

Due to the current heightened security level at all our premises, Members are reminded to wear their identity badges whilst attending meetings. Any visitors must produce photographic identification at Reception.

## FIRE & RESCUE AUTHORITY SUMMONS

### STANDARDS COMMITTEE

You are required to attend a meeting of the South Wales Fire & Rescue Authority Standards Committee to be held at **South Wales Fire & Rescue Service Headquarters, Forest View Business Park, Llantrisant, CF72 8LX on Monday 3 February 2020 at 1630 hours – Meeting Room 8**

### A G E N D A

1. Roll Call
2. Apologies for Absence
3. Declarations of Interest

Members of the Standards Committee are reminded of their personal responsibility to declare both orally and in writing any personal and/or prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Fire & Rescue Authority's Standing Orders and the Members Code of Conduct

4. To receive the minutes of:

Standards Committee Meeting held on 4 February 2019	3
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5. Observations by Independent Members of the Standards Committee 7
6. Local Government and Elections (WALES) Bill 9
7. Public Services Ombudsman for Wales – Annual Report & Accounts for 2018/19 11

8.	Public Services Ombudsman for Wales – Code of Conduct Casebook	43
9.	Member Training	69

**Signature of Proper Officer:**



#### **MEMBERSHIP**

Cllr	J	Harries	Labour
Cllr	A	Roberts	Labour
Cllr	J	Williams	Conservative
Mr	R	Alexander	Independent Lay Member
Mr	S	Barnes	Independent Lay Member
Mr	D	Fussell	Independent Lay Member
Mr	G	Hughes	Independent Lay Member
Dr	M	Kerbey	Independent Lay Member

## SOUTH WALES FIRE & RESCUE AUTHORITY

### MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON MONDAY 4 FEBRUARY 2019 AT SOUTH WALES FIRE & RESCUE SERVICE HEADQUARTERS

#### 72. PRESENT:

Mr G Hughes (Chair)		Independent Lay Member
Mr R Alexander		Independent Lay Member
Mr D Fussell		Independent Lay Member
Councillor A Roberts		South Wales Fire & Rescue Authority
Councillor J Williams	Arrived 16:55	South Wales Fire & Rescue Authority

#### APOLOGIES:

Mr S Barnes		Independent Lay Member
Councillor J Harries		South Wales Fire & Rescue Authority

#### ABSENT:

Dr M Kerbey		Independent Lay Member
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**OFFICERS PRESENT:** - DCO S Chapman – Monitoring Officer,  
Ms S Watkins – Deputy Monitoring Officer

#### 73. CHAIR'S ANNOUNCEMENTS

As Councillor Smith had completed her 8 years tenure as a Member of the Standards Committee, Members unanimously agreed to send her a letter of thanks to acknowledge her dedication and support to the Standards Committee.

#### 74. DECLARATIONS OF INTEREST

No declarations of interest were made.

#### 75. MINUTES OF PREVIOUS MEETING

The minutes of the Standards Committee meeting held on 22 March 2018, were received and accepted as a true record of proceedings subject to the following amendment:-

- Mr C Powell was the 'Deputy' Monitoring Officer, not Monitoring Officer as recorded throughout the minutes, and Ms S Watkins was the incoming temporary Monitoring Officer.

With reference to item 66 in the minutes, 'Members Training', the Monitoring Officer advised Members that combined training with Mid & West Wales was being arranged, and the most suitable date at the moment was 27 March, 2019. Officers confirmed they would provide further details in due course.

## **76. SOCIAL MEDIA GUIDANCE FOR COUNCILLORS**

The Monitoring Officer presented a report which brought Members' attention to the Social Media Guidance for Councillors issued recently by the Welsh Local Government Association.

### **RESOLVED THAT**

Following discussion, Members confirmed that it was a good comprehensive report, and agreed to note the content. Members also noted that this had been circulated to all Fire Authority Members

## **77. PUBLIC SERVICES OMBUDSMAN FOR WALES – CODE OF CONDUCT CASEBOOK**

The Monitoring Officer presented a report to Members on the Public Services Ombudsman for Wales Code of Conduct Casebook, issues 17 to 18.

### **RESOLVED THAT**

Following discussion on individual cases, Members agreed to note the content of the Ombudsman Code of Conduct Casebook, issues 17 to 18, published by the Public Services Ombudsman for Wales.

## **78. ADJUDICATION PANEL FOR WALES – SANCTIONS GUIDANCE**

The Monitoring Officer presented a report to Members on the new Sanctions Guidance issued by the Adjudication Panel for Wales.

## **RESOLVED THAT**

Following discussion on the points and observations Members had raised at the last Standards Committee meeting on the draft guidance document, they agreed to note the new Sanctions Guidance issued by the Adjudication Panel for Wales.

### **79. PUBLIC SERVICES OMBUDSMAN FOR WALES – ANNUAL REPORT & ACCOUNTS 2017/2018**

The Monitoring Officer presented a report to Members which included extracts from the Annual Report and Accounts for the Public Services Ombudsman for Wales for the year ending 31 March, 2018, in respect of Members' Code of Conduct matters.

## **RESOLVED THAT**

79.1 Members agreed to note the content of the report.

79.2 Following a question and answer session, Officers agreed to confirm whether there was an appeals process for the complainant if the Ombudsman considered it was not in the public interest to pursue a complaint.

Councillor Williams joined the meeting at 1655 hrs.

The Chair presented a warm welcome to new Member, Councillor Williams, and provided a brief overview of the structure of the Standards Committee meeting, and what had been discussed so far.

### **80. OBSERVATIONS BY INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE**

The Monitoring Officer presented a report for Members to consider Independent Member observance of Authority meetings.

## **RESOLVED THAT**

80.1 Following lengthy discussion, Members agreed to consider nominating an Independent Member to observe up to three key Authority meetings per Municipal Year, and to provide a

brief summary of their observations at the next Standards Committee meeting.

80.2 Officers agreed to circulate dates of meetings to Members in due course.

## **81. STANDARDS CONFERENCE, WALES – 14 SEPTEMBER 2018**

The Monitoring Officer presented a report which provided Members with feedback from the Standards Conference, Wales, held on 14 September, 2018.

### **RESOLVED THAT**

81.1 Following positive feedback received from Mr Alexander and Councillor Williams who had attended the last Standards Conference, Members agreed to note the content of the report.

81.2 With reference to possibly setting up a network of Standard Committee Members within South Wales, Officers agreed to raise the issue with other Monitoring Officers, and to provide a response at the next meeting.

## **82. DATE OF NEXT MEETING**

82.1 Following discussion on arranging a date for the next Standards Committee meeting, Officers agreed to circulate a date at the same time as confirming a date for the Members Training session.

82.2 Officers also agreed to circulate a copy of the Standard Committee minutes to Members before the next meeting.

**SOUTH WALES FIRE & RESCUE AUTHORITY  
STANDARDS COMMITTEE  
REPORT OF THE MONITORING OFFICER**

AGENDA ITEM NO 5  
3 FEBRUARY 2020

**OBSERVATIONS BY INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE**

**SUMMARY**

To consider Independent Member observance of Authority meetings.

**RECOMMENDATION**

That Members consider the verbal feedback of the Independent Members.

**1. BACKGROUND**

- 1.1 There are a number of roles and functions of the Standards Committee, one of which is to promote and maintain high standards of conduct by Members of the South Wales Fire & Rescue Authority.

**2. ISSUE**

- 2.1 To assist with the process of promoting and maintaining high standards of conduct, and to provide an opportunity for Members of the Standards Committee to build on their knowledge of the Authority, the Standards Committee resolved at their last meeting that Independent Members be invited to observe meetings of the Fire & Rescue Authority and its committees.
- 2.2 Relevant Members of the Standards Committee are invited to provide verbal updates on the observations undertaken and/or suggestions or recommendations for improvement.

**3. RECOMMENDATION**

- 3.1 It is recommended that Members consider the verbal feedback of the Independent Members.

<b>Contact Officer:</b>	<b>Background Papers:</b>
Sally Chapman Monitoring Officer	None

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**LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL**

**SUMMARY**

To advise Members of the content of provisions of the Bill relating to Standards Committees.

**RECOMMENDATION**

That Members note the report and await further information on any amendments to the Bill that may be enacted.

**1. BACKGROUND**

- 1.1 At the end of 2019, the Welsh Government issued the Local Government and Elections (Wales) Bill (the Bill) for consultation.
- 1.2 The Bill proposes various amendments to legislation affecting specified public bodies in Wales and also introduces some new legislative provisions.

**2. ISSUE**

- 2.1 One of the provisions of the Bill relates to the imposition of new duties on both political group leaders of county and county borough councils in Wales and their respective Standards Committees.
- 2.2 Section 67 of the Bill imposes a requirement on council political group leaders to:
  - 2.2.1 take reasonable steps to promote and maintain high standards of conduct by the Members of their political group; and
  - 2.2.2 co-operate with the council's Standards Committee (and any sub-committee of the committee) in the exercise of the Standards Committee's functions.
- 2.3 When complying with this duty, the political group leaders are required to have regard to any functions issued by Welsh Ministers about the aforementioned functions.
- 2.4 In addition to these new responsibilities on council group leaders, the Bill also proposes additional functions for the Standards Committees of councils, to include:

- 2.4.1 monitoring the compliance of political group leaders with their new duties; and
- 2.4.2 advising, training or arranging to train leaders about matters relating to those duties.
- 2.5 Members will note that these new responsibilities and functions do not however extend to the political group leaders of Fire & Rescue Authorities or their respective Standards Committees, despite all other statutory elements being identical.
- 2.6 This is an issue that the Fire & Rescue Authority noted in the response to the consultation on the Bill (which had to be submitted by 3 January). In addition, the Monitoring Officer attended the Welsh Government's Evidence Committee at the Senedd to give evidence about the Authority's observations on the Bill.
- 2.7 It is unknown at the present time when the Welsh Government will provide its response to the consultation, but the Authority and Service will keep a watching brief.

### 3. RECOMMENDATION

- 3.1 That Members note the report and await further information on any amendments to the Bill that may be enacted.

<b>Contact Officer:</b>	<b>Background Papers:</b>
Sally Chapman Monitoring Officer	Local Government and Elections (Wales) Bill

**SOUTH WALES FIRE & RESCUE AUTHORITY  
STANDARDS COMMITTEE  
REPORT OF THE MONITORING OFFICER**

AGENDA ITEM NO 7  
3 FEBRUARY 2020

**PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT &  
ACCOUNTS 2018/19**

**SUMMARY**

This report presents Members with extracts from the Annual Report and Accounts for the Public Services Ombudsman for Wales for the year ending 31 March 2019, in respect of Members' Code of Conduct matters.

**RECOMMENDATION**

That Members note the content of the report.

**1. BACKGROUND**

1.1 The Annual Report is a combined report addressing matters relating to the dual functions of the Public Services Ombudsman for Wales (the Ombudsman). The link to the full annual report can be found at <https://www.ombudsman.wales/wp-content/uploads/2019/07/Annual-Report-and-Accounts-2018-2019-Final-ENG.pdf>. Relevant extracts are attached at Appendix 1.

**2. ISSUE**

2.1 There are two elements to the role of the Ombudsman, which are to consider complaints about public service providers in Wales and to consider complaints in relation to Members of local authorities who have breached their authority's Members' Code of Conduct.

2.2 With particular reference to Members' Code of Conduct complaints, the Ombudsman may consider complaints about the behaviour of:

- County and County Borough Councils
- Community Councils
- Fire & Rescue Authorities
- National Park Authorities
- Police & Crime Panels

2.3 The Annual Report details the performance of the Ombudsman office over the year, provides an update on developments that may have occurred and also delivers any key messages arising from their work carried out during the year.

- 2.4 The Annual Report sets out the workloads that have been dealt with by the Ombudsman office during 2018/19 and breaks this workload down into the number of enquiries received and the number of complaints received. It also breaks down the complaints by those received about public services (public body complaints) and those received in relation to Code of Conduct complaints, which this Committee is concerned with.
- 2.5 The number of Code of Conduct complaints has risen by a smaller percentage this year, seeing a 4% since 2017/18. The total number of Code of Conduct complaints for the year 2018/19 was 282. Of those complaints, 51% related to the promotion of equality and respect (compared to 42% in 2017/18); 17% related to the failure to disclose or register interests (17% last year); 13% related to integrity (down from 16% last year); 7% related to accountability and openness (8% in 2017/18); and 9% related year duty to uphold the law (7% last year). Of those complaints, 51 were investigated (up 70% on last year) and 8 cases were referred to the Adjudication Panel for Wales & Standards Committees.
- 2.6 Further statistical data is contained within the Annual Report. However, in general terms, the nature of the complaints were weighted towards those around equality and respect, followed by failure to register or declare interests, and then issues relating to integrity, which mirrors the position of last year.
- 2.7 The most common outcome of the complaints were that they were closed after initial consideration. Of the complaints in 2018/19, the majority (255) were closed under this outcome. These include decisions where there is no prima facie evidence of a breach of the Code and it is not in the public interest to investigate.
- 2.8 Fewer complaints were closed after full investigation in 2018/19 (28) than in 2017/18 (26). The Annual Report states that this is because the Ombudsman continues to apply a public interest test when deciding whether to investigate Code of Conduct complaints and that the Ombudsman will only investigate the more serious complaints where an investigation is required in the public interest. A copy of the Ombudsman Factsheet on the Public interest Test is attached at Appendix 2.
- 2.9 In 2018/19, the Ombudsman received 7 complaints which raised potential whistleblowing concerns about alleged breaches of the Code of Conduct (down from 9 the year before). Of those investigated, 2 were discontinued as not in the public interest and 3 cases remain ongoing.

