

Report To: Standards Committee

Date of Meeting: 10th July 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 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 16 of the Casebook published in May 2018 covering the period January 2018 to March 2018. Members will note that there are three case summaries in this edition of the casebook, all of which resulted in a finding that no action was necessary. There are two cases involving the disclosure and registration of interests and one relating to integrity. None of the cases relate to Councillors in Denbighshire.
- 4.6 Both of the cases involving an allegation that a Councillor had failed to act properly in respect of the disclosure of an interest when their respective Community Councils were considering planning applications as a consultee. In both cases the Ombudsman found that the relevant Councillors had failed to properly disclose personal and prejudicial interests and to leave the room during the consideration of those items. In both cases the Ombudsman concluded that there was sufficient mitigation in respect of the circumstances of the allegations that no action was considered necessary.
- 4.7 The case involving an allegation that a Councillor who was Chair of the relevant Council and a community project had arranged for a sum of money intended for the Council to be paid direct to the project, and, in so doing had improperly used the Council's resources and brought the Council into disrepute. The Ombudsman found that the money could not have been paid to the Council so the allegation relating to the use of resources was not made out, but, in representing himself as acting on behalf of the Council at the expense of other groups he had brought the Council into disrepute. The Ombudsman determined that no action was necessary given that the Councillor was inexperienced, believed himself, albeit mistakenly, to be acting in the public interest and had not benefitted personally in any way.
- 4.8 There were no cases referred to either a Standards Committee or the Adjudication Panel for Wales.

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.