

Report To: Standards Committee

Date of Meeting: 21st September 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 17 of the Casebook published in July 2018 covering the period April 2018 to June 2018. Members will note that there are three case summaries in this edition of the casebook, one of which resulted in a finding that there was no evidence of a breach of the Code and two which resulted in a finding that no action was necessary. None of the cases relate to Councillors in Denbighshire.
- 4.6 The case in which there was a finding that there was no evidence of a breach involved a comment by a Councillor in which he had referred to some members of staff as being “dead men walking”. It was alleged by the complainant in this case that this comment put him in fear for his job. The Ombudsman investigated the complaint but found that there was no evidence to support the complaint that the comment was specifically directed at the complainant or that it was intended as a direct threat to anybody’s job.
- 4.7 Of the two cases that resulted in a finding that no further action was necessary, one related to the disclosure and registration of interests. In this case a member of Chepstow Town Council spoke on a matter in respect of which he had declared a prejudicial interest. The Ombudsman’s investigation found that it was likely that the member had spoken at the meeting in contravention of paragraph 14 of the Code, however, no further action was considered necessary since the Councillor had not sought any personal gain, had left the room for the vote, the Chair had indicated that he may speak and his preferred option was not in any event agreed by the Council. The member was however reminded by the Ombudsman of his responsibilities under the Code.
- 4.8 The second case resulting in no further action related to a breach of paragraph 7 of the Code which states that members must not, in their official capacity or otherwise, use or attempt to use their position improperly to create a disadvantage for another person. In this case a Councillor of Trellech United Community Council had written to an adjudicator of a competition, giving the impression that he was writing on behalf of the Council in an attempt to negatively influence the chance of a specific entry winning the competition. The Ombudsman considered this to be a breach of the Code, however, the entry subsequently won the competition so the Councillor’s intervention didn’t cause any disadvantage and in the Ombudsman’s view it was not in the public interest to refer the matter to a Standards Committee for a hearing.
- 4.9 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.