

Pwyllgor Safonau

Man Cyfarfod
**Ystafell Bwyllgor A - Neuadd y Sir,
Llandrindod, Powys**

Dyddiad y Cyfarfod
Dydd Mercher, 28 Mehefin 2017

Amser y Cyfarfod
11.00 am

I gael rhagor o wybodaeth cysylltwch â
Elizabeth Patterson
01597 826980
elizabeth.patterson@powys.gov.uk



Neuadd Y Sir
Llandrindod
Powys
LD1 5LG

Dyddiad Cyhoeddi

AGENDA

1.	COFNODION
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Awdurdodi'r Cadeirydd i lofnodi cofnodion y cyfarfodydd a gynhaliwyd ar:

- 15 Chwefror 2017
- 13 Mawrth 2017
- 15 Mawrth 2017
- 26 Mai 2017

(Tudalennau 1 - 16)

2.	YMDDIHEURIADAU
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Derbyn ymddiheuriadau am absenoldeb.

3.	DATGANIADAU O DDIDDORDEB
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Derbyn unrhyw ddatganiadau o ddiddordeb gan Aelodau ynghylch yr eitemau sydd i'w hystyried ar yr agenda.

4.	ADRODDIAD CYFREITHIWR Y CYNGOR
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Derbyn adrodiad Cyfreithiwr y Cyngor.

(Tudalennau 17 - 46)

**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT
 COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON
 WEDNESDAY, 15 FEBRUARY 2017**

PRESENT

Independent Member Mrs S Jarman
 Independent Members Mrs J Evans, Mr S Hays,
 County Councillors: K M Roberts-Jones, K S Silk and G I S Williams

1.	MINUTES	S1-2017
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The Chair was authorised to sign the minutes of the meeting held on the 5th October 2016 as a correct record subject to the following amendments:

In E.1 Member attendance to make it clear that it is Cllr P Harris to which this matter refers.

2.	APOLOGIES	S2-2017
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Apologies for absence were received from County Councillors Mrs H Rhydderch-Roberts (Chair) and Mrs C Jackson

In the absence of the Chair and Vice-Chair the Committee was asked to appoint an Independent Member to Chair the meeting.

Resolved that Independent Member Mrs S Jarman be appointed to Chair the meeting.

In order to comply with the Constitution which requires that at a meeting of the Standards Committee there should always be an equivalent or majority of Independent Members County Councillor Medicott indicated that he would be willing to act as an Observer.

3.	DECLARATIONS OF INTEREST	S3-2017
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No declarations of interest were received.

4.	REPORT OF THE SOLICITOR TO THE COUNCIL	S4-2017
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The committee received the report of the Solicitor to the Council (copy filed with signed minutes).

A General Standards Issues for County Councillors and Co-opted Members

A1 Code of Conduct Training

The Head of Democratic Services confirmed that two Councillors had now submitted responses which meant that there remained two Councillors who had not undertaken refresher training. Members were of the view that it would be appropriate for this training to take place within the current term of office and it was

RESOLVED that Cllr G Price and Cllr G Jones be invited to attend refresher training on the Members Code of Conduct prior to the end of this term of office.

B Referral of Councillors to the Public Services Ombudsman

B1 County Council Referrals

The current position regarding existing matters with the Ombudsman is as follows:

6/15/CC	With the Adjudication Panel for Wales
8/15/CC	Referred to the Standards Committee
9/15//CC	Referred to the Standards Committee
04/16/CC	Ombudsman investigating
07/16/CC	Investigation ended. No breach found.
09/CC/2016	Ombudsman investigating
10/CC/2016	Ombudsman investigating
15/CC/2016	Ombudsman investigating
16/CC/2016	Ombudsman investigating
17/CC/2106	Ombudsman investigating

C. Other Standards Issues

None.

D Dispensations

D1. Applications - County Councillors

No applications for dispensation have been received from County Councillors.

E. Attendance

E.1 Member attendance

The Head of Democratic Services presented full attendance data as recorded on the Council's 'Modern' system. It was noted that not all Member meetings are recorded on this system (such as attendance at Fostering Panel or Employment Hearings). Neither did this system include Member attendance at other meetings attended in their role as Councillor (such as Governing Bodies, Mid Wales Health Care Collaborative etc). It was noted that it would be inaccurate to publish attendance figures including some but not all of a Councillors workload.

RESOLVED that this matter be deferred to the next meeting of the Standards Committee when further detail of other meetings attended by Councillors will be sought.

F Ombudsman's Casebook

The Ombudsman had published the July 2016 – September 2016 Code of Conduct Casebooks which can be accessed at.

<http://www.ombudsman-wales.org.uk/en/publications/The-Code-of-Conduct-Casebook.aspx>

(Copy filed with signed minutes)

G Ombudsman's Annual Report

The Ombudsman had published his Annual Report for 2015-16 which could be accessed from the website of the Public Services Ombudsman for Wales at <http://www.ombudsman-wales.org.uk/en/publications/Annual-reports.aspx>

This report covers both service complaints and code of conduct complaints.

H Local Resolution

In 2013 the Public Services Ombudsman for Wales issued guidance on the Code of Conduct for Members of Local Authorities and recommended that a local resolution procedure was adopted to deal with low level complaints made by a Member against a fellow Member.

The Standards Committee adopted the Local Resolution, as contained within Section 25 of the Constitution on the 25th of June 2014.

The objective of the local resolution procedure adopted by the Council is to engage early and at a relatively informal level with a view to nipping issues in the bud with minimal involvement from the Monitoring Office and Standards Committee.

Since this was introduced the Council have only had two cases referred for Local Resolution but it is always offered in cases where it is thought it may be appropriate.

I. Training and Meeting Dates

To note dates of future training and meetings as follows:

Training.

Tuesday 16th May 2017 10.00am Code of Conduct Training

Wednesday 28th June 2017 10.00am Training for Standards Committee

Meetings.

Wednesday 28th June 2017 2.00pm Standards Committee

Wednesday 4th October 2017 10.00 Standards Committee

J Urgent matter for decision at discretion of Chair

J1 Declaration of Interest

County Councillor Medicott declared an interest in this matter as he is Member of the same group as the Member to which this matter relates.

J2 Confidential Matters

RESOLVED to exclude the public for the following item of business on the grounds that there would be disclosure to them of exempt information under category 8 of The Council's Access to Information Rules.