2.10 It is pleasing to note within the Annual Report that no complaints were received in 2018/19 in relation to public service provision by Fire & Rescue Authorities and, more importantly for this Committee, no Code of Conduct complaints were received by the Ombudsman again this year, following exactly the position in previous years.

### **3. RECOMMENDATION**

3.1 It is recommended that Members note the content of the report.

<b>Contact Officer:</b>	<b>Background Papers:</b>
Sally Chapman Monitoring Officer	Public Services Ombudsman for Wales – Annual Report & Accounts 2018/19

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# Snapshot of the Year 2018/19

## Snapshot of the Year 2018/19

### April

Ombudsman conducts Compliance Visits on two public interest reports issued about Betsi Cadwaladr University Health Board in 2017/18



### May

Ombudsman Chairs Ombudsman Association 25th Annual Conference



### June

Two Public Interest Reports issued about Cwm Taf University Health Board and Hywel Dda University Health Board highlighting serious shortcomings in clinical care and treatment



### July

Ombudsman issues a Special Report about Wrexham County Borough Council regarding its failure to honour a settlement agreement on Welsh language service provision



### August

PSOW takes part in the National Eisteddfod of Wales in Cardiff Bay and Ombudsman issues a public interest report about Newport City Council highlighting financial safeguarding concerns in respect of a person with learning difficulties



### September

Ombudsman address the Standards Conference on ethical standards in Wales and begins preparation of PSOW's new Corporate Plan



# Snapshot of the Year

## 2018/19



### October

Ombudsman hosts delegation from Jiangsu Government Action Supervision Training Program



### November

Ombudsman publishes Thematic Report **Home Safe and Sound: Effective Hospital Discharge**

### December

Ombudsman consults on PSOW's draft Corporate Plan 2019/20 – 2021/22 **Delivering Justice**



### January

Ombudsman appears before the Equalities Local Government and Communities Committee on his Annual Report & Accounts of 2017/18



### February

Work with staff to develop Wellbeing Strategy



### March

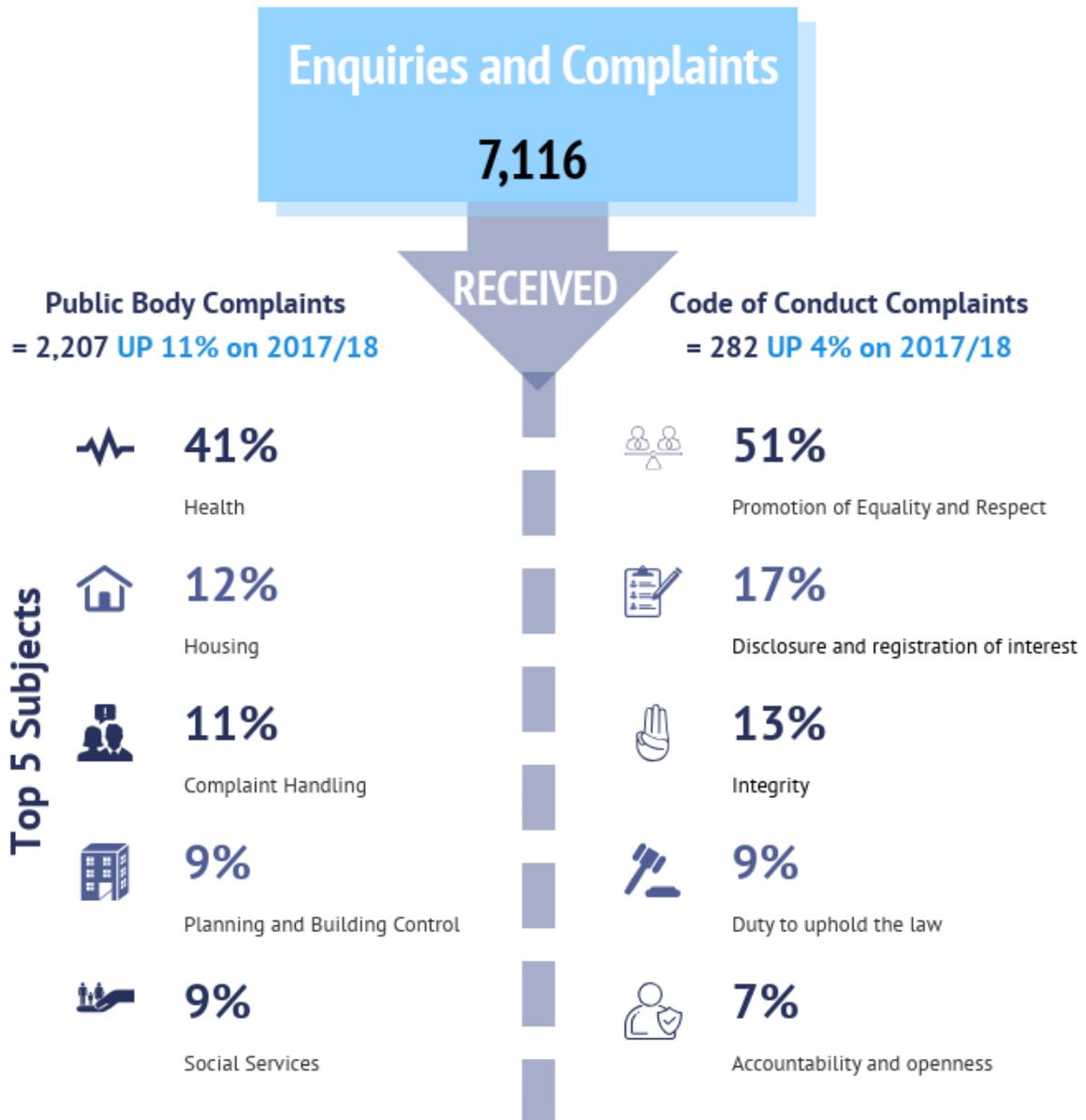
Assembly approves the Public Services Ombudsman Wales Bill 2019.  
Ombudsman finalises his Corporate Plan for 2019/20 – 2021/22 **Delivering Justice**

# The Complaints Service

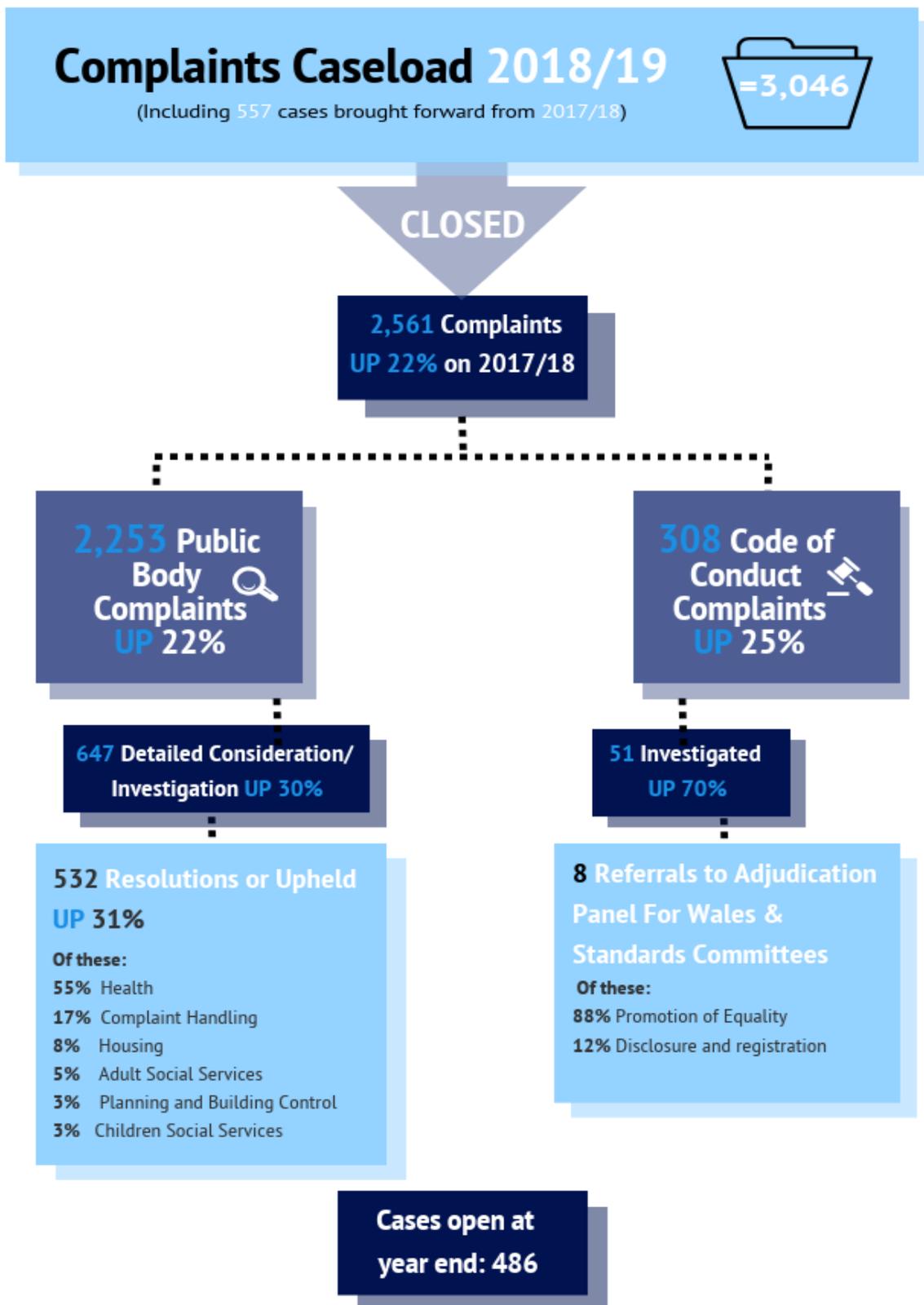
Information on the complaints service is presented in two sections. The analysis firstly reflects the complaints **received** during the year and then shows complaints **closed** during the year.

## The year in summary: Complaints Received

**4,627 Enquiries** **DOWN 5%** on 2017/18      **2,489 Complaints** **UP 10%** on 2017/18



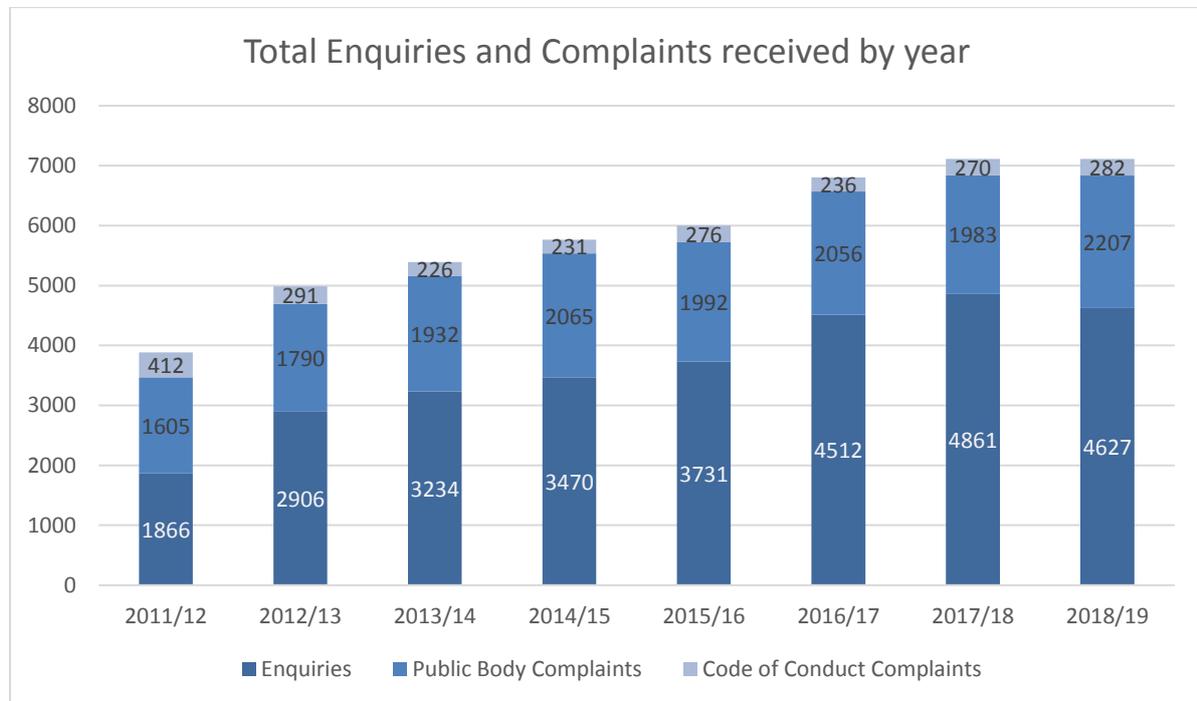
## The year in summary: Complaints Closed



## Strategic Aim 1 – A high quality, proportionate and effective complaints service

### Public Body Complaints Received

During 2018/19 we received 2,207 complaints about public service providers, a considerable 11% increase compared to the previous year. This is the highest number of complaints received by the office since it was established. Unsurprisingly, it is the number of complaints (and particularly complaints about health care) that is the prime driver of the workload of the office.



