

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

STANDARDS COMMITTEE

At: Committee Room 3, Civic Centre, Swansea.

On: Friday, 21 November 2014

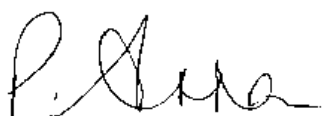
Time: 9.30 am

(NOTE:- A briefing has been arranged for 9.00a.m.)

AGENDA

Page No.

- | | | |
|----------|--|----------------|
| 1 | Apologies for Absence. | |
| 2 | Disclosures of Personal and Prejudicial Interests. | 1 - 2 |
| 3 | Minutes.
To approve as a correct record the minutes of the Standards Committee Meeting held on 10 October 2014. | 3 - 6 |
| 4 | Feedback following discussion with Chief Executive, Political Group Leaders and Chairs of Regulatory Committees and Scrutiny Programme Committee. | 7 - 18 |
| 5 | Code of Conduct Casebook (For Information). | 19 - 34 |
| 6 | Meeting with the Ombudsman to discuss his Annual Report. | |



Patrick Arran
Head of Legal, Democratic Services & Procurement
Friday 14 November 2014

Contact: Democratic Services - 636820

STANDARDS COMMITTEE (4)

Councillors

Labour Councillors: 3

J C Bayliss	Clive E Lloyd
Phil Downing	

Liberal Democrat Councillor: 1

L Graham Thomas	
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Name	Term of Office	Name	Term of Office
Jill Burgess	19.10.2012 to 18 10.2018	Clive Walton *	22.02.2005 to 21.02.2015
Meirion Howells *	01.08.2008 to 31.07.2016	Jennifer Gomes *	05.12.2008 to 04.12.2016
Adrian Novis *	22.02.2005 to 21.02.2015		

Others:

Executive	One copy
Patrick Arran	Head of Legal, Democratic Services & Procurement – Electronic
Tracey Meredith	Deputy Head of Legal, Democratic Services & Procurement
Huw Evans	Head of Democratic Services
Mike Hawes	Head of Financial Services
Janet Hooper	Directorate Lawyer
Democratic Services	1 Copy
Archives	

Total Copies Needed – 27

NOTE:

1. * Denotes that the **period of office cannot be extended further.**
2. The **term of office for Independent Members** can be for not less than 4 nor more than 6 years. They can be reappointed for one further consecutive term but that term cannot be for more than 4 years.
3. **Members of the Local Authority** who are members of the Standards Committee will have a term of office of no more than 4 years or ending at the next ordinary local government election following their election, whichever is the shorter.
4. The Standards Committee **shall not sit if the Independent Members are outnumbered by Councillors.** A Councillor shall remove him/herself from the meeting in order for the business to be transacted.

Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

Councillors

Councillors Interests are made in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

NOTE: You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
 - i) Disclose orally both the interest concerned and the existence of the dispensation; and
 - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

Officers

Financial Interests

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A “financial interest” is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STANDARDS COMMITTEE

HELD AT COMMITTEE ROOM 3 - CIVIC CENTRE ON FRIDAY, 10
OCTOBER 2014 AT 9.30 AM

PRESENT: A Novis (Chair) Presided

Councillor(s)

Councillor(s)

P Downing
C E Lloyd

L G Thomas

Independent Members:-

J Burgess
J Gomes

M Howells
C Walton

Officers:-

T Meredith - Deputy Head of Legal, Democratic Services and Procurement
H Evans - Head of Democratic Services
S Heys - Principal Lawyer
J Tinker - Democratic Services Coordinator

24 **APOLOGIES FOR ABSENCE.**

An apology for absence was received from Councillor J C Bayliss.

25 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTEREST.**

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

26 **MINUTES.**

RESOLVED that the Minutes of the Standards Committee held on 29 August 2014 be accepted as a correct record.

27 **MATTERS ARISING FROM THE MINUTES (FOR INFORMATION).**

**Minute 21 - Public Services Ombudsman for Wales
Annual Report 2013/14**

The Deputy Head of Legal, Democratic Services & Procurement stated that the Ombudsman had agreed to attend the next meeting of the Standards Committee to be held on 21 November 2014. The Committee discussed matters they would like to raise with the Ombudsman. The following issues were considered to be appropriate :-

- Indemnity Cap and 'Equality of Arms'
- Calvert Case
- The number of complaints
- Merger of Standards Committee with the Community/ Town Council Standards Sub Committee
- Declaration of Interests at meetings
- Future Plans

RESOLVED that these suggested areas of discussion be sent to Standards Members with a view to identifying further areas of discussion and that advance notification be given to the Ombudsman.