J3 Date for Hearing: Case Number 201504433

The Deputy Monitoring Officer advised that the Member had been offered three dates in February/March for the Hearing. The first date had been rejected on the grounds that he had farming commitments. The second and third dates had been rejected on the grounds that he had been unable to source the information he required.

The third date (15th March) is the last available date before purdah. The Member has indicated that he would not have a problem with holding the hearing during purdah.

One Member was of the opinion that the two cases currently coming to Hearing should be treated equally and if the other case was to be held outside purdah then this case should also be held outside purdah.

It was confirmed that the Member was aware that this case would proceed to a Hearing from the previous meeting of the Standards Committee on 16th December 2016 and that sufficient time had been available for the Member to source the information he required.

RESOLVED that the Hearing Date for this case be set for the 15th March 2017.

Public Document Pack

Standards Committee
13th March 2017

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT COMMITTEE ROOM - NEUADD MALDWYN, WELSHPOOL, POWYS ON MONDAY, 13 MARCH 2017

PRESENT

Independent Member Mrs H Rhydderch-Roberts (Chair)

Independent Members: Mrs C Jackson, Mrs J Evans, Mr S Hays and Mrs S Jarman
County Councillors: K M Roberts-Jones and K S Silk

1.	MINUTES	S5-2017
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The Chair was authorised to sign the minutes of the meeting held on the 16th December 2016 as a true record subject to the following amendment:

PRESENT:

Independent (Lay) Member Mrs H Rhydderch-Roberts (Chair)

Independent (Lay) Members: Mrs C Jackson, Mrs J Evans, Mr S Hays, Mrs S Jarman

County Councillors Mrs K M Roberts-Jones, Mrs K S Silk

2.	APOLOGIES	S6-2017
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No apologies for absence were received.

3.	DECLARATIONS OF INTEREST	S7-2017
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A declaration of interest had previously been received from County Councillor P Medicott in relation to the matter to be heard at this meeting. County Councillor Medicott had not received the papers for this meeting.

4.	EXEMPT ITEMS	S8-2017
6.	EXEMPT ITEMS	S10-2017

The Clerk Mrs Patterson left the meeting before the following items were considered due to a potential conflict of interest raised with the Committee by Councillor A Davies.

The Committee considered the matter of whether the public should be excluded from the Hearing. The Public Services Ombudsman for Wales (PSOW) advised that whilst there is a presumption that such cases would be heard in public it was acknowledged that there was information within the transcripts that was of a personal nature and the transcripts also referred to a third party Councillor. The PSOW would not oppose any decision of the Committee to hold the Hearing in confidence.

RESOLVED that the press and public be excluded from the meeting under Section 100A(4) of the Local Government Act 1972 (as amended) for the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 13 of Part 4 of Schedule 12A of the Act.

RESOLVED that the press and public be excluded from the meeting under Section 100 (A) 4 of the Local Government Act 1972 (as amended) on the grounds that it involves information which is subject to any obligations of confidentiality and that it applies to the deliberations of a Standards Committee established under the provisions of Part 3 of the Local Government 2000 in reaching any finding on a matter referred to it as defined in paragraphs 18 (a) and 18 (c).

5.	CONSIDERATION OF REPRESENTATIONS AND FINAL DETERMINATION OF A REPORT PREPARED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES UNDER SECTION 71 (2) OF THE LOCAL GOVERNMENT ACT 2000 (REF 201504317)	S9-2017
7.	DELIBERATIONS	S11-2017

The Committee consider a report of the Public Services Ombudsman for Wales (the Ombudsman) regarding a self-referral of a potential breach of the Code of Conduct for Members of Powys Council by County Councillor Aled Davies, which had been referred to the Standards Committee by the Ombudsman under Section 71 (2) of the Local Government Act 2000 for determination.

County Councillor Aled Davies represented himself at the Hearing and requested one witness attend.

The Investigating Officer from the Ombudsman's office presented the report and was invited to make representations regarding the matter.

Having taken into account representations from Councillor Davies, the Committee found there were no disputed facts.

The Committee found that Councillor Davies' conduct amounted to a breach of paragraph 6 (1) (a) of the Code of Conduct (bringing your office or the authority into disrepute) by virtue of criminal proceedings against him in October 2015 under the Cattle Identification Wales (Regulations) 2007 (failing to maintain accurate cattle records) and Animal By-Products (Wales) Regulations 2014 (failing to dispose of animal carcasses), to which he pleaded guilty and received a criminal conviction.

Further, the Committee found that due to the nature and seriousness of the criminal conviction that his conduct breached the Code of Conduct. The Committee were concerned that he had continued to deny the facts and sought to unfairly blame other people.

As a result the Committee found on the evidence that he had brought the office of councillor into disrepute.

The Committee accepted the following mitigation in Councillor Davies' favour that he had a good Council record, it was the first occasion that he had been referred to the Committee and he had co-operated throughout. The Committee wanted him to be assured that his hard work and dedication to Council work had been recognised in relation to the sanction imposed.

The Committee recommended that he undertake some further training on Code of Conduct matters.

8.	DECISION	S12-2017
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The Committee accordingly decided to exercise its power under Paragraph 9 Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, as amended, to suspend Councillor Aled Davies fully from being a County Councillor for a period of 2 weeks. The period of suspension will commence on the day after the expiry of the time permitted to lodge a notice of appeal.

Mrs H Rhydderch-Roberts (Chair)

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MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON WEDNESDAY, 15 MARCH 2017

PRESENT

Independent Member Mrs H Rhydderch-Roberts (Chair)

Independent Members: Mrs C Jackson, Mrs J Evans, Mr S Hays and Mrs S Jarman,
County Councillors K M Roberts-Jones and K S Silk

1.	MINUTES	S13-2017
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The Chair was authorised to sign the minutes of the meeting held on the 16th December 2016 subject to the following amendments:

PRESENT:

Independent (Lay) Member Mrs H Rhydderch-Roberts (Chair)

Independent (Lay) Members: Mrs C Jackson, Mrs S Evans, Mr S Hays and Mrs S Jarman

County Councillors: Mrs K Roberts-Jones, Mrs K Silk.