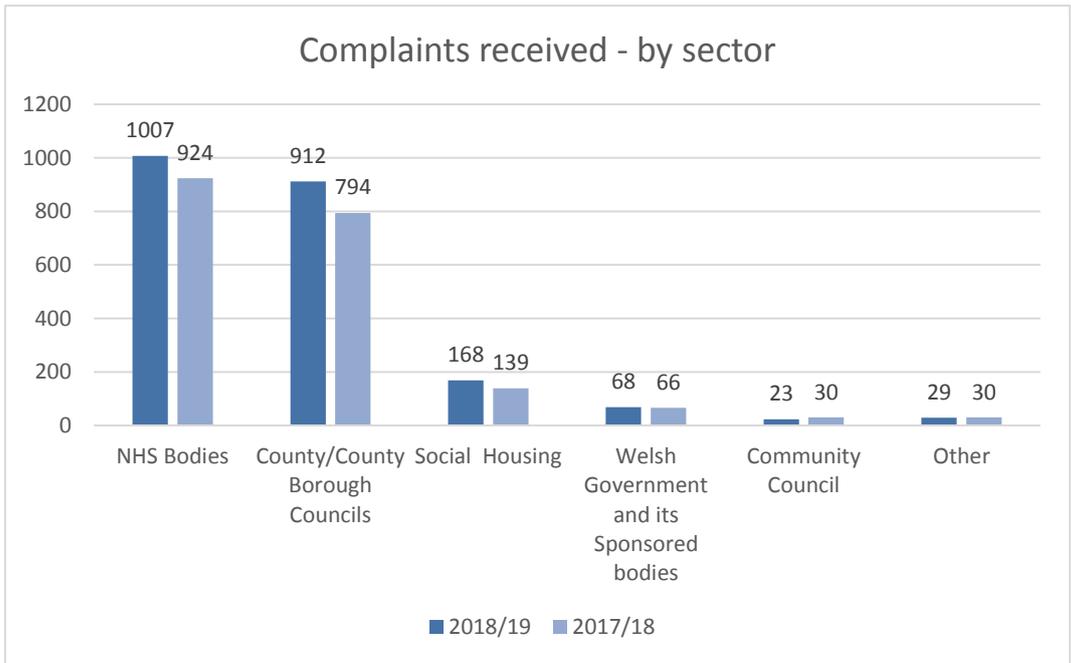
Graph 1.1

### Sectoral breakdown of complaints received

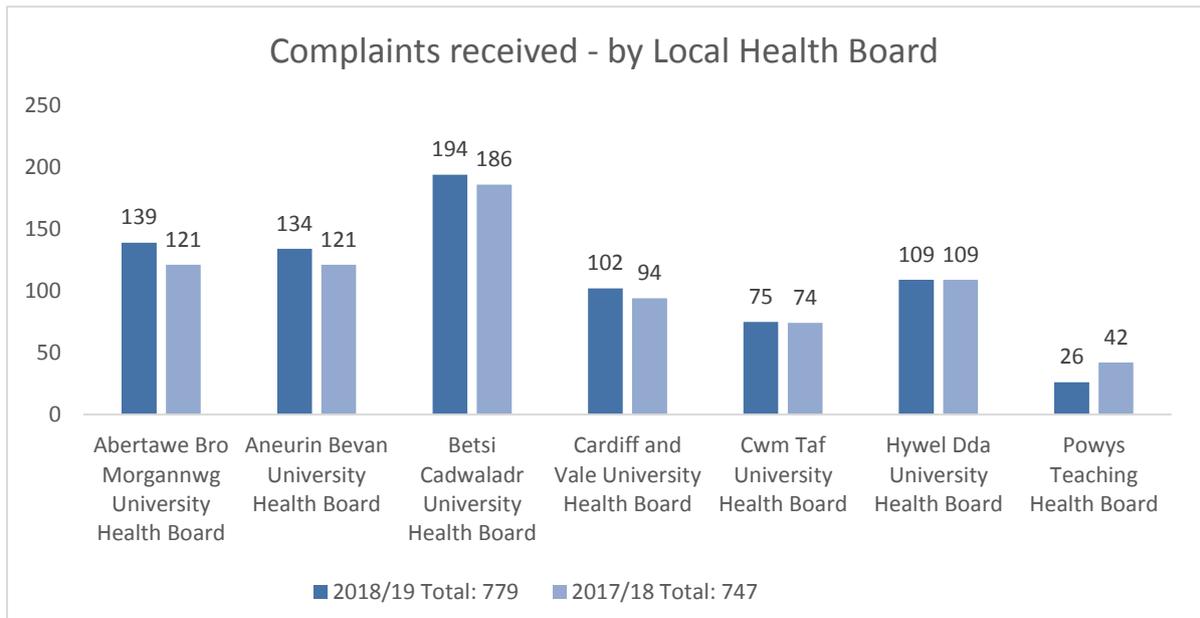
The sectoral breakdown of the complaints received can be found in Graph 1.2 below. Complaints about NHS Bodies have increased by 9% on the previous financial year – 1,007 in 2018/19 compared to 924 in 2017/18. This is the first time that the number of complaints about NHS bodies has exceeded 1,000 in one year.

Betsi Cadwaladr, Abertawe Bro Morgannwg, Aneurin Bevan and Hywel Dda remain the Health Boards about which the Ombudsman has received the highest number of complaints. Of these, the Health Board with the largest year-on-year increase in complaints was Abertawe Bro Morgannwg. I received 139 complaints about Abertawe Bro Morgannwg in 2018/19 compared to 121 in 2017/18; an increase of 15%.

In last year’s Annual Report, I reported that complaints about health care are five times more likely to require investigation than complaints about other public services. This remains the case because we are less likely to be able to resolve a complaint or reach a decision without securing additional information, including medical records. It also continues to be the case that they can be complex and time-consuming to investigate because, since I am able to consider professional judgement in health complaints, I frequently need to seek professional clinical advice to inform my decision making.



Graph 1.2



Graph 1.3

### Complaints received about public bodies by subject

Analysis of complaints by subject, rather than sector, shows that, as in previous years, health complaints make up the largest part of our caseload – 41%. Housing (12%), Complaint Handling (11%) Social Services and Planning and Building Control (9% each) remain other areas where there are significant numbers of complaints.

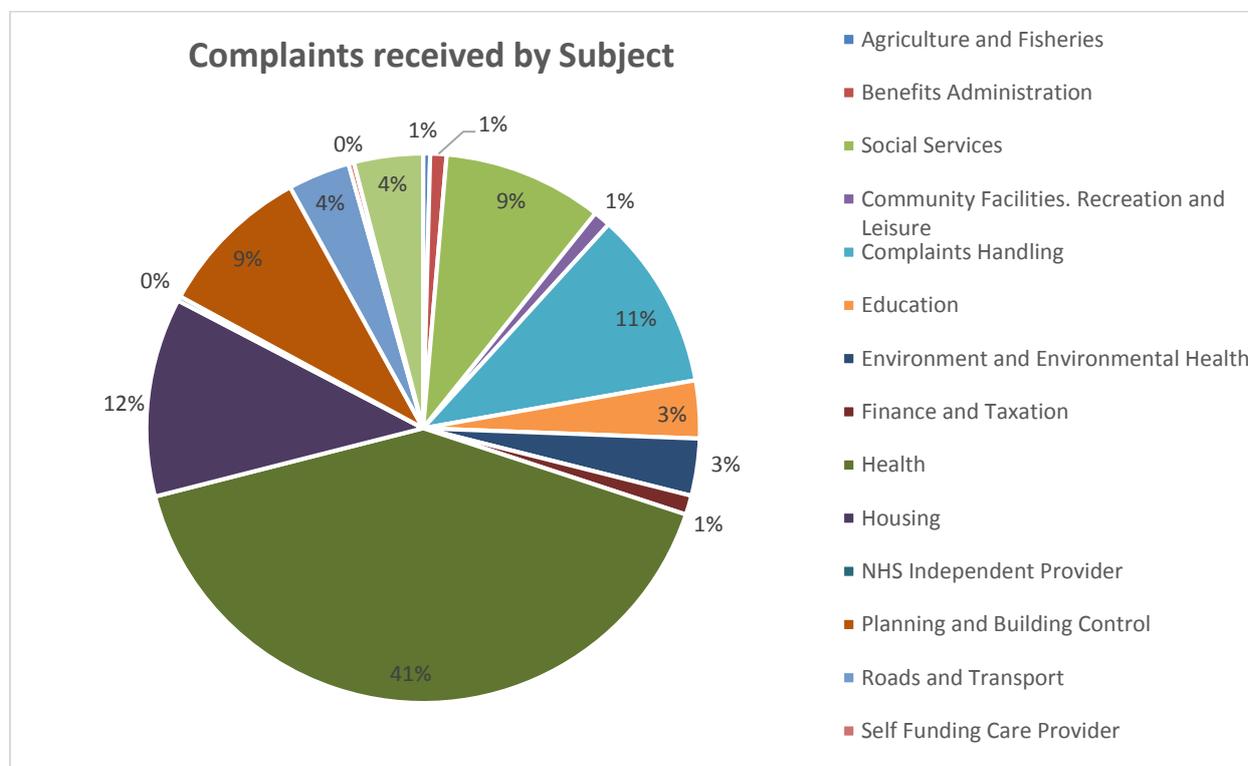


Chart 1.1

### Outcomes of public body complaints considered – cases closed during 2018/19

During 2018/19 we closed 2,252 cases. Despite the competing pressures arising from the continuing increases in health-related complaints made to my office, we achieved a significant increase in the number of cases closed - a 22% increase compared to the previous year. This is testament to the hard work and commitment of my staff.

Cases closed per sector

Sector	2018/19	2017/18
NHS Bodies	1,040	812
County/County Borough Councils	905	766
School Appeal Panels	23	13
Social Housing	167	140
Welsh Government and its sponsored bodies	68	65
Community Council	22	30
Other	27	28
Total cases closed	2,252	1,854

Table 1.1

A detailed breakdown of the outcomes can be found below.

Complaint about a Public Body	2018/19	2017/18
Closed after initial consideration	1604	1357
Complaint settled voluntarily (2018/19 – includes 302 Early Resolutions)	322	257
Investigation discontinued	12	8
Investigation: complaint not upheld	103	84
Investigation: complaint upheld in whole or in part	196	144
Investigation: complaint upheld in whole or in part - public interest report	14	4
Special report under Section 22 of the PSOW Act – public body failed to carry out actions it had previously agreed with the Ombudsman	1	0
<b>Total Outcomes – complaints</b>	<b>2252</b>	<b>1854</b>

Table 1.2

Upheld complaints and voluntary settlements of complaints are interventions by my office that provide positive outcomes for complainants. These increased markedly in 2018/19. Table 1.3 below shows the numbers and percentages of complaints, about the seven Health Boards and the 22 local authorities in Wales, in which my office has intervened (whether in upholding a complaint or settling a complaint) and delivered a positive outcome for complainants.

	No. of complaints with PSOW intervention	Total number of closed complaints	% interventions
Abertawe Bro Morgannwg University Health Board	54	139	39%
Aneurin Bevan University Health Board	49	128	38%
Betsi Cadwaladr University Health Board	86	210	41%
Cardiff and Vale University Health Board	37	107	35%
Cwm Taf University Health Board	27	82	33%
Hywel Dda University Health Board	48	115	42%
Powys Teaching Health Board <sup>1</sup>	10	17	59%
Powys Teaching Health Board – All-Wales Continuing Health Care cases	7	16	44%
Total	318	814	39%

1. Powys Teaching Health Board figures exclude complaints relating to All-Wales Continuing Health Care cases which are shown separately.

