

**Report To:** Standards Committee

**Date of Meeting:** 13<sup>th</sup> September 2019

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

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

**Title:** Public Services Ombudsman for Wales – Code of Conduct Casebook

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**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 helps 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 20 of the Casebook published in May 2019 covering the period January 2019 to March 2019. Members will note that there are two case summaries in this edition of the casebook, both of which resulted in a finding that no action was necessary. Neither of the cases relate to Councillors in Denbighshire.
- 4.6 Both of the case summaries relate primarily to allegations of failure to promote equality and respect. The first relates to an allegation that a member of Pembroke Dock Town Council had acted in a disrespectful and bullying manner towards the previous Clerk to the Council over a three year period. In addition it was alleged that the member may have failed to disclose an interest in Council business. The Ombudsman conducted an investigation and was not persuaded that the member had acted in a disrespectful and bullying manner. He further concluded that it was likely that the member may have breached the Code when failing to declare a personal interest at meetings. The Casebook does not contain any further information to explain the decision that no further action was necessary in respect of the failure to declare an interest.
- 4.7 The second case summary relates to four complaints about the conduct of members of Saltney Town Council. The allegation was that a number of members of the Council may have breached the Code by engaging in an argument with other councillors in front of members of the public. The Ombudsman commenced an investigation into the complaints and found that the behaviour complained of was below the standard expected of elected members. The Ombudsman concluded that the behaviour was petty and immature and did not justify the use of further public resources. He therefore decided that further action was not in the public interest.
- 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.