2.	APOLOGIES	S14-2017
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No apologies for absence were received.

3.	DECLARATIONS OF INTEREST	S15-2017
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A declaration of interest had been received from County Councillor P Medicott ahead of the meeting. Councillor Medicott is currently an Independent Member of the Council but has applied to be a candidate for the Welsh Conservative Party at the next local elections in May 2017. This is the same political group as the Member to which this meeting relates.

County Councillor G Williams who had attended the meeting on 16th December 2016 regarding this matter had, in the meantime, resigned as a Member of the Standards Committee.

4.	EXEMPT ITEMS	S16-2017
6.	EXEMPT ITEMS	S18-2017

The Committee considered the matter of whether the public should be excluded from the Hearing. The Public Services Ombudsman for Wales (PSOW) advised that whilst there is a presumption that such cases would be heard in public it was acknowledged that there was information within the transcripts that was of a personal nature and the transcripts also referred to a third party Councillor. The PSOW would not oppose any decision of the Committee to hold the Hearing in confidence.

RESOLVED that the press and public be excluded from the meeting under Section 100A(4) of the Local Government Act 1972 (as amended) for the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 13 of Part 4 of Schedule 12A of the Act.

RESOLVED that the press and public be excluded from the meeting under Section 100 (A) 4 of the Local Government Act 1972 (as amended) on the grounds that it involves information which is subject to any obligations of confidentiality and that it applies to the deliberations of a Standards Committee established under the provisions of Part 3 of the Local Government 2000 in reaching any finding on a matter referred to it as defined in paragraphs 18 (a) and 18 (c).

5.	CONSIDERATION OF REPRESENTATIONS AND FINAL DETERMINATION OF A REPORT PREPARED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES UNDER SECTION 71 (2) OF THE LOCAL GOVERNMENT ACT 2000 (REF 201504433)	S17-2017
7.	DELIBERATIONS	S19-2017

The Committee received a report by the Public Services Ombudsman for Wales (the Ombudsman) regarding a self-referral of a potential breach of the Code of Conduct for Members of Powys County Council made by County Councillor Gwynfor Thomas which had been referred to the Standards Committee by the Ombudsman under Section 71 (2) of the Local Government Act 2000 for determination.

County Councillor Thomas did not attend the Hearing and was not represented. The Standards Committee decided under regulation 8 (4) (a) of the Local Government Investigations (Functions of Monitoring Officer and Standards Committee) (Wales) Regulations 2001 to proceed in the absence of Councillor Thomas.

The Investigating Officer from the Ombudsman's office presented the report and was invited to make representations regarding the matter.

The Committee found that County Councillor Thomas' conduct amounted to a breach of paragraph 6 (1) (a) of the Code of Conduct (bringing your office or the authority into disrepute) by virtue of criminal proceedings against him in October 2015 under the Cattle Identification Wales (Regulations) 2007 (failing to maintain accurate cattle records), to which he pleaded guilty and received a criminal conviction.

The Committee were concerned that the serious nature of his conviction warranted a community service and that he had continued to be Chair of a Scrutiny Committee despite the investigation of him by the Department to which he was responsible for scrutinising. The Committee were also concerned that he had continued to deny the facts, despite this being a self-referral.

The Committee accepted the following mitigation in his favour (made on his behalf by both the Ombudsman and the Deputy Monitoring Officer in his absence) that there was no dishonesty or deception in his conviction (it was accepted that the charges did not relate to fraud), it was the first occasion that he had been referred to the Committee and he had co-operated with the Ombudsman and he had resigned from Chair of Place Committee (albeit in

response to the emergency notice of motion). Finally, the Committee were sympathetic to the information contained within the Ombudsman report in relation to previous health issues.

The Committee also recommended that Councillor Thomas undertake further training on Code of Conduct matters.

8.	DECISION	S20-2017
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The Committee accordingly decided to exercise its power under Paragraph 9 Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, as amended, to suspend Councillor Gwynfor Thomas fully from being a County Councillor for a period of 4 weeks. The period of his suspension will commence on the day after the expiry of the time permitted to lodge a notice of appeal.

Mrs H Rhydderch-Roberts (Chair)

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MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON FRIDAY, 26 MAY 2017

PRESENT:

Independent Member Mrs C Jackson (Chair)
Independent Members Mrs J Evans, Mr S Hays, Mrs S Jarman
County Councillor K Silk

1.	MINUTES
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The Chair was authorised to sign the minutes of the meetings held on the 16th August 2016 and 2nd November 2016 as a correct record.

2.	APOLOGIES
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No apologies for absence were received. It was noted that two newly appointed Members of the Standards Committee were unable to take part in this meeting as they had not been Members of the Standards Committee when the matter was originally heard on 2nd November 2016.

3.	DECLARATIONS OF INTEREST
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No declarations of interest were received. It was noted that Councillor K Roberts-Jones had not been invited to take part in this meeting as she had previously declared an interest in the matter before the meeting.

4.	LOCAL GOVERNMENT ACT 2000 - APPEAL AGAINST THE DECISION OF THE STANDARDS COMMITTEE
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The Report of the Deputy Monitoring Officer and enclosures were submitted.

The Chair noted that Councillor Price had been invited to attend the meeting on 26th May 2017 but had indicated that unfortunately he was unable to make that date. Members requested details of the correspondence between the Deputy Monitoring Officer and Councillor Price regarding the date of this meeting. The following correspondence was considered:

- Email dated 16.03.17, Email dated 30.03.17, Letter dated 27.03.17, Email dated 31.03.17, Email dated 11.05.17, Email dated 15.05.17, Email dated 16.05.17.

Further, as requested email dated 22.05.17 asking if he wished to make any written representations to place before the Committee on the 26th May 2017. No response was received.

The Committee referred to Section 18.4.14.3 of the Constitution which stated that on receipt of a referral back to the Standards Committee from the Adjudication Panel for Wales '*the Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation*'.

The Committee unanimously agreed to continue with the Hearing in the absence of Councillor Price on the grounds that Councillor Price had not indicated a reason for his being unable to attend or requested the meeting be held on a different date.

The Deputy Monitoring Officer presented her report. She explained that the purpose of this meeting was to consider the recommendation of the Adjudication Panel for Wales that the sanction for Councillor Price for breaching the Code of Conduct be reduced from the 5 months that had been determined by the Standards Committee on 2nd November 2016 to 3 months.

She advised that the findings of fact as set out in the APW report were now settled and could not be revisited and drew attention to the aggravating and mitigating factors outlined in pages 9 and 10 of the report.

