

<b>Report to</b>	<b>Standards Committee</b>
<b>Date of meeting</b>	<b>04 September 2020</b>
<b>Lead Member / Officer</b>	<b>Gary Williams, Monitoring Officer</b>
<b>Report author</b>	<b>Gary Williams, Monitoring Officer</b>
<b>Title</b>	<b>Public Services Ombudsman for Wales – Code of Conduct Casebook</b>

## **1. What is the report about?**

1.1. 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?**

2.1. To inform the Committee of the most recent edition of the Ombudsman's Code of Conduct Casebook.

## **3. What are the Recommendations?**

3.1. 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 23 of the Casebook published in January 2020 covering the period October 2019 to December 2019. Members will note that there are two case summaries in this edition of the casebook, both of which resulted in a finding that there was no action necessary. Both of these cases relate to Councillors in Merthyr Tydfil County Borough Council.
- 4.6. The first of these cases related to a situation where a Councillor who was in arrears of Council Tax on a former property failed to declare the appropriate interest and proceeded to vote on the setting of the rate of Council Tax. The Ombudsman found that the Member should have, as required by s106 Local Government Act 1992, declared that the section applied to him and not participated in the vote. The Ombudsman found that the Member had accepted that he should have declared the appropriate interest and not have voted. The Ombudsman considered that it was not in the public interest to take any further action taking into account the Member's personal circumstances at the time that the arrears had accrued, his relative inexperience, the fact that he had paid off the arrears and apologised.
- 4.7. The second case related to a potential conflict of interest between a member's employment and his acceptance of a cabinet position. The Member concerned had accepted a cabinet position despite the Monitoring Officer advising that there was a conflict of interest. The Ombudsman accepted that the Member had regard to the Monitoring Officer's advice but understood why elements of the matter would have led to the appointment being questioned by others. The

Ombudsman found that there was no further action necessary in the public interest due to the Member having resigned from his employment. The Member was reminded of the need to seek the Monitoring Officer's advice in future given the potential for conflicts of interest to arise.

4.8. There were no cases that found no evidence of a breach, and no cases that were referred either to a Standards Committee or to an Adjudication Panel for Wales during the period covered by this edition of the Casebook.

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

5.1. The report has no direct impact on the corporate priorities.

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

6.1. There are no costs directly associated with the report.

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

7.1. This report does not require an impact assessment.

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

8.1. This matter has not been reported or consulted upon elsewhere.

## **9. Chief Finance Officer Statement**

9.1. 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?**

10.1. There are no risks directly associated with this report

## **11. Power to make the decision**

11.1. There is no decision required.