

Report To: Standards Committee

Date of Meeting: 30th June 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 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 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.
- 4.5** Appendix 1 to this report contains Issue 12 of the Casebook published in April 2017 covering the period January 2017 to March 2017. Members will note that there are 13 case summaries in this edition of the casebook, only 1 of which involved a referral to a Standards Committee and none were referred to the Adjudication Panel for Wales.
- 4.6** Of these 13 cases, 3 were found to have no evidence of breach, 9 were considered to require no further action and 1 was referred to the Standards Committee for that authority.
- 4.7** The 13 cases fell into three broad categories, 8 related to the disclosure and registration of interests, 3 to the promotion of equality and respect, and 2 to objectivity and propriety.
- 4.8** The complaints relating to the disclosure and registration of interests include 6 complaints seemingly made by the same complainant regarding the same incident but involving 6 different members of the same Community Council.
- 4.9** Members will note that one of the complaints in respect of which no further action was deemed necessary involved a member of Prestatyn Town Council. The complaint was that the Councillor had failed on two occasions to disclose an interest in a matter relating to a planning application which was likely to impact on his business. The Ombudsman judged that this was a personal and prejudicial interest, however, the Ombudsman considered that the Councillor was not seeking to influence the decision and the Town Council was not the decision maker in respect of the application. The purpose of the meetings was to consider the observations that the Town Council was to make to the planning authority. The Ombudsman's view was that although no further action was required, the Councillor should reflect on his actions and attend training on the Code of Conduct.
- 4.10** The case referred to a Standards Committee involved a member of Powys County Council who had sent correspondence which unfairly and incorrectly portrayed the proceedings of a Grievance appeal hearing at the Council. The Standards Committee imposed a 5 month suspension on the Member who appealed against this decision to the Adjudication Panel for Wales. The outcome of the appeal was that the Adjudication Panel referred the matter back to the Standards Committee with a recommendation that the suspension be for 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 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.