Members asked if the Councillors Kath Roberts-Jones and Michael Williams had received a written apology as indicated by Councillor Gary Price during the APW Appeal Hearing. The Deputy Monitoring Officer advised that both Councillor Roberts-Jones and Williams had confirmed that they had received no written apology from Councillor Price as outlined in the APW report.

Members asked if there was a right of appeal after the determination to be made at this meeting. It was confirmed that there was a right of appeal to the High Court to seek judicial review which related solely to matters regarding process. Neither courses of action would stop the suspension from commencing on the 27th May 2017.

The Committee retired to consider the matter at 10.20.

The Deputy Monitoring Officer was asked to provide advice on the mitigating factors outlined in the APW report including, in relation to the letters of apology, what was meant by 'when the proceedings are concluded' (section 6.1 of the APW report).

The Committee returned at 11.40.

The Committee determined as follows:

- 1. To follow the recommendations of the APW decision report dated 17th March at paragraph 6.3.2 and suspend Councillor Price for a period of 3 months.**
- 2. The suspension to commence on 27th May 2017 and cease after 26th August 2017.**
- 3. At this stage in the proceedings there is no right of appeal against the decision of the Standards Committee except to the High Court by way of judicial review.**

- 4. The Standards Committee's reasons for endorsing the recommendation of the Tribunal includes those given in paragraph 6.3 of the APW decision report.**
- 5. Due to Councillor Prices' failure to attend or communicate with the Standards Committee during their proceedings on the 2nd November 2016 the Standards Committee had been unable to take into account the mitigation proffered to the APW in particular:**
 - a. That Councillor Price very much regretted the steps he had taken**
 - b. That there was some recognition by Councillor Price that his actions had caused upset and that the APW panel had noted his laudable intention to send a written apology to Councillor Williams and Councillor Roberts-Jones**
 - c. That Councillor Price had co-operated with the investigation and the APW proceedings**

The Standards Committee are of the opinion that the letters of apology are a key piece of mitigation and note Councillor Price's intention to send the letters of apology on the conclusion of these proceedings that being the meeting today.

The meeting closed at 11.55.

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CYNGOR SIR POWYS COUNTY COUNCIL.

Standards Committee

28th June 2017

REPORT BY: Solicitor to the Council

SUBJECT: Standards Issues

REPORT FOR: Decision, Information and Discussion

A. General Standards Issues for County Councillors and Co-opted Members

A1 Code of Conduct Training

Code of Conduct training was held on the 16th May 2017. Four County Councillors and one Independent Member were unable to attend the training (one County Councillor was on other Council business). A further date will be arranged for these Members.

B. Referral of Councillors to Public Services Ombudsman

B1. County Councillor Referrals

B1.1 The current position regarding existing matters with the Ombudsman is as follows:

6/15/CC	Referred back to the Standards Committee	}
8/15/CC	Referred to the Standards Committee	}see below
9/15//CC	Referred to the Standards Committee	}
04/16/CC	Ombudsman investigating	
09/CC/2016	Investigated – no evidence of failure to comply	
10/CC/2016	Investigated – no evidence of failure to comply	
15/CC/2016	Investigated – no evidence of failure to comply	
16/CC/2016	Investigated – no evidence of failure to comply	
17/CC/2016	Investigated – no evidence of failure to comply	
01/CC/2017	Ombudsman decided not to investigate	
02/CC/2017	Ombudsman decided not to investigate – complainant submitted a request for a review of that decision	
03/CC/2017	Complaint received – Ombudsman decided not to investigate	

6/15/CC – County Councillor Gary Price

This case was referred by the Ombudsman to the Standards Committee who heard the matter on 2nd November 2016 determining that a breach had occurred and a suspension of 5 months was imposed. Councillor Price appealed and the Adjudication Panel for Wales held an appeal hearing where it was determined that Councillor Price had breached the Code of Conduct and recommended that the suspension should be for three months. The

Standards Committee held an appeal review hearing and determined that the three month suspension should be imposed. The suspension runs from 27th May 2017 to 26th August 2017.

A copy of the report of the Standards Committee of 26th May 2017 is attached at **Appendix A**.

8/15/CC – County Councillor Aled Davies

This case was referred by the Ombudsman to the Standards Committee who heard the matter on 13th March 2017 determining that a breach of the Code of Conduct had occurred and imposing a suspension of 2 weeks. This decision was not appealed and the suspension ran from 11th April 2017 to 25th April 2017.

A copy of the report of the Standards Committee of 13th March 2017 is attached at **Appendix B**.

9/15/CC – County Councillor Gwynfor Thomas

This case was referred by the Ombudsman to the Standards Committee who heard the matter on 15th March 2017 determining that a breach of the Code of Conduct had occurred and imposing a suspension of 4 weeks. This decision was not appealed and the suspension ran from 19th April 2017 to 8th May 2017 when the term of office came to an end.

A copy of the report of the Standards Committee of 15th March 2017 is attached at **Appendix C**.

C. Other Standards Issues

Standards Conference.

The next Standards Conference is due to be held in Spring 2018. The date and venue of the Conference are to be confirmed.

D Dispensations

D1. General Dispensations

During the previous lifetime of the Council a number of general dispensations were granted for ongoing or single issues. These dispensations ceased at the end of the term of the last Council and the Committee need to consider the approval of dispensations for the current term of office. A report on general dispensations is attached at **Appendix D**.

D2. Applications - County Councillors

No applications for dispensation have been received from County Councillors.

F Ombudsman's Casebook

The Ombudsman has published Code of Conduct Casebooks for the following periods:

- October 2016 – December 2016
- January 2017 – March 2017

A copy of these Casebooks are attached at **Appendix E**.

Back copies of the casebooks can be accessed from the website of the Public Services Ombudsman for Wales at:

<http://www.ombudsman-wales.org.uk/en/publications/The-Code-of-Conduct-Casebook.aspx>

G Late payment of expenses

One claim for late payment of expenses has been received from County Councillor Sarah Williams for travel claims. A copy of the claim will be circulated at the meeting.

H Appointment of Independent Member

A report on the process for the appointment of the Independent Member to replace Mrs S Jarman who is coming to the end of her term of office was taken to the Annual Meeting of County Council on the 18th May 2017 and approved. A copy of the report and appendices are attached at **Appendix F**.