Table 1.3a

	No. of complaints with PSOW Interventions	Total number of complaints closed	% of cases with PSOW intervention
Blaenau Gwent County Borough Council	2	7	29%
Bridgend County Borough Council	6	36	17%
Caerphilly County Borough Council	8	68	12%
Cardiff Council	19	110	17%
Cardiff Council – Rent Smart Wales	1	3	33%
Carmarthenshire County Council	4	48	8%
Ceredigion County Council	5	24	21%
Conwy County Borough Council	5	39	13%
Denbighshire County Council	4	30	13%
Flintshire County Council	16	56	29%
Gwynedd Council	6	35	17%
Isle of Anglesey County Council	5	31	16%
Merthyr Tydfil County Borough Council	0	14	0%
Monmouthshire County Council	0	23	0%
Neath Port Talbot County Borough Council	4	40	10%
Newport City Council	7	43	16%
Pembrokeshire County Council	6	33	18%
Powys County Council	11	64	17%
Rhondda Cynon Taf County Borough Council	4	34	12%
Swansea Council	11	81	14%
Torfaen County Borough Council	1	12	8%
Vale of Glamorgan Council	7	30	23%
Wrexham County Borough Council	8	44	19%
<b>Total</b>	<b>138</b>	<b>905</b>	<b>15%</b>

Table 1.3b

### Early Resolutions and Settlements - Positive outcomes for complainants

We adopt a proportionate approach to our complaint handling and aim to provide effective resolutions to complaints whenever possible. Below are examples of such resolutions which have provided complainants with appropriate remedies without the need for my office to fully investigate the complaint.

#### Loss of medical records by Health Board

Mr A complained about the care and treatment provided to his late mother, Mrs A, during the hospital admission before her death and that the medical notes relating to the admission had been mislaid by Cwm Taf University Health Board.

My office contacted the Health Board to express concern that the records were missing and that this would deny Mr A the opportunity to have his complaint reviewed by my office. The loss was a serious matter and evidence of maladministration on the Health Board's part that

had resulted in a significant injustice to Mr A. The Health Board agreed to provide Mr A with an appropriate apology and a payment of £1750 in recognition of the uncertainty and distress caused to Mr A due to its administrative failing.

#### **Loss of education as a result of school exclusion**

Mrs X complained, following her son's permanent exclusion from school in November 2018, that her local authority had not arranged education for him until February 2019. A gradual integration into the child's new school was to start early in March, but only for one hour a day. The complainant said that her son was depressed as a result of being out of his educational routine and she had been unable to go to work.

The child had missed a substantial number of hours of his education following his exclusion and the local authority had acted contrary to Welsh Government guidance which says that all learners should receive education 15 days after an exclusion for 5 hours a day.

The Council agreed to apologise to the family, consider any systemic issues identified from the failings in this case, provide the child with extra tuition to allow him the opportunity to catch up with the education he had missed and provide a plan for the child to receive the five hours a day education he is entitled to.

#### **Failure to provide financial assistance to a family member whose niece had been placed in her care**

Mrs T complained that she had not received financial assistance from the Council following her niece's placement with her in November 2016. She said she was informed that she would receive the same payments as a foster parent. However, despite contacting the Council about this and chasing the matter for over one year, the Council had not responded to her request.

I was satisfied that financial assistance should have been provided. The Council agreed to apologise to Mrs T for the failure to respond to her request for financial assistance; to provide Mrs T with a payment of £250 in recognition of the time and trouble caused to her due to the failure to respond to her request; to calculate the amount of financial assistance due to Mrs T and provide her with this backdated payment of approximately £20,000.

#### **Failure to fulfil duties owed to Special Guardians for two young people**

Mr C and his wife were Special Guardians for two young people. Mr C complained that the Council had failed to fulfil its duties to them and the young people, both during and on expiry of the Special Guardianship Orders.

The investigation into this complaint was discontinued when the Council agreed to settle the complaint by making the payment of £32,275 in respect of guardianship and lodgings payments. The Council also agreed to write to Mr C to inform him of the learning areas identified as a result of his case.

## Performance - Decision times

### Time taken to tell the complainant if I will take up their complaint

We have set ourselves target times within which we will decide and tell complainants whether or not we will take up their complaints.

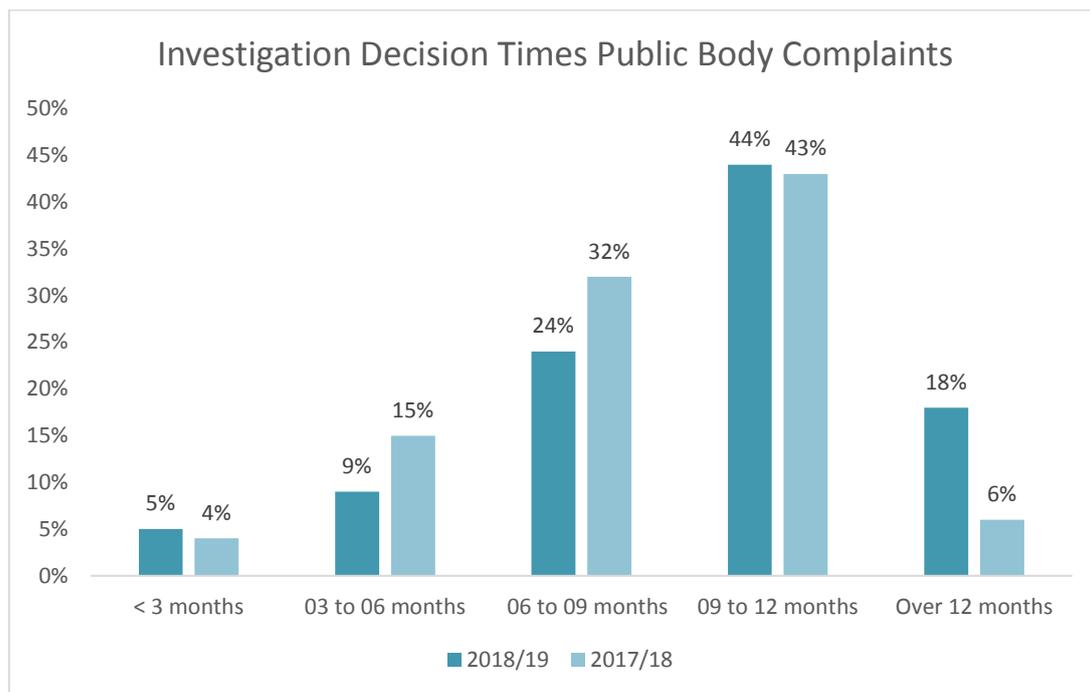
We aim to achieve the following times:

- Decision on whether complaint is within jurisdiction/premature - within 6 weeks.
- Decision on whether or not to investigate, following detailed assessment – within 6 weeks.
- Resolution of complaint, where we seek early resolution without the need to investigate – within 9 weeks.
- Investigation start, where investigation is required – within 6 weeks of the Date Sufficient Information is Received (DSIR).

The following table shows the percentage of cases where we met these targets.

	Percentage 2018/19	Percentage 2017/18
Decision on whether complaint within jurisdiction/premature – within 3 weeks	83%	92%
Decision on whether or not to investigate, following detailed assessment - within 6 weeks.	84%	89%
Where decision to seek early resolution without need to investigate, resolution achieved – within 9 weeks	85%	91%
DSIR to Investigation start date – within 6 weeks	55%	74%

**Table 1.4**



Graph 1.4

### Decision Times

It is very disappointing that our performance against our target decision times to inform a complainant whether we will take up their complaint fell significantly. We carried over a high number (557) of open cases into 2018/19 compared with the previous year. A significant number of these cases were open investigations. We also appointed a number of new members of staff to cover maternity/adoption leave and the time taken for induction, training and development meant that they were not immediately as productive as the colleagues they were covering.

In view of the pressures of an increasing caseload on our casework staff, we needed to 'queue' new cases received in the office between May and September 2018, to prevent staff from having a caseload that was too high to progress effectively. Each case was generally queued for one month. Whilst the queuing of new cases gave our investigative staff an opportunity to make progress on, and close, a high number of cases during this period, the inevitable consequence of the queue was that we did not meet our 6 weeks decision timescale for informing complainants we were starting investigations in 45% of cases last year.

It is also disappointing that, in 2018/19, we completed 82% of investigations within 12 months, compared with 94% in 2017/18. This is despite the fact that we closed 30% more cases after detailed consideration or investigation during 2018/19 compared with the previous year. Many of the 557 open cases we carried over into 2018/19 from the previous year were open investigations. Health cases account for 80% of the cases we fully investigate, so many of those cases from 2017/18 were complex, with multiple heads of complaint, requiring clinical advice from more than one adviser.

The introduction of the 'queue' for the five-month period, together with the dedication of my staff and managers, helped us complete many of the older cases and alleviated some of the casework pressures. Since we closed more cases in 2018/19, fewer open cases (486) have been carried over into 2019/20. This remains a high and demanding caseload, but is more manageable. Whilst I am disappointed with the time it took us to close some cases, I am pleased that we are in a better position and we will work to improve decision times.

### Code of Conduct Complaints received

The total number of Code of Conduct complaints received increased slightly by 4% from 270 to 282. Within this, complaints against members of Town and Community Councils increased significantly, by 14%.

Code of Conduct complaints received

	2018/19	2017/18
Town and Community Councils	190	167
Local Authorities	91	102
National Parks	1	1
<b>Total</b>	<b>282</b>	<b>270</b>

Table 1.5

As in previous years, the majority of Code of Conduct complaints received during 2018/19 related to matters of 'promotion of equality and respect'. These accounted for 51% of complaints. 'Disclosure and registration of interests' (17%), 'Integrity' (13%), 'Duty to uphold the law' (9%) and 'Accountability and openness' (7%) were the other common subjects of complaints. Chart 1.2 below shows a breakdown of the nature of Code of Conduct complaints received:

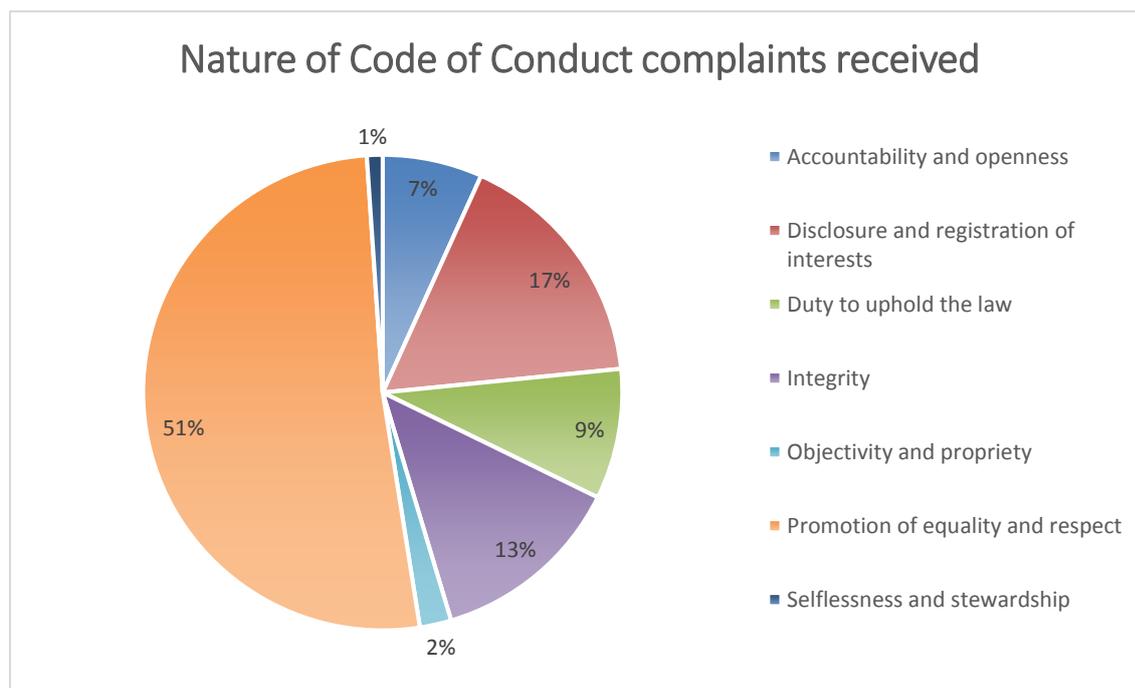


Chart 1.2

### Code of Conduct complaint outcomes

My staff carefully consider the details of complaints on receipt to consider whether there is evidence suggesting the Code may have been breached and whether it is in the public interest to investigate. 255 of the 308 Code of Conduct complaints concluded during the year were closed after this initial consideration. In this way my investigative resources are directed to the more serious complaints where an investigation is required in the public interest.

In 2018/19, I saw a further rise in complaints made about members of Town and Community Councils. Concerningly, many of these alleged a failure to uphold the principle of 'promotion of equality and respect'. I have noted an increase in the number of these complaints from Clerks or staff members of such councils. These complaints often pose some evidential difficulties and must be considered carefully in the context of the relevant case law. Such complaints are often indicative of a breakdown in the employment relationship, as opposed to true Code of Conduct issues. However, where I have found conduct suggestive of a failure to show respect and consideration or bullying and harassing behaviour, I have referred such behaviour for consideration by the appropriate Standards Committee. I have also committed to assisting the representative organisations in their production of guidance for employees of Town and Community Councils to assist them in understanding my role and jurisdiction and in distinguishing between employment and conduct matters.

