom of expression. The Councillor in question had supported the motion and had not at any time suggested that racism or hate crimes should be tolerated. Whilst the member's words were, in the Ombudsman's view, clumsy, there was no evidence that he used overtly racist or hateful language.
- 4.8 The second case summarised in the Casebook involved a complaint that a Tywyn Town Councillor had failed to declare a prejudicial interest at a caravan park committee even though he was the owner of a nearby caravan park. The Member concerned had been informed by the Monitoring Officer that he had a prejudicial interest. The Member applied for a dispensation which was rejected. The Ombudsman found that the Member may have breached the Code of Conduct but, as he had subsequently resigned from the Town Council, no further action was required.

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 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.