The Committee is requested to nominate Members to sit on the interview panel.

I. Meeting Dates

To note dates of future meetings as follows:

Wednesday 4th October 2017 10.00 Standards Committee

Contact Officer Name:	Tel:	Fax:	Email:
<i>Clive Pinney – Solicitor to the Council</i>	01597 826746	01597 826220	clive.pinney@powys.gov.uk

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

**IN THE MATTER OF COUNCILLOR GARY PRICE,
A MEMBER OF POWYS COUNTY COUNCIL**

APPEAL REVIEW HEARING

**POWYS COUNTY COUNCIL'S STANDARDS COMMITTEE
26TH MAY 2017**

1. Having considered a Report of the Deputy Monitoring Officer, together with its enclosures including the Public Services Ombudsman for Wales Report, the original determination from the Standards Committee and the Adjudication Panel for Wales Decision Report (all of which can be accessed from the agenda for the Standards Committee meeting of 26th May 2017 at powys.gov.uk) the Standards Committee determined that County Councillor Gary Price be suspended from being a member of Powys County Council for a period of 3 months.
2. The suspension begins on the 27th May 2017 and ends on the 26th August 2017.
3. At this stage in the proceedings there is no right of appeal against the decision of the Standards Committee except to the High Court by way of judicial review.
4. The Standards Committee's endorsed the recommendation of the Tribunal, namely those matters referred to in paragraph 6.3 of the Tribunal's report which may be viewed at:

<http://apw.gov.wales/decision/appeals-decisions/appeal-decision-apr16-mar17/cllr-gary-price/?lang=en>
5. The Standards Committee also noted that due to Councillor Prices' failure to attend or communicate with the Standards Committee during their proceedings on the 2nd November 2016 the Standards Committee had been unable to take into account the mitigation proffered to the APW, in particular:
 - a. That Councillor Price very much regretted the steps he had taken
 - b. That there was some recognition by Councillor Price that his actions had caused upset and that the APW panel had noted his laudable intention to send a written apology to Councillor Williams and Councillor Roberts-Jones
 - c. That Councillor Price had co-operated with the investigation and the APW proceedings
6. The Standards Committee placed significant weight to the letters of apology being a key piece of mitigation and note Councillor Price's intention to send the letters of apology on the conclusion of these proceedings that being the meeting today
7. During Councillor Price's three month suspension he will not be able to take part in any form of business of the Authority. The Member will not have access to the Council's facilities, including emails, buildings and contact with officers, in his role as a member. Furthermore, the Member is unable to undertake any duties on outside bodies to which he has been appointed by the Council (including School Governing Bodies).

Claire Jackson
Vice-Chair of the Standards Committee

Dated 9th June 2017

**IN THE MATTER OF COUNCILLOR ALED WYN DAVIES,
A MEMBER OF POWYS COUNTY COUNCIL**

STANDARDS COMMITTEE HEARING

**POWYS COUNTY COUNCIL'S STANDARDS COMMITTEE
13th MARCH 2017**

1. Having considered a Report of the Deputy Monitoring Officer, together with its enclosures including hearing written and oral submissions from the Ombudsman and Councillor Aled Davies in respect of the findings of the investigation and any allegation that Councillor Aled Davies had failed or may have failed to comply with the Code of Conduct contained in the report of the Public Services Ombudsman for Wales (PSOW) undertaken under Section 69 of the Local Government Act 2000, the Committee made a final determination.
2. In accordance with Part III of the Local Government Act 2000, the Council has adopted a Code of Conduct for Members, which is contained within the Council's Constitution, at Section 18. Councillor Aled Davies has signed an undertaking to abide by this Code of Conduct. Section 18 of the Constitution also sets out the procedure for dealing with allegations made against Councillors and referred (by the PSOW) to the Standards Committee.
3. The purpose of the Ombudsman investigation is to decide whether there has been a breach of the Code of Conduct and if so to refer back to the Standards Committee for determination and if deemed necessary, to impose a sanction.
4. The Ombudsman's investigation report, dated the 31st of October 2016 was considered at the first meeting of the Standards Committee on the 16th of December 2016, and in accordance with Section 18.4.5.1 of the Constitution, they determined that; *the Member should be given the opportunity to make representations either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.* (Section 18.4.6.4(b)). Accordingly, a Hearing was arranged on the 13th of March 2017.
5. At the Standards Committee Hearing on the 13th of March 2017, the Standards Committee heard representations from the Ombudsman's Investigating Officer, a witness (called by the Member) and the Member. The Standards Committee concluded that the Member had breached the County Council's Code of Conduct for Members, namely paragraph 6(1)(a) by bringing your office or Authority into disrepute.
6. The Committee concluded that there were no disputed facts (as outlined in the Ombudsman's Investigation Report) and that the Member's conduct amounted to a breach of the Code of Conduct by virtue of criminal proceedings against the Member in October 2015 under the Cattle Identification (Wales) Regulations 2007 (failing to maintain accurate cattle records) and Animal By-Products (Wales) Regulations 2014 (failing to dispose of animal carcasses), for which the Member pleaded guilty and received a criminal conviction.
7. The Committee were concerned that the Member had continued to deny the facts and sought to unfairly blame others.

8. The Committee heard mitigation from the Member and accepted that the Member had a good Council record, it was the first occasion he had been before the Standards Committee and the Member had co-operated throughout. The Committee recognised the Members hard work and dedication to the Council.
9. Accordingly, the Committee found that due to the nature and seriousness of the criminal conviction that Councillor Aled Davies's conduct had breached the Code of Conduct and brought his office and Authority into disrepute. The Committee imposed a full suspension upon Councillor Aled Davies as a member of Powys County Council for 2 weeks.
10. This suspension begins on the 11th of April 2017 and ceases after the 25th of April 2017.
11. At this stage in the proceedings there is no right of appeal against the decision of the Standards Committee, as the 21 day appeal period expired on the 10th April 2017.
12. It was also recommended that Councillor Davies undertake additional training on the Council's Code of Conduct.
13. During Councillor Davies's 2 week suspension he will not be able to take part in any form of business of the Authority. The Member will not have access to the Council's facilities, including emails, buildings and contact with officers, in his role as a member. Furthermore, the Member is unable to undertake any duties on outside bodies to which he has been appointed by the Council (including School Governing Bodies).