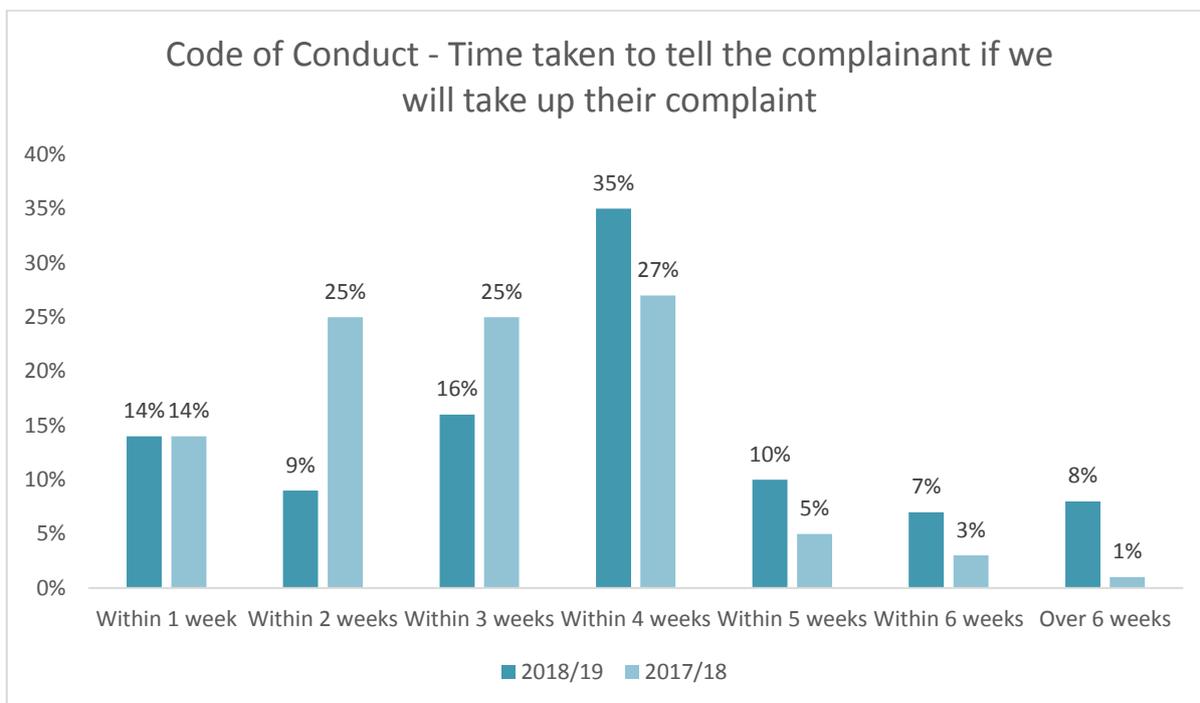
A significant percentage of the cases I have referred to the Adjudication Panel for Wales this year focus on the principle of the promotion of equality and respect. This is not representative of a wider decline in member conduct. Two of referrals made featured a single serious allegation of disrespectful behaviour towards a fellow member. The third related to the way in which that particular member responded to the complaint and its subsequent investigation. The fourth referral was made due to disreputable conduct of a member which came to my attention as a result of an investigation. These matters are yet to be determined by the Adjudication Panel for Wales.

	2018/19	2017/18
Closed after initial consideration	255	213
Complaint withdrawn	2	4
Investigation Discontinued	15	4
Investigation completed: no evidence of breach	9	13
Investigation completed: no action necessary	19	10
Investigation completed: Refer to Standards Committee	4	0
Investigation completed: Refer to Adjudication Panel	4	3
<b>Total Code outcomes</b>	<b>308</b>	<b>247</b>

Table 1.6

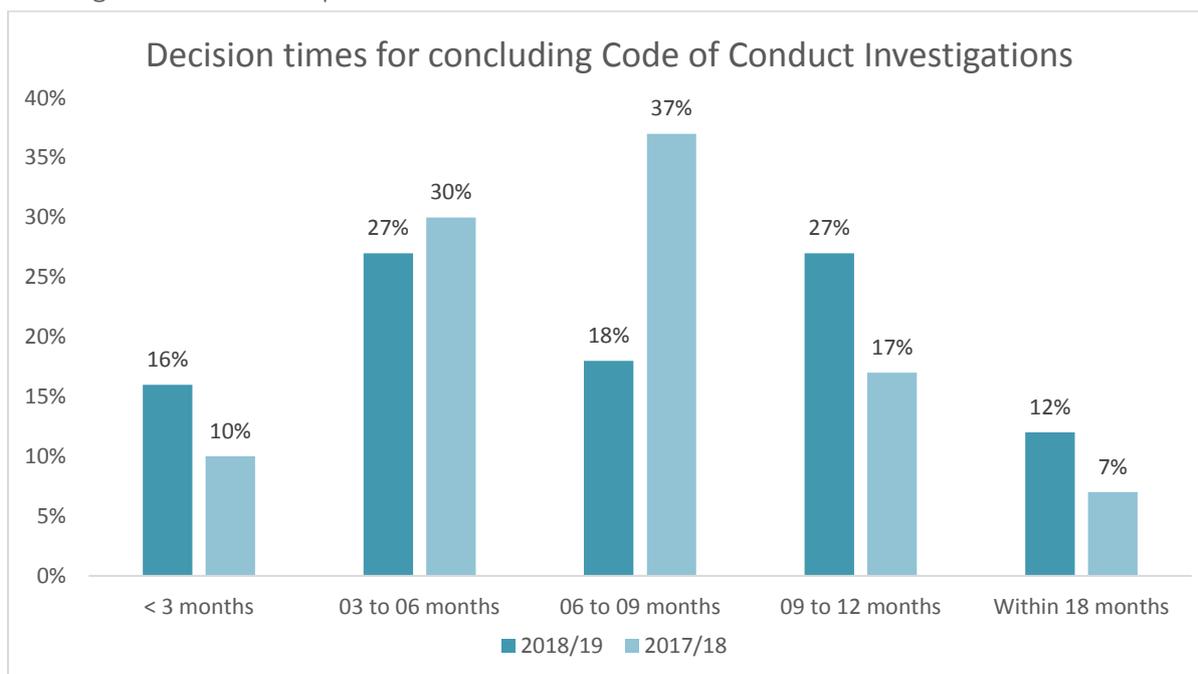
### Code of Conduct Investigation Decision Times

In respect of Code of Conduct complaints, 75% of complainants were informed whether I would take up their complaint within 4 weeks of the date I received sufficient information and 92% within 6 weeks. The casework pressures explained above, contributed to this decline in performance in meeting the 4-week target.



Graph 1.5

Graph 1.6 below shows decision times for investigated complaints. 43% of Code of Conduct investigations were completed within 6 months and 88% within 12 months.



Graph 1.6

### Whistleblowing disclosure report

Since 1 April 2017, as the PSOW, I am a 'prescribed person', and required to report annually on whistleblowing disclosures made in the context of Code of Conduct complaints.

The Public Interest Disclosure Act 1998 provides protection for employees who pass on information concerning wrongdoing in certain circumstances. The protection only applies where the person who makes the disclosure reasonably believes:

1. that they are acting in the public interest, which means that protection is not normally given for personal grievances; and
2. that the disclosure is about one of the following:
  - criminal offences (this includes financial improprieties, such as fraud),
  - failure to comply with duties set out in law,
  - miscarriages of justice,
  - endangering someone's health and safety,
  - damage to the environment, or
  - covering up wrongdoing in any of the above categories.

In 2018/19, I received seven complaints which raised potential whistleblowing concerns about alleged breaches of the Code of Conduct. Most of these complaints were received from employees of local authorities and raised issues relating to alleged criminal offences and a perceived failure to comply with equality duties, as set out in law. The remainder were received from staff or former staff of Town and Community Councils and raised concerns primarily relating to the duty to comply with the law in the context of financial impropriety and confidentiality of information.

Of the number of potential whistleblowing cases received, I determined that two of the complaints did not meet my criteria for investigation. Of those investigated, two were subsequently discontinued as the circumstances were such that the continuation of the investigation was no longer in the public interest. The investigations in respect of the remaining three complaints are continuing.

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## Strategic Aim 2 – Use knowledge and insight to improve complaint handling, improve public services and inform public policy.

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### Public Interest Reports

Issuing a public interest report is one of the key ways I can highlight learning from complaints and help to ensure that listed authorities are accountable for the services they provide.

The **public interest** factors the I consider include wide ranging values and principles relating to the public good, for example: to ensure that there is transparency, accountability and good decision-making by public bodies and ensure justice and fair treatment for all.

The factors which I consider when deciding whether to issue a public interest report include cases where there are wider issues from which others can learn; what went wrong is significant or is ongoing and the investigation has highlighted systemic problems; the failures identified are ones my office has identified previously and lessons haven't been learned or when a public body has refused to agree to my recommendations.

During 2018/19, I issued **14** public interest reports. While the majority of these related to service failure in our hospitals, there were some notable reports regarding maladministration in local government.

In July, I issued my second [special report](#). This related to Wrexham County Borough Council breaking an undertaking to correct Welsh language errors in its council tax notices. The notice contained errors in its Welsh version for three consecutive years and, despite previously agreeing with my office to correct the matter in time for the 2018/19 financial year, it failed to do so.

An unusual complaint received by my office, which resulted in a public interest report, involved a gentleman who, after returning home from hospital following surgery, found that Flintshire County Borough Council had wrongly classified his vehicle as abandoned and had destroyed it.

The vehicle also contained valuable tools and these were destroyed with the car. This was a classic case of maladministration as I have witnessed as Ombudsman and the report generated media coverage across the UK.

One of the most tragic [cases](#) of this year concerned the care and treatment of a young mother and her new born baby, by Glangwili and Withybush General Hospitals in West Wales.

Sadly, the baby died in hospital after delays in treatment and attendance by medical staff. My investigation unearthed a catalogue of serious failings; the family will never know if the baby would have survived if there had been no delay in treatment.

Another report which was deeply disturbing was that of a young boy who was forced to wait for three years to have his kidney removed. This had a serious impact on his life and it is likely his human rights were compromised because of the impact on both his physical and mental wellbeing and the extent of suffering he endured.

You can read all our public reports [here](#). While the standard of service received by those featured in public interest reports is not typical of that provided by Welsh public services, it is important that lessons are learned to ensure the same mistakes are not repeated.

### Compliance Visits

In April 2018, I undertook a compliance visit following two public interest reports I issued about Betsi Cadwaladr University Health Board in 2017/18. The first report was about inadequate post-operative care following surgery at Ysbyty Glan Clwyd, when a patient died from sepsis. During my compliance visit, I found that guidelines to clinical staff, especially junior doctors, now emphasises that middle and consultant grades are available over weekends and bank holidays. This was pleasing, as it addressed the recommendations in my public interest report, but it also responds to the wider concerns about out of hours care I highlighted in my Thematic Report [Out of Hours: Time to Care](#) which was published in March 2016.

The second public interest report concerned delays by the Urology Service in diagnostic investigations and the scheduling of surgery in respect of a patient who had an aggressive form of prostate cancer. At the time of my visit, I found that the Health Board had significantly reduced diagnostic waiting times in the service (from nine months to eight weeks) and that it was investing to improve future access to diagnostic tools.

### Thematic report

In 2018, I issued a Thematic Report [Home Safe and Sound: Effective Hospital Discharge](#) which identified five primary areas in which service providers fall short when conducting discharging patients. These include the lack of effective communication or planning between hospitals and community services and a failure to involve family members in the process. I highlighted a number of matters for Health Boards, GPs and local authorities to consider for future improvement.

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### Annual letters for health boards and local authorities

Each year I issue Annual letters to the health boards and local authorities in Wales which generate the majority of the complaints which come to my office. In these letters I draw attention to any learning points which have arisen from complaints in the previous year, including any public interest reports. I also draw attention to the percentage of complaints resulting in 'intervention' by my office, as outlined in Table 1.3 above.

A number of Health Boards and Councils responded positively to my 2017/18 Annual letters during the course of last year, by confirming that they had reflected upon the issues which I had drawn to their attention. For example, one Health Board shared learning from reports I upheld with staff via its Listening & Learning Feedback Newsletter and another had worked to improve its performance in complying with the recommendations I made in my reports.

Annual letters can be found [here](#).

## Strategic Aim 3 – Plan for a new Public Services Ombudsman (Wales) Act.

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The PSOW Bill 2019 was approved by the National Assembly for Wales in March. During the course of last year, my office began initial preparatory work for the new powers contained within the new Act.

### Complaints other than in Writing

Processes have been devised for the staff who will be taking oral complaints. The criteria to apply to requests for oral complaints have been set and plans made to store complaints received in this way.

### Private Health Care

The private bodies affected by the new Act have been identified and plans have been made to alert them to PSOW's new powers.

### Own Initiative Investigations

Internal processes have been drafted which outline how subjects for 'Own Initiative' investigations will be identified and how the investigations will be undertaken. The process for consulting on the draft criteria I intend to apply will begin in summer 2019.

### Complaints Standards Authority

The format of the Complaints Standards Authority (CSA) has been devised and the principles for complaint handling drafted. The structure of the CSA has been planned in readiness for a recruitment programme to begin in summer 2019.

### Staff Training

Plans are under way to ensure PSOW staff are trained in the work that is necessary under PSOW's new powers. Regular updates to staff on the progress being made towards preparing for the new powers have been undertaken.

