

Report To: Standards Committee

Date of Meeting: 3 April 2018

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 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 14 of the Casebook published in November 2017 covering the period July 2017 to September 2017. Members will note that there are 4 case summaries in this edition of the casebook, 3 of which resulted in a finding of no evidence of a breach of the Code. One of these cases involved an allegation that a Councillor had sought to gain an advantage for herself by making misleading statements in a leaflet, another related to an allegation of disrespectful and inconsiderate behaviour by a member to another and the third related to an allegation of failing to disclose an interest.
- 4.6 There were no cases referred to a Standards Committee in the period covered by this edition of the casebook. There was however a case referred to the Adjudication Panel for Wales. This case involved a complaint that a former Flintshire County Councillor had failed to show respect and consideration for others and had used bullying and harassing behaviour. The complaint related to two e-mails sent to a team manager in that authority which had been copied to senior officers and several other members. The Ombudsman concluded that the two e-mails were distasteful and derogatory. He also found them to be intimidating and malicious and that they appeared to have been intended to undermine and insult the recipient.
- 4.7 The former Councillor had not sought re-election in May 2017, however, the Ombudsman considered the breaches to be sufficiently serious that it was in the public interest to pursue the matter. The case was referred to the Adjudication Panel for Wales. The Panel concluded that the two e-mails and a subsequent post on social media amounted to a failure to show respect and consideration and bullying and harassment of the Council officer. The sanction imposed on the former Councillor was a disqualification for a period of 14 months from being or becoming a member of any relevant authority.
- 4.8 Appendix 2 to this report contains Issue 15 of the Casebook covering the period October to December 2017. There were no cases referred to either a Standards Committee or the Adjudication Panel for Wales during this period.
- 4.9 This issue of the Casebook does contain 5 case summaries, none of which related to Councillors or Councils in Denbighshire. Each of these complaints were investigated by the Ombudsman. In 4 of the cases the Ombudsman found no evidence of a breach of the Code of Conduct. Three of these cases related to allegations that the Councillor had failed to promote equality and respect and the fourth related to a question of personal integrity and whether this brought the Council, or office of Councillor, into disrepute.

4.10 In the fifth case, the Ombudsman investigated an allegation involving the failure to disclose an interest. The Councillor had sent written objections in to the Council in respect of a planning application relating to a site near his home. The objection had been sent from his official Council e-mail address. The Ombudsman concluded that it was likely that there had been a breach of the Code, however, he decided that no further action was necessary given the Councillor's remorse, apology and swift withdrawal of his objection when concerns were raised. The Councillor's explanation that he had selected his Council e-mail address by mistake from a drop down menu and the fact that the application had been granted permission and had not been adversely affected by the objection were also taken into account.

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.