Helen Rhydderch-Roberts
Chair of the Standards Committee

Dated 11th April 2017

**IN THE MATTER OF COUNCILLOR GWYNFOR THOMAS,
A MEMBER OF POWYS COUNTY COUNCIL**

STANDARDS COMMITTEE HEARING

**POWYS COUNTY COUNCIL'S STANDARDS COMMITTEE
15th MARCH 2017**

1. Having considered a Report of the Deputy Monitoring Officer, together with its enclosures including hearing submissions from the Ombudsman and Councillor Gwynfor Thomas not being in attendance in respect of the findings of the investigation and any allegation that Councillor Gwynfor Thomas had failed or may have failed to comply with the Code of Conduct contained in the report of the Public Services Ombudsman for Wales (PSOW) undertaken under Section 69 of the Local Government Act 2000, the Committee made a final determination.
2. The Standards Committee carefully considered whether to proceed in Councillor Thomas's absence, and concluded (having heard evidence provided in an email dated the 10th of March 2017 from the member to the Deputy Monitoring Officer) that they would proceed with the hearing, pursuant to Rule 18.4.11.2 of the Constitution.
3. In accordance with Part III of the Local Government Act 2000, the Council has adopted a Code of Conduct for Members, which is contained within the Councils Constitution, at Section 18. Councillor Gwynfor Thomas has signed an undertaking to abide by this Code of Conduct. Section 18 of the Constitution also sets out the procedure for dealing with allegations made against Councillors and referred (by the PSOW) to the Standards Committee.
4. The purpose of the Ombudsman investigation is to decide whether there has been a breach of the Code of Conduct and if so to refer back to the Standards Committee for determination and if deemed necessary, to impose a sanction.
5. The Ombudsman's investigation report, dated the 24th of October 2016 was considered at the first meeting of the Standards Committee on the 16th of December 2016, and in accordance with Section 18.4.5.1 of the Constitution, they determined that; *the Member should be given the opportunity to make representations either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.* (Section 18.4.6.4(b)). Accordingly, a Hearing was arranged on the 15th of March 2017.
6. At the Standards Committee Hearing on the 15th of March 2017, the Standards Committee heard representations from the Ombudsman's Investigating Officer. In light of the Member's absence, the Committee were provided with information contained within various emails provided to the Deputy Monitoring Officer from Councillor Thomas. The Standards Committee concluded that the Member had breached the County Council's Code of Conduct for Members, namely paragraph 6(1)(a) by bringing your office or Authority into disrepute.
7. The Committee concluded that there were no disputed facts (as outlined in the Ombudsman's Investigation Report) and that the Member's conduct amounted to a breach of the Code of Conduct by virtue of criminal proceedings against the Member in

October 2015 under the Cattle Identification Wales (Regulations) 2007 (failing to maintain accurate cattle records) for which the Member pleaded guilty and received a criminal conviction.

8. Accordingly, the Committee found that, due to the nature and seriousness of the criminal conviction, Councillor Gwynfor Thomas's conduct had breached the Code of Conduct and brought his office and Authority into disrepute. Further, they were concerned that the serious nature of his conviction warranted a community penalty and that Councillor Thomas continued to be Chair of Place Scrutiny Committee despite the investigation of him by the department which he was responsible for scrutinising. The Committee were also concerned that the Member had continued to deny the facts, despite this being a self-referral. The Committee imposed a full suspension upon Councillor Gwynfor Thomas as a member of Powys County Council for 4 weeks.
9. The Committee considered mitigation (provided by the Ombudsman and the Deputy Monitoring Officer) that there was no dishonesty or deception in his conviction, it was the first occasion he had been before the Standards Committee and the Member had co-operated with the Ombudsman.
10. This suspension begins on the 19th of April 2017 and ceases on the 8th May 2017, that being the end of term of office.
11. At this stage in the proceedings there is no right of appeal against the decision of the Standards Committee, as the 21 day appeal period expired on the 18th April 2017.
12. It was also recommended that Councillor Thomas undertake additional training on the Council's Code of Conduct.
13. During Councillor Thomas's 4 week suspension he will not be able to take part in any form of business of the Authority. The Member will not have access to the Council's facilities, including emails, buildings and contact with officers, in his role as a member. Furthermore, the Member is unable to undertake any duties on outside bodies to which he has been appointed by the Council (including School Governing Bodies).

Helen Rhydderch-Roberts
Chair of the Standards Committee

Dated 19th April 2017

The Code of Conduct Casebook

Issue 11 January 2017

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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 defence 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 2016.

Case summaries

No evidence of breach

Monmouthshire County Council – Promotion of equality and respect

Case Number 201602663 – Report issued in November 2016

The Ombudsman received a complaint that during a debate condemning hate crime at a Council meeting on 28 July 2016, a member of Monmouthshire County Council (“the Councillor”) spoke to defend and justify racially offensive language when, in his view, it was used without malice. Furthermore, the Councillor used examples of such language during his speech and caused offence.

The investigation found that Members have a duty to consider any motion proposed, subjecting it to critical analysis and scrutiny. The extent to which that function is exercised should not be restricted by the nature of the motion in question, no matter how sensitive, and the enforcement of such a restriction would unjustifiably affect a member’s freedom of expression.

The Ombudsman found that during his address, the Councillor stated that he supported the motion but requested a definition of the term hate crime. At no point did the Councillor suggest that racism, xenophobia or hate crime should be tolerated. The Ombudsman also found that whilst the Councillor’s examples were clumsily worded, there was no evidence that he used overtly racist, xenophobic or hateful language, nor were his comments directed at one person or a group of people.

The Ombudsman found that there was no breach of the Code of Conduct.

No action necessary

Tywyn Town Council – Disclosure and registration of interests

Case Number 201600999 – Report issued in November 2016

A complaint was made that Former Councillor X failed to declare a personal and prejudicial interest at a meeting of the Ynysymangwyn Caravan Park Committee on 16 March 2016. Former Councillor X's interest arose as the owner of a nearby caravan park.

On 10 February, the Monitoring Officer had advised the Former Councillor that he had a prejudicial interest in this Committee. The Former Councillor subsequently applied for a dispensation from the Council's Standards Committee to attend these meetings, which was rejected.