### Communications Strategy

PSOW's Communications staff will be based within the team responsible for the new powers. Work is ongoing to prepare for the challenges faced in promoting the various new aspects of PSOW's work.

## Strategic Aim 4 – Be accountable for the service we provide and the money we spend.

This Annual Report & Accounts forms a key part of my accountability arrangements. The Corporate Governance Report, included in the Accountability Report section of this document, sets out the structures and mechanisms in place to secure accountability.

### Corporate Plan

Last year, I consulted widely on our new Corporate Plan for 2019/20 – 2021/22 [Delivering Justice](#). This focuses on delivering our key complaints service, promoting learning and improvement and using resources wisely so that we are equipped to face future challenges.

### Service user satisfaction

In the past, I gathered information on service user satisfaction through hard-copy survey forms sent by post. The response rate declined and, in most cases, responses were submitted at an early stage of the process, so did not reflect satisfaction or otherwise with investigations and decisions. To address this, I introduced an on-line satisfaction form and asked complainants to complete the form at any stage of the process, including the conclusion of the case. Disappointingly, response rates have not been high.

The results are summarised below. The responses and comments show that there are mixed levels of satisfaction, with those whose complaints are not investigated likely to respond less positively than those whose complaints are investigated.

It was easy to find out how to contact the Ombudsman	84% agree or strongly agree
The service was helpful and sensitive	51% agree or strongly agree
I was given a clear explanation of what would happen	71% agree or strongly agree
Staff understood my query or complaint	49% agree or strongly agree

Table 4.1

A number of positive comments were made by those responding. These included:

*‘most comprehensive and helpful’*      *‘efficient and swift’*  
*‘My family and I now have a better understanding of the events ... are very pleased with the recommendations ...’*      *‘helpful and sensitive’*  
*‘clear and helpful’*      *‘highly useful and highly recommended’*  
*‘excellent service’*      *‘... impressive. Correspondence was clear...’*  
*‘I found the service very good in every way. All extremely professional and competent’*  
*‘helpful and courteous’*      *‘very empathetic to my cause’*  
*‘an exemplary service ... polite, efficient and professional’*  
*‘I was kept informed of developments. Extremely thorough ... and ... sensitive’*

There were, however, a number of less positive comments, generally where complaints have not been taken forward for investigation or have not been upheld. Some comments indicate that the complainant considers that the evidence provided by the public body is given greater weight than their evidence, or that our staff have not fully engaged with and understood the complaint. Whilst the nature of the work, and the fact that complainants reaching my office have generally exhausted the public body's complaint process without getting the outcome they seek, means that the outcomes will always disappoint some complainants, we will be working with staff in the year ahead to address some of the less positive responses and improve the service.

I have published my Service Standards, which reflect the service standards recommended by the Ombudsman Association. These are:

- We will ensure that our service is accessible to all
- We will communicate effectively with you
- We will ensure that you receive a professional service from us
- We will be fair in our dealings with you
- We will operate in a transparent way

The Public Services Ombudsman for Wales website provides more details of what these standards mean in practice. The website also helps service users to make a complaint about the service my staff have provided and to ask that a casework decision taken by my office is reviewed. More detail of this is provided below.

### Reviews of casework decisions

Where a service user (generally the complainant) considers that a decision made by my staff, in respect of a complaint about a public body or a councillor, is flawed, they can request a review of that decision if there is additional information, or if some of the information they provided has not, in their view, being properly considered. Reviews are then undertaken by the Review Manager who has not been involved in the case previously. During the year 213 requests for a review were received. 88% of these were considered and responded to within 20 working days. In 23 reviews (11%), the outcome was that the case would be re-opened for further consideration and/or investigation.

### Complaints about our service

If a service user is unhappy about the service they have received, they can make a formal complaint about our service. During the year, 30 new complaints were received.

Cases brought forward from 2017/18	5
Received during the year	30
Closed during the year	32
Open at year-end	3
Responses within 20 days	30 (94%)
Responses outside 20 days	2 (6%)

Table 4.2

In 94% of cases, responses were sent within the timescale we set. However, where 'Easy Read' (a combination of words and pictures to help those with a learning disability understand documents) responses are required, it has proved difficult to comply with timescales, as Easy Read translation can take up the full time allowed for a response. Efforts will be made to speed up this process during 2019/20.

The outcomes of the complaints about our service were as follows:

Fully or partially upheld	9
Not upheld	15
Not upheld – disagreement with investigation matter	7
Withdrawn	1
Total	32

**Table 4.3**

In nine cases, the complaints were fully or partially upheld. These included a failure to update the complainant regularly, typographical errors in a letter and mishandling of a changed telephone number. In one case, which was re-opened as a result, we had not properly engaged with comments received on a draft report. Wherever possible, learning points are drawn from complaints and shared with staff.

### Independent External Review of Complaints About our Service

To ensure that we are open and accountable, when we respond to complaints about our service, we include an option to refer to an Independent External Reviewer of Complaints About our Service. There was a change of reviewer during the course of the year.

During the year, eight cases referred to the External Reviewer were concluded. Two cases were partially upheld. In one case the External Reviewer concluded that we should have sought a further apology from a Health Board as part of a complaint settlement. In another case, the External Reviewer concluded that, by accepting a service complaint from a complainant who wanted a different decision in respect of their complaint about a public body, we had given them false hope.

Learning points from these cases have been shared with staff.

### Staff survey

During the year, a staff survey, open to all staff, was conducted. 86% of staff responded. The results showed 93% of those staff are proud to work for PSOW; 89% say it is a good place to work and 87% consider that their managers communicate effectively with them. Areas generating the most negative responses were around resources and workload. Work to improve in the least positive and most negative areas has commenced and will continue in 2019/20.

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The Model Code of Conduct (“the Code”) for councillors sets out the high standards of behaviour which the public expects from its elected representatives.

Our role is to consider complaints that members of local authorities, community councils, fire and rescue authorities and national park authorities in Wales have breached their authority’s Code.

Our role is crucial in supporting the Standards Committees of local authorities to help councillors achieve the standards of conduct that meet public expectations. We aim to support proper decision making and the proper use of public resources and to maintain public confidence in local government and in the democratic process itself. Undertaking investigations that do not support these wider benefits is not in the public interest.

The Ombudsman is firmly of the view that our limited resources should not be used to investigate matters which are trivial or which have little or no impact on the public. It is important that we focus our investigations on matters that are serious and are capable of undermining the relationship between councillors and the public they serve, such as corruption, bullying and misuse of power in public office.

### **The two-stage test**

Our process requires the application of a two-stage test. Where we are satisfied that a complaint is supported by direct evidence that a breach has taken place, initially the public interest is considered in deciding whether a complaint against a councillor can and should be investigated. We consider the public interest again during the course of an investigation to ensure that it should continue and, finally, again, when determining whether a matter should be referred to a Standards Committee (SC) or to the Adjudication Panel for Wales (APW) for consideration.

There is no widely accepted definition of public interest, but it has been described as “something which is of serious concern and benefit to the public”. The public interest therefore relates to something which has an impact on the public and is not merely a matter the public finds to be of interest or a matter that impacts solely on an individual (although an individual may be more directly impacted by the matter than the wider public).

The public in this context does not necessarily mean the entire population of Wales. It may refer to a distinct section of the public such as a small community or interest group.

The published public interest factors we may take into account are set out below:

- the seriousness of the breach
- whether the member deliberately sought personal gain for themselves or another person at the public expense
- whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to another
- whether the breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity

## Considerations



When taking any of the above factors into account, relevant considerations can include the circumstances of the complaint; the extent to which the councillor was responsible for, or was to blame for, the alleged breach; whether the alleged conduct was premeditated and/or planned and whether the alleged conduct has caused harm or impacted on another person, group or body. Views expressed by the complainant, or any other person affected by the alleged conduct, relating to the impact and effect should also be considered. Other considerations may be:

- whether there is evidence of previous similar behaviour on the part of the member
- whether the Councillor been the subject of any previous complaints or investigations, or been referred to the SC or APW for a similar matter? Is the alleged conduct ongoing, repeated or is there evidence of escalating behaviour?
- whether the investigation or referral to an SC or the APW is required to maintain public confidence in elected members in Wales
- whether investigation or referral to an SC or the APW is a proportionate response. Consider whether it is likely that the breach would lead to a sanction being applied to the member and whether the use of resources in carrying out an investigation or hearing by an SC or the APW would be regarded as excessive, when weighed against any likely sanction.

Public interest should not be decided on the basis of resource alone but this is a relevant consideration when making an overall assessment. A balanced view should be taken and consideration of the outcomes of previous cases considered by SC's across Wales and the APW will be helpful in achieving this.

The list is not exhaustive and not all factors will be relevant to every case.

### Further information



**If you would like more information about this process, please contact us:**

- **phone** 0300 790 0203
  - **e-mail** [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)
  - **visit the website at** [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)
  - **Twitter: @OmbudsmanWales**
  - **write to:** The Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ
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**SOUTH WALES FIRE & RESCUE AUTHORITY**  
**STANDARDS COMMITTEE**  
**REPORT OF THE MONITORING OFFICER**

AGENDA ITEM NO 8  
 3 FEBRUARY 2020

**PUBLIC SERVICES OMBUDSMAN FOR WALES – CODE OF CONDUCT CASEBOOK**

**SUMMARY**

This report presents to Members the Public Services Ombudsman for Wales Code of Conduct Casebook, issues 19 to 22.

**RECOMMENDATION**

That Members note the content of the Ombudsman Code of Conduct Casebook, issues 19 to 22, published by the Public Services Ombudsman for Wales.

**1. ISSUE**

- 1.1 The Public Services Ombudsman for Wales produces quarterly Code of Conduct casebooks. Issues 19 to 22 of the Code of Conduct Casebook cover the periods October 2018 to September 2019, and are attached as Appendix 1 to this report.
- 1.2 The Casebook for quarter 3 of 2019/20 is not yet available.
- 1.3 Members should note that the Casebooks are available to be accessed via the Ombudsman website.

**2. RECOMMENDATION**

- 2.1 It is recommended that Members note the content of the Ombudsman Code of Conduct Casebook, issues 19 to 22, published by the Public Services Ombudsman for Wales.

<b>Contact Officer:</b>	<b>Background Papers:</b>
Sally Chapman Monitoring Officer	Public Services Ombudsman for Wales Code of Conduct Casebook

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# The Code of Conduct Casebook

## APPENDIX 1

Issue 19 February 2019

## Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- a) that there is no evidence that there has been a breach of the authority's code of conduct;
- b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defense put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers October to December 2018.

The Code of Conduct

# Casebook

## Contents

No evidence of breach .....	3
No action necessary .....	5
Referred to Standards Committee .....	8
Referred to Adjudication Panel for Wales.....	9

## Case summaries

### No evidence of breach

#### [Blaenau Gwent County Borough Council – Promotion of equality and respect](#)

[Case Number 201707024 – Report issued in October 2018](#)

Ms E complained that a Councillor (“the Councillor”) may have breached the Code of Conduct by setting up a page on Social Media which Ms E said unfairly targeted her business. Ms E also complained that the Councillor had intercepted an email she would not otherwise have been entitled to and shared the content of the email on the Social Media page.

The Ombudsman found that the Councillor set up the Social Media page in her private capacity, there was no reference to her work as a Councillor and it was not in any way associated with the Council. The email referred to had been sent directly to the Councillor. The email was not marked confidential and the Council confirmed that it was the type of information it would share with anyone who made a complaint. The Ombudsman’s finding under section 69(4)(a) of the Local Government Act 2000 was that there was no evidence of a breach of the Code of Conduct.

#### [Rhondda Cynon Taf County Borough Council - Duty to uphold the law](#)

[Case Number: 201802132 –Report issued in November 2018](#)

Mr C complained that a Councillor (“the Councillor”) breached the Code of Conduct when she signed a police statement indicating she had seen an altercation between Mr B and another person. Mr B said the Councillor retracted the information in court and that were it not for the statement he would not have gone to court.

The Ombudsman found that the statement appeared to have been given in good faith and the account given in court was so similar that it appeared to be the Councillor’s version of events. The Ombudsman’s finding under section 69(4)(a) of the Local Government Act 2000 was that there was no evidence of a breach of the Code of Conduct.

#### [Beguildy Community Council – Disclosure and registration of interests](#)

[Case Number: 201801874 - Report issued in December 2018](#)

Ms B complained that a Councillor (“the Councillor”) failed to declare and interest at a meeting, when a discussion took place about survey work on damaged drains on land next to land owned by the Councillor. Ms B also said that the Councillor failed to show her respect and consideration.

The Councillor acknowledged a heated discussion with Ms B but said it was not personal and he did not bear Ms B any malice. The Ombudsman found that the matters raised by the Councillor were of legitimate political concern and it is not the Ombudsman’s role to inhibit robust political debate.

Whilst the matter discussed did directly affect the Councillor’s land and therefore might amount to a technical breach of the Code of Conduct the issue was of wider significance to the community and therefore his finding under section 69(4)(b) of the Local Government Act 2000 was that no action needed to be taken in respect of the matters investigated.

