

Report to: Standards Committee

Date of Meeting: 25th October 2013

Lead Officer: Gary Williams, Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: Consideration of Representations and Final Determination of a Report prepared by the Public Services Ombudsman for Wales under Section 71(2)(c) the Local Government Act 2000 (Ref 2871/201002627)

1. PURPOSE OF REPORT

- 1.1 To consider representations of former Councillor Allan Pennington 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.

2 BACKGROUND

- 2.1 In accordance with Part III of the Local Government Act 2000 (the Act) Denbighshire County Council has adopted a Code of Conduct for Members.
- 2.2 Council Members are required to sign an undertaking that in performing their functions they will observe the Council's Code of Conduct.
- 2.3 Section 69 of the Act gives authority to the Public Services Ombudsman for Wales to investigate cases in which a written allegation is made to him by any person that a member of a local authority in Wales has failed to comply with the Code of Conduct.
- 2.4 The purpose of any investigation carried out by the Ombudsman under this section of the Act, is to decide whether:
- a) there is no evidence of any failure to comply with the Code of Conduct
 - b) that no action needs to be taken in respect of the matters which were the subject of the investigation
 - c) the matters which are the subject of the investigation should be referred to the Monitoring Officer of the relevant authority concerned or
 - d) that the matters which are the subject of the investigation should be referred to the President of the Adjudication Panel for Wales

The Ombudsman's Investigation Report

- 2.5 Following a complaint made by a member of the public that former Councillor Pennington had failed to comply with the Code of Conduct, the Ombudsman decided to investigate. The evidence found during the investigation was put to former Councillor Pennington to enable him to respond before the report was concluded.
- 2.6 The Ombudsman's report in respect of the conduct of former Councillor Pennington has previously been supplied to members of the Committee.

Consideration of the Investigation Report

- 2.7 Members are asked to consider the Ombudsman's report and any representation made by former Councillor Pennington.
- 2.8 The procedure for dealing with allegations made against Councillors and referred to this Committee is set out in Appendix 1 to this report

3 RECOMMENDATIONS

- 3.1 That the Committee decides whether former Councillor Allan Pennington has failed to comply with the Council's Code of Conduct and if so:-
- (a) that no further action should be taken **or**
 - (b) that former Councillor Pennington should be censured **or**
 - (c) any other recommendation that the Committee sees fit