

Report To: **Standards Committee**

Date of Meeting: **24th July 2019**

Lead Member / Officer: **Gary Williams, Monitoring Officer**

Report Author: **Gary Williams, Monitoring Officer**

Title: **Determination of an allegation of a breach of the code of Conduct referred to the Standards Committee by the Public Services Ombudsman for Wales under sections 69 and 71(2) Local Government Act 2000**

1. What is the report about?

The report is about an investigation by the Public Services Ombudsman for Wales (the Ombudsman) into a complaint that Councillor Peter Duffy of Prestatyn Town Council (the Town Council) may have breached the Code of Conduct of the Town Council.

2. What is the reason for making this report?

To consider the investigation report and evidence bundle attached as Appendix 3 and any representations of Councillor Duffy either orally or in writing in respect of the findings of the investigation and any allegation that he has failed or may have failed to comply with the Code of Conduct contained in a report of the Public Services Ombudsman undertaken under Section 69 of the Local Government Act 2000 and to make a final determination in relation to the matter.

3. What are the Recommendations?

That the Committee determines after considering all of the representations made to it whether Cllr Duffy has failed to comply with Prestatyn Town Council's Code of Conduct, and, if so, what sanction, if any, should be applied to Cllr Duffy.

4. Report details

- 4.1 On 18th May 2017 the Ombudsman received a complaint from Councillor Paul Penlington that Councillor Peter Duffy had failed to observe the Code of Conduct for members of the Town Council.
- 4.2 s69 Local Government act 2000 (the Act) provides that the Ombudsman may, upon receipt of a complaint, decide to investigate. The Ombudsman decided to investigate this complaint. On conclusion of this investigation the Ombudsman determined that the matters which were the subject of the investigation should be referred to the Monitoring Officer for consideration by the Standards Committee in accordance with s69(4)(c).
- 4.3 On 24th January 2019 the Standards Committee determined in accordance with the Local Government Investigation (Functions of Monitoring Officer and Standards Committees) (Wales) Regulations 2001 that Cllr Duffy should be given the opportunity to make representations in respect of the findings of the investigation and any

allegation that he has failed, or may have failed, to comply with the Prestatyn Town Council Code of Conduct.

- 4.4 Members of the Committee will find at Appendix 1 a copy of the Council's procedure for dealing with allegations that a Member has breached the code of Conduct which are referred to the Standards Committee for determination.
- 4.5 The Monitoring Officer has been in contact with the Ombudsman's office and with Cllr Duffy's representative and has prepared a confidential summary report for the Committee in respect of the manner in which the hearing will proceed. This is attached as Appendix 2 to this report.
- 4.6 The Ombudsman has produced an investigation report together with witness statements of those persons interviewed as part of the investigation. The report and statements can be found in the bundle attached as confidential Appendix 3 to this report. Cllr Duffy's representative has been asked to supply any additional material that Cllr Duffy would like the Committee to consider. Any such material received has been included in Appendix 3.
- 4.7 The hearing will be held in public except for the occasions when the Committee retires for deliberation.
- 4.8 Should the Committee be required to consider whether to impose a sanction on Councillor Duffy it will have regard to the Sanctions Guidance produced by the Adjudication Panel for Wales a copy of which is attached as Appendix 4 to this report.

5. How does the decision contribute to the Corporate Priorities?

This report does not affect the Corporate Priorities

6. What will it cost and how will it affect other services?

There are no direct costs associated with this report other than the costs of the hearing.

7. What are the main conclusions of the Well-being Impact Assessment?

A Well-Being Impact Assessment is not required for this report.

8. What consultations have been carried out with Scrutiny and others?

There have been no consultations in respect of this report.

9. Chief Finance Officer Statement

There are no additional costs arising from the recommendations made in this report.

10. What risks are there and is there anything we can do to reduce them?

There are no specific risks associated with this report

11. Power to make the Decision

s73 Local Government Act 2000

Regulation 9 Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001