#### [Powys County Council – Accountability and openness](#)

[Case Number: 201706713 - Report issued in December 2018](#)

A complaint was received about the behaviour of a member (“the Councillor”) of Powys County Council (“the Council”) with regard to misleading a local resident (“the Complainant”) when the Councillor commented on raising objections to a planning application. The Complainant said the Councillor was attempting to secure an advantage for the applicant and to deter local residents from objecting.

An investigation was commenced to consider whether the Councillor had breached parts of the Code which concern disrepute and using their position to create an advantage for themselves or another person.

The Ombudsman determined there was no evidence to suggest that the Councillor had breached the Code of Conduct during a telephone conversation with the Complainant.

## No action necessary

### City and County of Swansea – Duty to uphold the law

Case Number: 201802771 - Report issued November 2018

The Ombudsman investigated a complaint that a Councillor (“the Councillor”) may have breached the Code of Conduct by overclaiming mileage expenses.

Having considered the information available to him, the Ombudsman concluded that whilst there was evidence that the member had incorrectly overclaimed expenses, consideration had to be given to the member’s inexperience and unfamiliarity with the process; the fact that the member had also underclaimed expenses on a number of occasions; the value of the overpayments and, the member’s apology and readiness to repay the overpaid money. In view of the above the Ombudsman found that no further action should be taken.

### Powys County Council – Promotion of equality and respect

Case Number: 201706847 – Report issued December 2018

The Ombudsman investigated a complaint that a Councillor (“the Councillor”) may have breached the Code of Conduct by failing to honour an undertaking given to the Adjudication Panel for Wales that he would send a written letter of apology to two colleagues.

Having considered the information available to him, including the Member’s comments that he had written and posted the letters, the Ombudsman concluded that, since the Member had agreed to rewrite and send the letters again, no further action should be taken.

### Sully and Lavernock Community Council – promotion of equality and respect

Case Number: 201705246 – Report issued in November 2018

The Ombudsman received a complaint that, during a meeting of Sully and Lavernock Community Council (“the Council”), a member (“the Member”) had breached the Code of Conduct (“the Code”). It was alleged that the Member made ageist and discriminatory comments about a candidate that had applied to be co-opted to the Council.

Information was sought from the Council and interviews were undertaken with witnesses who were at the meeting and the Member.

The investigation found that the Member had made such comments, but that there was no evidence to suggest that his comments had a bearing on the outcome for the candidate. Further to this, the Member had only been elected to the Council for six weeks, the Code had not been explained to him and he had not had any training on its content. Additionally, when interviewed, the Member apologised for the comments, said he would not make such comments again and confirmed that he had since had training on the Code.

Whilst the Ombudsman suggested that the Member consider attending an equality and diversity training course, he concluded that it was not in the public interest to pursue the matter and that under Section 69 (4)(b) of the Local Government Act 2000, no further action needed to be taken in respect of the matters complained about.

### Pembrey & Burry Port Town Council – Disclosure and registration of interests

Case Number: 201704860 – Report issued in October 2018

The Ombudsman received a complaint that a Member (“the Member”) of Pembrey & Burry Port Town Council (“the Council”) had breached the Code of Conduct (“the Code”) by taking part in discussions and a vote at two meetings on matters in relation to a former member of Council staff who had recently made a complaint about the Member.

The Member was interviewed, as was the Councillor who submitted the complaint and a further member of the Council. At interview, the Member said he sought advice from the Clerk as to whether he could participate in discussions and he was advised that he could. He also sought his own legal advice on the matter. The Member said that he was unaware that a close personal association could give rise to a personal interest where it related to someone with whom a member may be "in dispute" with. The Member said that at the time he did not feel that he was in dispute with the member of Council staff. However, the Member acknowledged that he would handle similar matters very differently in future.

The Ombudsman concluded that the Member's conduct in respect of both meetings was suggestive of a breach of the paragraphs of the Code of Conduct which require him to make a declaration of interest and leave the room as appropriate. However, in view of the Member's actions being misguided rather than intentional, the Ombudsman concluded that it would not be in the public interest to refer the matter to the standards committee.

**Gwynedd Council - Disclosure and registration of interests**  
**Case Number: 201702769 – Report issued in November 2019**

The Ombudsman received a complaint that a Councillor ("the Councillor") had breached the Code of Conduct for members. It was alleged that the Councillor had breached the Code when he failed to declare his beneficial interest in properties registered in his name and stated that he had no beneficial interests in land in the Council area. It was alleged that the Councillor failed to sign and return the Council's declaration of interests form, despite numerous opportunities to do so.

The Ombudsman investigated whether the Councillor's actions amounted to a breach of paragraphs 18.5.1 and 18.4.1(b) of the Gwynedd Code of Conduct. Members must, in all matters, consider whether they have a personal interest, and whether the Code of Conduct requires them to disclose that interest. Members must regard themselves as having a personal interest in any business of the authority if it relates to or is likely to affect any land in which they have a beneficial interest, and which is in the area of their authority. Members must register financial and other interests within 28 days of their election to office by providing written notification of their interests to authority's Monitoring Officer.

As the Councillor was a new member at the time the events took place, it was the first time that the Councillor's conduct had been brought to the Ombudsman's attention and had since correctly completed the declaration of interest form, the Ombudsman decided not to take further action against the Councillor.

**Llandegla Community Council – Integrity**  
**Case Number: 201704189 – Report issued in October 2018**

A complaint was received about the behaviour of a member ("the Councillor") of Llandegla Community Council ("the Council") at two Council meetings ("the First Meeting" and "the Second Meeting") and also about his conduct in submitting a funding application without the Council's authority.

An investigation was commenced to consider whether the Councillor had breached parts of the Code which concern respect and consideration, bullying and harassment, and disrepute.

The Ombudsman determined there was no evidence to suggest that the Councillor had breached the Code at the Second Meeting and in respect of the funding application. He found that no action needed to be taken in respect of his behaviour at the First Meeting.

**Guilfield Community Council – Accountability and openness**  
**Case Number: 201707849- Report issued in December 2018**

The Ombudsman investigated a complaint that a member of Guilfield Community Council ("the Councillor") may have breached the Code of Conduct by misleading members of the public regarding

the Council's consideration of a planning application ("the Application") and in relation to an interest he declared during Council meetings on 21 November and 20 December **2017**.

The Ombudsman concluded that there was no evidence to suggest that the Councillor had advised any member of the public other than in good faith and there was no evidence that he deliberately set out to mislead any member of the public. Consequently, he decided that it was not in the public interest to pursue this issue any further.

The Ombudsman agreed, given that the Councillor had declared an interest in the Application at the two meetings, that he had a personal interest in it. He further considered that a reasonable member of the public, who had knowledge of the interest, would be likely to consider it so significant that it would be likely to prejudice his judgement. The Councillor should, therefore, have withdrawn from the room when the business was being discussed. However, although the Councillor remained present, there was no evidence that he used his position improperly, disrupted the democratic process or influenced the Council's discussion and ultimate decision on the Application. The Ombudsman therefore decided that no action needed to be taken in respect of the matters investigated, although he recommended that the Councillor should consider carefully his duties under the Code of Conduct, particularly the obligation to withdraw from a meeting when an interest is prejudicial, and seek advice if he was unsure of its implications.

## Referred to Standards Committee

There are no summaries in relation to this finding.

## **Referred to Adjudication Panel for Wales**

There are no summaries in relation to this finding.

# The Code of Conduct Casebook

Issue 20 May 2019

## Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- a) that there is no evidence that there has been a breach of the authority's code of conduct;
- b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defense put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers January to March 2019.

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# Case summaries

## No evidence of breach

There are no summaries in relation to this finding.

## No action necessary

Pembroke Dock Town Council - Promotion of equality and respect

Case Number: 201706079 - Report issued in January 2019

The Ombudsman received a complaint that a Member ("the Member") of Pembroke Dock Town Council ("the Council") had breached the Code of Conduct ("the Code") for members. It was alleged that the Member had acted in a disrespectful and bullying manner towards the previous Clerk to the Council, both in Council meetings and when communicating with her by email, between 2014 and her resignation from the Council in 2017.

The Ombudsman investigated whether the Members actions amounted to a breach of the parts of the Code that concern showing respect and consideration, bullying and harassment, bringing the Council into disrepute and a Member's duty to disclose an interest if they have one in any Council business. Information was sought from the Council, Pembrokeshire County Council and the Member. Interviews were also undertaken with relevant witnesses.

Having considered the evidence, the Ombudsman concluded that he was not persuaded that the Member acted in a disrespectful or bullying manner towards the Clerk at meetings or when communicating with her by email. He also decided that the evidence was not suggestive of a breach of the Code that the Member had not brought the Council into disrepute. The Ombudsman further concluded that it was likely that the Member may have breached the Code when failing to declare a personal interest at meetings.

Saltney Town Council - Promotion of equality and respect

Case Number: 201800177 & 201800178 & 201800179 & 201800180 - Report issued in January 2019

The Ombudsman received a complaint that Members ("the Members") of Saltney Town Council ("the Council") had breached the Code of Conduct by engaging in an argument with other councillors in front of members of the public, following a Town Council meeting.

The Ombudsman commenced an investigation on the basis that there may have been breaches of paragraphs 4(b), 4(c) and 6(1)(a) of the Code of Conduct.

The Ombudsman found that the behaviours complained about was below the standard that he would expect from elected members but that their behaviour was petty and immature and therefore to take further action and use further public resources would not be in the public interest.

## Referred to Standards Committee

There are no summaries in relation to this finding.

## Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding.

# The Code of Conduct Casebook

Issue 21 September 2019

## Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- a) that there is no evidence that there has been a breach of the authority's code of conduct;
- b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defense put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers April to June 2019.

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# Case summaries

## No evidence of breach

### Sully and Lavernock Community Council - Disclosure and registration of interests

Case number: 201802547 - Report issued in April 2019

The Ombudsman received a complaint that a Member ("the Member") of Sully and Lavernock Community Council ("the Council") had breached the Code of Conduct. It was alleged that, despite being aware that a grievance had been submitted to the Council about his behaviour, the Member had failed to declare an interest when those matters were discussed in Council meetings.

In addition to the evidence provided by the complainant, information was also sought from the Council, the County Council and the Member. Having reviewed the information available, the Ombudsman found that there was no evidence of a breach of the Code of Conduct.

### Amlwch Town Council – Promotion of equality and respect

Case Number: 201802863 – Report issued in April 2019

The Ombudsman received a complaint that a Member ("the Member") of Amlwch Town Council ("the Council") had breached parts of the Code of Conduct in his conduct towards the Council's Clerk at a meeting.

The Ombudsman investigated whether the Member had breached parts of the Code in relation to showing respect and consideration, not use bullying behavior or harass any person, and not conduct yourself in a manner which could reasonably be regarded as bringing their authority into disrepute.

The Ombudsman investigated a selection of those present at the meeting, including members of the Council and members of the public. The evidence did not support the complaint.

Under Section 69(4)(a) of the Local Government Act 2000, the Ombudsman Concluded that there was no evidence to suggest that the Member had failed to comply with the Code of Conduct

### Powys County Council – Promotion of equality and respect

Case Number: 201803813 & 201803815 – Report issued in May 2019

The Ombudsman received a complaint that a Member ("the Member") of Powys County Council ("the Council") had breached the Code of Conduct. It was alleged that the Member had continuously made comments to the press about the complainant's business, which caused the complainant to feel bullied and harassed.

During the course of the investigation, information was provided by relevant parties including the complainant and the Monitoring Officer.

The Ombudsman found that there was no evidence of a breach of the Code of Conduct. The matters referred to by the complainant were accurate and in the public domain. There was no evidence which was suggestive that matters had been leaked to the press by the Member.

## No action necessary

### Magor with Undy Community Council – Integrity

Case Number: 201807788 – Report issued in May 2019

The Ombudsman received a complaint that a Member (“the Member”) of Magor with Undy Community Council (“the Council”) had breached the Code of Conduct when he organised the transfer of Council data to an external, electronic storage application. It was alleged that the Member acted improperly to persuade Council staff to grant access to the Council’s files, and inappropriately accessed the information which was available during the file transfer process.

Having been informed, during the course of the investigation, that the Member had resigned from the Council, the Ombudsman concluded that the complaint no longer satisfied the public interest requirements of the two-stage test and the investigation was discontinued.

## Referred to Standards Committee

### Cwmllynfell Community Council– Promotion of equality and respect

Case Number: 201704948 – Report issued in May 2019

The Ombudsman received a complaint that a Member (“the Member”) of the Cwmllynfell Community Council (“the Councillor”) displayed disrespectful and bullying behaviour towards the Clerk (at the time) at two meetings.

The Ombudsman found that there was evidence to suggest that the Member had failed to show respect and consideration to the former Clerk when raising matters of a personal nature, which did not relate to the performance of the Clerk’s duties, during the second meeting which was open to the public. The Member’s actions were considered to be contrary to one of the Council’s Standing Orders. The Ombudsman found also that there was evidence to suggest that the Member had displayed bullying behaviour towards the Clerk at this meeting.