The Ombudsman invited the Former Councillor for interview, but on 4 October he tendered his resignation as a Councillor. The Ombudsman considered that the Former Councillor's conduct may have breached elements of the Code in relation to having regard to advice given by the Monitoring Officer; having a personal interest at meetings; declaring a personal interest and withdrawing from the meeting. However, in view of Former Councillor X's resignation, no further action was required.

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

More information

We value any comments or feedback you may have regarding The Code of Conduct Casebook. We would also be happy to answer any queries you may have regarding its contents. Any such correspondence can be emailed to Matthew.Aplin@ombudsman-wales.org.uk or Lucy.John@ombudsman-wales.org.uk or sent to the following address:

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Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

The Code of Conduct Casebook

Issue 12 April 2017

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Introduction

Overall I am pleased that my office received 14% less code complaints this year than in 2015/16. I believe this is due to the introduction of local resolution for county councils (low level councillor against councillor complaints being referred to the Monitoring Officer in the first instance) finally having an impact. There is also some evidence over the last 12 months of this approach being adopted by town and community councils who are attempting some form of informal resolution stage before cases are referred to my office.

Outcome	2016/17	2015/16
Closed after initial consideration	184	213
Complaint withdrawn	20	15
Investigation discontinued	10	10
Investigation completed: No evidence of breach	12	11
Investigation completed: No action necessary	16	10
Investigation completed: Refer to Standards Committee	5	3
Investigation completed: Refer to Adjudication Panel	1	3
Total Outcomes – Code of Conduct complaints	248	265

Out of the cases that I have seen, only six were referred either to the Standards Committee or the Adjudication Panel for Wales. This clearly shows that only the most appropriate cases are being referred, and demonstrates that the consideration of the public interest test continues to be an effective means of using 'common sense for common good'.

Despite a decrease in the overall number of code complaints received by my office, the number taken to full investigation has marginally risen. However this is balanced by the increase in the number of cases that have been discontinued or where no action is necessary - further evidence of the effectiveness of the public interest test at all stages of the investigation process.

Other changes this year include the issuing of updated Code of Conduct guidance for councillors based on changes to the Model Code of Conduct made in April 2016 and the establishing of a Code Advisory Group which has proactive oversight of the management of code of conduct complaints. This has led to a 19% increase in cases taking less than six months for a decision to be taken. I am pleased with this positive step forward which means that both complainants and accused members are receiving a timely outcome, helping to relieve the stress and inconvenience that an investigation can cause.

Overall I am encouraged that we are starting to see movements towards councils taking more ownership of low level complaints and attempting to resolve these on a local level, meaning that my office's time and resources are being used for only the more serious cases. I anticipate that this will continue to be something we will focus on and encourage going forward. However whilst I am fully supportive of this approach, it is still important that the more serious allegations of breach of the Code of Conduct are brought to me for investigation and, where appropriate, referred to the Standards Committee or Adjudication Panel for Wales remembering that the authority to make a determination of breach and/or sanction rests solely with them.

I hope that by continuing to work collaboratively over the coming year we can improve standards in public life, whilst building public confidence and promoting good governance in our democratic institutions.



Nick Bennett
Ombudsman

Case summaries

No evidence of breach

Powys County Council – Disclosure and registration of interests

Case Number 201506050 - Report issued in February 2017

The Ombudsman considered a complaint that a member of Powys County Council (“the Councillor”) breached the Code of Conduct for members when he approached another member in the Council’s Members’ Lounge on 25 January 2016 to discuss matters in which he may have had a personal and prejudicial interest.

Both members recalled a different version of events and, as there were no other witnesses to the conversation, it was impossible to reconcile the different accounts. In view of this, it was not considered in the public interest to pursue the matter further. The Ombudsman was that there was no evidence that the

Councillor failed to comply with the Code of Conduct.

Llangefni Town Council – Promotion of Equality and Respect

Case Number 201603639 - Report issued in March 2017

Councillor A complained that Councillor B of Llangefni Town Council might have breached the Code of Conduct due to her conduct towards the Clerk to the Council.

The Ombudsman investigated whether Councillor B had breached parts of the Code which concern respect and consideration, bullying and harassment, and disrepute.

The Ombudsman found that there was no evidence to suggest that Councillor B had breached the Code in relation to two elements of the complaint. He found that no action needed to be taken in respect of one element of the complaint.

Rhondda Cynon Taf County Borough Council - Promotion of Equality and Respect

Case Number 201604869 - Report issued in March 2017

Mr A alleged that Councillor X of Rhondda Cynon Taf County Borough Council (“the Council”) breached the Code of Conduct for members by improperly using his influence as a Councillor to direct the Council’s Highways and Streetcare Services to clear an overgrown lane to the rear of Mr A’s property. Mr A alleged that Councillor X’s decision to involve Streetcare Services was taken in the pursuit of a personal vendetta against him. As such, Councillor X knowingly misused Council resources for private, vexatious purposes. The Council’s Streetcare Supervisor was interviewed and information was obtained from the Council in regard to a complaint response letter it issued to Mr A about Councillor X’s conduct. The Council’s letter stated that its investigation had established that Councillor X had applied inappropriate pressure on the Streetcare Team to carry out the work.

The Ombudsman found that, contrary to what was stated in the Council’s letter to Mr A, there was no evidence to suggest that Councillor X exerted any undue influence on the Council’s Streetcare team to carry out this work. The Ombudsman also found that there was no suggestion that Councillor X had

acted improperly was not based on any formal investigation or on any evidence of improper conduct provided by the Streetcare Team. The Ombudsman found, therefore, that there was no evidence of a breach of the Code.

No action necessary

Conwy County Borough Council – Objectivity and propriety Case Number 201602422 - Report issued in February 2017

During the course of another investigation, it came to light that a member of Conwy County Borough Council (“the Councillor”) had disclosed an email, which contained sensitive and personal information about the author, to another Councillor and to a member of the public. The Ombudsman decided to investigate the matter.

During the investigation the author of the email was interviewed and expressed that she had not intended the email to be shared. The member the public with whom the email was disclosed was also interviewed and confirmed he had received the email from the Councillor and, with his permission, passed it to another Councillor. The Councillor confirmed that he had shared the email but said that he did so because he was concerned for the welfare of the author and was not sure how best to approach it. The Councillor apologised for not considering whether the personal data should have been protected but said he was under considerable stress at the time of the events.

The investigation found that the evidence was suggestive of a breach of the Code of Conduct. However, given that, to some extent, the Councillor acted out of concern for the author of the email, the stress that he was under at the time of the events and the apology made for his actions, it would not be in the public interest to take any further action on this occasion.

