

Report To: Standards Committee

Date of Meeting: 22nd September 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 13 of the Casebook published in July 2017 covering the period April 2017 to July 2017. Members will note that there are 12 case summaries in this edition of the casebook, 2 of which involved a referral to a Standards Committee and one was referred to the Adjudication Panel for Wales. Overall, there were 7 cases involving allegations relating to bringing the authority or office into disrepute, 3 relating to equality and respect, and 2 relating to the disclosure or registration of interests.
- 4.6 Of the 9 cases that did not result in a referral to either a Standards Committee or the Adjudication Panel, 5 were found to have no evidence of breach. These 5 cases all involved allegations against different members of Powys County Council that they had brought the Council or office of Councillor into disrepute. These allegations all seem to arise out of what appears to be the same issue. In each of the cases, the Ombudsman found that the Councillor concerned had acted in good faith and had not breached the Code.
- 4.7 There were four cases in which the Ombudsman concluded that further action was unnecessary. These included a case of disrespectful conduct for which the member concerned apologised, and a case involving a member who had used disrespectful language on a social media page but who failed to get re-elected. Two of these cases involved members who had taken part in business in which they had a prejudicial interest. In one of these cases, the member had not obtained a dispensation and continued to take part. The Ombudsman considered that the member's involvement had not significantly affected the outcome of the meeting and that it was not therefore in the public interest to proceed. The second case involved a member who had obtained a dispensation on terms that she could speak but not vote on a matter. The member proceeded to speak and vote. The Ombudsman found the intentional disregard of the Standards Committee that issued the dispensation troubling but, as the member had apologised he considered that it was not in the public interest to pursue further. The member was however informed that this conduct would be taken into account in any future investigation.
- 4.8 The 2 cases that were referred to a Standards Committee were both referred to the Powys Standards Committee and related to 2 members who had both been prosecuted by the Council in respect of breaches of the Cattle Identification (Wales) Regulations 2007. Both Councillors were considered by their convictions to have brought their authority into disrepute and were suspended for two and four weeks respectively.

4.9 The one case that was considered by the Adjudication Panel for Wales in this period, concerned a member of Cardiff City Council and involved an allegation that a member had failed to show respect and consideration to an officer and had brought the authority and office into disrepute. The allegation concerned a comment made outside a court hearing involving a constituent of the councillor. The Panel concluded that as the comment had not been made in public it did not bring the authority into disrepute but that it did amount to a failure to show respect and consideration and amounted to bullying behaviour. The councillor was suspended for a month.

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 Well-Being Impact Assessment?

This report does not require an 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.