The Ombudsman determined that the matter should be referred to the Monitoring Officer of Neath Port Talbot County Borough Council for consideration by that Council’s Standards Committee.

The Standards Committee determined that the Members conduct in respect of the second meeting was in breach of paragraphs 4(b) and 4(c) of the Council’s Code of Conduct. In addition, the Standards Committee found that in behaving in this way during this meeting that the Member had also brought the office of member into disrepute in breach of paragraph 6(1)(a). The Standards Committee issued a censure to the Member for the breaches of the Code found.

## Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding.

# The Code of Conduct Casebook

Issue 22 October 2019

## Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- a) that there is no evidence that there has been a breach of the authority's code of conduct;
- b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defense put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers July to September 2019.

# The Code of Conduct Casebook

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## Case summaries

### No evidence of breach

#### Caia Park Community Council - Disclosure and registration of interests

Case number: 201805133 - Report issued in July 2019

The Ombudsman received a complaint that a Member ("the Member") of Caia Park Community Council ("the Council") had breached the Code of Conduct for members, in October 2018, when they submitted an application for funding for a community project, in which they had an interest, which was above the Council's agreed limit, against the advice of the Clerk. It was alleged that the Member's behaviour could bring the Council into disrepute.

The investigation established that the Clerk had advised that the Council could consider an application for funding above the agreed limit. The Member declared an interest and there was no evidence that they sought to influence the decision making. Therefore, the Ombudsman found that there was no evidence that the Member had breached the Code of Conduct.

#### Powys County Council - Accountability and openness

Case Number: 201803272 – Report issued in August 2019

The Ombudsman received a complaint that a Member ("the Member") of Powys County Council ("the Council") had breached the Code of Conduct ("the Code") in relation to the connection of water supplies to two of his properties and in respect of his actions in relation to his caravan site.

An investigation was commenced to consider whether the Member had breached the part of the Code relating to disrepute. Copies of relevant documents were obtained. The evidence found by the investigation was shared with the Member before he was formally interviewed.

The Ombudsman determined there was no evidence to suggest that the Member had breached the Code.

#### Denbighshire County Council - Promotion of equality and respect

Case Number: 201900044 – Report issued in August 2019

The Ombudsman received a complaint about a Member ("the Member") of Denbighshire County Council ("the Council"). It was alleged that the Member's behaviour had been inappropriate and disrespectful and breached the Code of Conduct.

During the course of the investigation, information was provided by relevant parties including the complainant, and the Monitoring Officer.

The Ombudsman found that there was no evidence to support the concerns raised and found that there was no breach of the Code of Conduct.

#### Prestatyn Town Council - Promotion of equality and respect

Case Number: 201900045 – Report issued in August 2019

The Ombudsman received a complaint about a Member ("the Member") of Prestatyn Town Council ("the Council"). It was alleged that the Member's behaviour had been inappropriate and disrespectful and breached the Code of Conduct.

During the course of the investigation, information was provided by relevant parties including the complainant, the Clerk to the Council and the Monitoring Officer.

The Ombudsman found that there was no evidence to support the concerns raised and found that

there was no breach of the Code of Conduct.

### [Sully and Lavernock Community Council - Duty to uphold the law](#)

[Case number: 201900025 - Report issued in September 2019](#)

The Ombudsman received a complaint that a Member ("the Member") of Sully and Lavernock Community Council ("the Council") had breached the Code of Conduct when he allegedly physically attacked someone.

The Ombudsman's investigation was suspended pending the outcome of a criminal prosecution made against the Member in relation to the incident. The case was heard by the Magistrates Court; there was no direct witness evidence to the alleged incident and the Member was found not guilty. Therefore, the Ombudsman did not consider that the evidence suggested that the Member had breached the Code of Conduct in this case. The Ombudsman's finding under s69(4)(a) of the Local Government Act 2000 was therefore that there was no evidence that the Member had failed to comply with the Code.

## **No action necessary**

### [Llandrindod Wells Town Council - Promotion of equality and respect](#)

[Case number: 201803394 - Report issued in July 2019](#)

The Ombudsman received a complaint that a Member ("the Member") of Llandrindod Wells Town Council ("the Council") had inappropriately accessed the Council's computer, withheld information gathered from it from the Council and failed to declare a personal and prejudicial interest in matters the Council was considering. It also alleged that the Member had engaged in bullying behaviour towards the Clerk at two meetings, in particular.

The investigation considered whether the Member might have breached paragraphs 4(b) and (c), 5(b), 7(a), 11 and 14 of the Code of Conduct. Copies of relevant documents, including the approved minutes of the two meetings, were obtained and telephone interviews were conducted with relevant witnesses. The evidence found by the investigation was shared with the Member before he was formally interviewed.

The investigation found that the evidence did not suggest the Member had acted in a bullying manner, prevented the Council from obtaining access to information to which it was entitled or used his position improperly. The Member was entitled to comment on matters to do with the Council and had legitimate grounds for his actions.

The investigation found evidence that the Member had failed to show due respect and consideration to the Clerk at one meeting, and that he had failed to take appropriate action in respect of a personal and prejudicial interest. However, the Member had been acting in good faith and in the best interests of the Council. In addition, he demonstrated a reasonable level of personal reflection since the time of the events. The Ombudsman found that, therefore, no action needed to be taken in respect of the matters investigated

### [Bridgend Town Council - Disclosure and registration of interests](#)

[Case number: 201707582 - Report issued in September 2019](#)

The Ombudsman received a complaint about a Member ("the Member") of Bridgend Town Council ("the Council"). It was alleged that the Member had failed to disclose a personal and prejudicial interest during a meeting of the Council and proceeded to participate in discussions relating to that matter. Additionally, it was alleged that the Member failed to show respect and consideration during the meeting and behaved in a bullying manner towards the Clerk to the Council.

During the course of the investigation, information was provided by relevant parties including the complainant, and the Council.

The Ombudsman found that the evidence gathered was suggestive that the Member had failed to appropriately declare a personal and prejudicial interest at the meeting of the Council. In addition, the Member's actions in failing to leave the room and making representations were also suggestive of a failure to comply with the relevant provisions of the Code. Further, the Ombudsman determined that the evidence was suggestive that the Member failed to show respect and consideration to the Clerk during that meeting.

In deciding what action to take the Ombudsman considered the custom and practice of declaring interests within the Council at the relevant time, the mitigation provided by the Member and recent evidence confirming a significant improvement in working relationships within the Council. The Ombudsman concluded that it would not be in the public interest to take matters further and that no action should be taken in respect of the matters investigated.

#### [Bridgend Town Council - Disclosure and registration of interests](#) Case number: 201707583 - Report issued in September 2019

The Ombudsman received a complaint about a Member ("the Member") of Bridgend Town Council ("the Council"). It was alleged that the Member had failed to disclose a personal and prejudicial interest during a meeting of the Council and proceeded to participate in discussions relating to that matter. Additionally, it was alleged that the Member had used his position improperly in an attempt to gain an advantage for himself or his close personal associates.

During the course of the investigation, information was provided by relevant parties including the complainant, and the Council.

The Ombudsman found that the evidence gathered was suggestive that the Member had failed to appropriately declare a personal and prejudicial interest at the meeting of the Council. In addition, the Member's actions in failing to leave the room and making representations are also suggestive of a failure to comply with the relevant provisions of the Code. However, the Ombudsman was not persuaded that the evidence was suggestive that the Member used his position in an attempt to gain an advantage as suggested.

In deciding what action to take the Ombudsman considered the custom and practice of declaring interests within the Council at the relevant time and the mitigation provided by the Member. The Ombudsman concluded that it would not be in the public interest to take matters further and that no action should be taken in respect of the matters investigated.

#### [Trefeurig Community Council - Disclosure and registration of interests](#) Case number: 201806748 - Report issued in September 2019

The Ombudsman received a complaint that a Member ("the Member") of Trefeurig Community Council ("the Council") had breached the Code of Conduct. It was alleged that, during a discussion about a planning application for a local development, the Member failed to declare an interest in the matter.

During the course of the investigation, information was provided by relevant parties including the complainant, and the Clerk to the Council.

The Ombudsman found that no action needed to be taken in respect of the matters investigated.

## **Referred to Standards Committee**

#### [Prestatyn Town Council - Promotion of equality and respect](#) Case number: 201700947 – Report issued in July 2019

The Ombudsman received a complaint that a Member ("the Member") of Prestatyn Town Council

("the Council") may have used threatening and abusive behaviour towards a fellow member of the Council and behaved in an aggressive and confrontational manner at two Council meetings in November 2016 and May 2017.

The Ombudsman obtained relevant information about the matter from the Council and interviewed a number of witnesses. The Member was interviewed and provided his response to the complaint. Having considered the evidence the Ombudsman found that there was evidence to suggest that the Member may have breached the Code of Conduct and referred the matter for consideration by the Council's Standards Committee.

The Standards Committee determined that the Member failed to show respect and consideration to Police Officers who were in attendance at the meeting in November 2016 and towards his fellow member in the meeting in May 2017. In addition, the Standards Committee found that the Members behaviour at both meetings was capable of bringing the Council into disrepute.

The Standards Committee decided that on the basis of the findings reached that the Member should be suspended from office of member of the Council for a period of four months.

#### Neath Town Council - Promotion of equality and respect

Case number: 201707990 – Report issued in July 2019

On 21 March 2018, I received a complaint that a member of the Council ("the Member") failed to observe the code of conduct for members of Neath Town Council ("the Council"). It was alleged that the Member had commented that a Neath resident had deserved to be murdered.

The investigation found that the Member's unsolicited comments about the victim were both disrespectful and distasteful and, whilst it may have been the member's private opinion, there was no reason for it to have been expressed publicly. In view of the effect of the Member's comments on the citizens of Neath Town Council, many of whom believe that the Member is no longer a suitable representative, and the effect on the reputation of the Town Council itself, the Ombudsman concluded that the Member may have breached paragraph 6(1)(a) of the Code of Conduct.

The Ombudsman determined that the matter should be referred to the Monitoring Officer of Neath Port Talbot County Borough Council for consideration by that Council's Standards Committee. The Standards Committee found that the Member had breached the Code of Conduct and she was suspended for four months.

## Referred to Adjudication Panel for Wales

#### Mathern Community Council - Promotion of equality and respect

Case number: 201802799 – Report issued in July 2019

During a public hearing of the Adjudication Panel For Wales held on 19 July 2018, a member of Mathern Community Council ("the Member") made a statement which he followed up with a letter to the Adjudication Panel. Both the statement and the letter contained language either the same as or similar to language which the Adjudication Panel had advised him would amount to a breach of the Code of Conduct.

The Ombudsman decided to investigate whether the Member's actions amounted to a breach of paragraph 6(1)(a) of the Code of Conduct on the basis that the matter had come to his attention as a result of the investigation which was being heard by the Adjudication Panel for Wales on 19 July.

The Ombudsman considered that a reasonable person would conclude that the Member actions affected the reputation of both the Office of Member and the Authority of which he is a member and that they may amount to a breach of paragraph 6(1)(a) of the Code of Conduct. The Ombudsman also considered that any restriction of the Member's right to freedom of expression under article 10 of the Human Rights Act, would be necessary for the protection of the rights and interests of others.

The Ombudsman referred the matter to the Adjudication Panel for Wales. However, on 17 July 2019 the Adjudication Panel determined that the matter did not come to the Ombudsman's attention as a result of the investigation heard on 19 July 2018 as that investigation concluded on 20 December 2017 (when the matter was referred to the Adjudication Panel for Wales) and determined it would therefore not consider the case. No further action was taken.

**SOUTH WALES FIRE & RESCUE AUTHORITY**  
**STANDARDS COMMITTEE**  
**REPORT OF THE MONITORING OFFICER**

AGENDA ITEM NO 9  
 3 FEBRUARY 2020

**MEMBER TRAINING**

**SUMMARY**

A report to discuss the benefits of the collaborative Member training session held jointly with Mid and West Wales Fire & Rescue Authority's Standards Committee.

**RECOMMENDATION**

That Members debate the benefits of the collaborative training session and identify future training opportunities.

**1. BACKGROUND**

1.1 Members will recall that they identified the need to undertake training in relation to a Standards Committee hearing and requested that a training event be convened.

**2. ISSUE**

2.1 A collaborative training session was held with the Members of the Standards Committee of Mid and West Wales Fire & Rescue Authority during the summer.

2.2 The training covered some interactive scenarios of a mock hearing. Members' views are sought on the training provided and its benefits, and potential future areas of training that may be of benefit to Members.

**3. RECOMMENDATION**

3.1 That Members debate the benefits of the collaborative training session and identify future training opportunities

<b>Contact Officer:</b>	<b>Background Papers:</b>
Sally Chapman Monitoring Officer	None

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1.	Roll Call	
2.	Apologies for Absence	
3.	Declarations of Interest	
	Members of the Standards Committee are reminded of their personal responsibility to declare both orally and in writing any personal and/or prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Fire & Rescue Authority's Standing Orders and the Members Code of Conduct	
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