Aberystwyth Town Council – Promotion of equality and respect Case Number 201504876 - Report issued in February 2017

Mr A complained that Councillor X of Aberystwyth Town Council (“the Council”) had breached the Code of Conduct for members (“the Code”) by telling a member of the public about Mr A’s suspension. The Ombudsman investigated whether Councillor X had breached those parts of the Code which concern respect and consideration, the disclosure of confidential information and disrepute.

Information was obtained from the Council, Ceredigion County Council and another public body. Mr A, four other witnesses and Councillor X were interviewed. Councillor X admitted that he had told a member of the public about Mr A’s suspension.

The Ombudsman found that there was evidence to suggest that Councillor X had breached the Code by not showing respect and consideration for others, disclosing confidential information and bringing his office as a member and the Council into disrepute. However, he determined that it was not in the public interest to pursue this matter and that no further action was required.

Prestatyn Town Council – Disclosure and registration of interests Case Number 201605412 - Report issued in February 2017

The Ombudsman considered a complaint that a member of Prestatyn Town Council (“the Councillor”) breached the Code of Conduct for elected members by failing to disclose a personal and prejudicial interest at two meetings in relation to a planning application.

The Ombudsman found that the Councillor had a personal and prejudicial interest in the application as the

proposed development was likely to impact upon access to his business. There was no evidence that the Councillor declared an interest in any of the meetings. He aired his concerns relating to access/egress to his business during the second meeting.

In deciding on the appropriate finding, the Ombudsman considered the impact of the Councillor's actions. He was not persuaded that the Councillor sought to influence a decision by his actions. He also noted that the Town Council was merely considering whether to submit observations on the application. It was not deciding whether the application should be approved. It was therefore the Ombudsman's view that the Councillor's actions were of limited consequence and it was not in the public interest to pursue the matter further.

Under section 69(4)(b) of the Local Government Act 2000, the Ombudsman's finding was that no action needed to be taken in respect of the matters investigated. However, the Councillor was advised to reflect upon his actions and to attend training on the Code of Conduct.

Mumbles Community Council - Disclosure and registration of interests Case Numbers 201602616 - Report issued in March 2017

Mr A complained that Councillor X as a member of a charitable organisation breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor X may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman took into consideration that, whilst Councillor X's membership of the charitable organisation gave rise to a personal interest, their membership alone did not give rise to a prejudicial interest.

It was established that Councillor X held no position of authority at the charitable organisation. The Ombudsman therefore did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Mumbles Community Council - Disclosure and registration of interests Case Numbers 201602617 - Report issued in March 2017

Mr A complained that Councillor H, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor H may have used or attempted to use their position

improperly to confer on or secure for themselves or another person an advantage by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman considered that Councillor H's position within the charitable organisation gave rise to both a personal and prejudicial interest.

It was established that Councillor H held an elevated position within the charitable organisation. The Ombudsman did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interests, and they have since apologised and retrospectively declared any such interests. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated

Mumbles Community Council - Disclosure of interests

Case Number 201602618 - Report issued in March 2017

Mr A complained that Councillor F, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor F may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman considered that, Councillor F's position within the charitable organisation, gave rise to both a personal and prejudicial interest.

It was established that Councillor F held an elevated position within the charitable organisation. The Ombudsman did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interests and they have since accepted that they do have an interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Mumbles Community Council - Disclosure of interests

Case Number 201602619 – Report issued in March 2017

Mr A complained that Councillor Z, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor Z may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage, by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman took into consideration that, whilst Councillor Z's membership of the charitable organisation gave rise to a personal interest, their membership alone did not give rise to a prejudicial interest.

It was established that Councillor Z held no position of authority at the charitable organisation. The Ombudsman therefore did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Mumbles Community Council - Disclosure of interests Case Number 201602620 – Report issued in March 2017

Mr A complained that Councillor M, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor M may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage, by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman took into consideration that, whilst Councillor M's membership of the charitable organisation gave rise to a personal interest, their membership alone did not give rise to a prejudicial interest.

It was established that Councillor M held no position of authority at the charitable organisation. The Ombudsman therefore did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Mumbles Community Council – Disclosure of interests Case Number 201602621 - Report issued in March 2017

Mr A complained that Councillor G, as a member of a charitable organisation, breached the Code of Conduct for members ("the Code") by failing to disclose a personal and prejudicial interest when invoices from that organisation relating to storage costs were presented to the Council for payment. The Ombudsman investigated the complaint.

The Ombudsman also considered whether Councillor G may have used or attempted to use their position improperly to confer on or secure for themselves or another person an advantage by failing to declare their interest.

The Ombudsman found no evidence that the member obtained an advantage for themselves or the charitable organisation. The Ombudsman took into consideration that, whilst Councillor G's membership of

the charitable organisation gave rise to a personal interest, their membership alone did not give rise to a prejudicial interest.

It was established that Councillor G held no position of authority at the charitable organisation. The Ombudsman therefore did not consider it to be in the public interest to pursue the matter any further, because there was no personal gain for the member in failing to declare their interest. Accordingly, the Ombudsman's finding was that no further action needed to be taken in respect of the matters investigated.

Referred to Standards Committee

Powys County Council – Objectivity and propriety

Case Number 201501199 – Report issued in June 2016

The Ombudsman investigated a complaint that a member (“the Councillor”) of Powys Council (“the Council”) may have breached his authority’s Code of Conduct. The complaint arose in relation to correspondence he had sent which incorrectly and unfairly portrayed the content of a Grievance Appeal Hearing.

The Ombudsman found that as the Councillor had sent the correspondence in his private capacity there was no evidence he had breached the section of the Code relating to showing respect and consideration for others. However the Ombudsman found evidence that the Councillor may have broken the code by bringing his office into disrepute and he referred the matter for consideration by the Council’s Standards Committee.

On 2 November 2016, the Council’s Standards Committee found that the Councillor had breached the Code. He was suspended from being a Councillor for five months.

The Councillor appealed this decision to the Adjudication Panel for Wales (“the Panel”). On 17 March 2017, the Panel found that the Councillor had breached the Code. The Panel referred the Councillor to the Council’s Standards Committee with a recommendation that the Councillor should be suspended for a period of three months.

Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding

More information

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