28 **MEETING WITH THE CHAIR OF THE SCRUTINY PROGRAMME COMMITTEE.**

The Chair stated that the Chair of the Scrutiny Programme Committee, Councillor A M Day had been invited to the meeting in order to give his views regarding the role of the Standards Committee and how the work undertaken by this Committee could ensure high standards of behaviour. The Chair explained that the role of the Standards Committee was both proactive and reactive. The Chair indicated that views would be sought regarding the following:-

- How you see the role of the Standards Committee?
- Your understanding of this role
- How could you help promote standards and good governance?
- How do you see the future role of the Standards Committee?
- Your views in respect of the Swansea Pledge
- Your views regarding the possible merger of the Standards Committee with the Community/ Town Council Standards Sub – Committee
- Do you think that incorporating the Community Council would/ could bring benefits?

The Chair indicated that the views of the Chief Executive, Political Group Leaders and the Chairs of Regulatory Committees had been received.

Councillor Mike Day gave a summary of the role of the Scrutiny Committee which also included an overview role and how the work of this Committee was divided into 4 key areas:-

- Holding the Executive to account
- Checking on decisions taken to Cabinet
- Using Performance Panels to look at major services
- Using Task and Finish Groups to look at specific areas

Councillor Day saw the role of The Standards Committee as providing a culture for good governance and that part of this role could be by overseeing that the Scrutiny Committee provided this. He suggested that an Annual Event take place to ensure that Scrutiny Committee fulfilled this role. He indicated that standards and good governance were promoted by ensuring that Chairs and Conveners were given appropriate training and that this was non political. Councillor Day explained that all recommendations to Cabinet followed specific guidelines in that Cabinet Members have to respond to recommendations within 3 months whether they totally, partially or disagree with recommendations. It was pointed out that the Scrutiny Programme had Independent Members as well as Councillors that also signed up to the Code of Conduct.

Councillor Day stated that Code of Conduct refresher training would be helpful and if examples of actual cases were given. He stated that in respect of the local dispute process he had no knowledge of this. Councillor Day explained that he hadn't signed the Swansea Pledge as he felt that all these areas were addressed by the code of conduct and in the pledge where it refers to 'Protecting the interests of the Council' he queried who determined this? He considered that the possible merger of the Standards Committee with the Community/ Town Council Standards Sub Committee was sensible and that this would ensure consistency.

Councillor Day also wished to raise the negative response of a Local Service Board in respect of Scrutiny and also the role of the new Cabinet Advisory Boards and his concern that there could be an overlap of work by these Boards and Scrutiny and whether the Chairs of these Cabinet Advisory Committees are distant enough from the Executive to participate in the Scrutiny process. He suggested that there could be an opportunity in future to link Standards Committee with Scrutiny providing that the roles were clearly defined and he suggested that the Standards Committee could ensure that the correct Scrutiny procedures are undertaken.

Councillor Day was thanked for his useful and informative contribution.

29 **STANDARDS COMMITTEE ANNUAL REPORT 2013/14.**

The Head of Democratic Services presented a report which set out the work of the Standards Committee and Community/ Town Councils Standards Sub – Committee between June 2013 to May 2014. The views of the Committee were sought before this report was submitted to Council on 4 November 2014.

RESOLVED that the Annual Report of the Standards Committee for 2013/2014 be approved.

30 **CODE OF CONDUCT CASEBOOK (FOR INFORMATION).**

The Code of Conduct Casebook Issue 2 for May 2014 was submitted for information.

RESOLVED that this report be noted.

The meeting ended at 10.45 a.m.

CHAIR

Report of the Monitoring Officer

Standards Committee – 21 November 2014

Feedback following discussions with the Chief Executive, Political Group Leaders, Chairs of Regulatory Committees and the Chair of the Scrutiny Programme Committee

Purpose:	<p>i) To remind the Committee of the discussions with the Chief Executive, Political Group Leaders, Chairs of the Regulatory Committees and the Chair of the Scrutiny Programme Committee.</p> <p>ii) To consider the feedback from these discussions and to formulate a workplan.</p>
Policy Framework:	None.
Reason for Decision:	In order to formulate a workplan based on the earlier discussions.
Consultation:	Access to Services, Finance, Legal.
Recommendation:	It is recommended that: 1) The Committee consider the report and use it to formulate a workplan.
Report Author:	Huw Evans
Access to Services Officer	Euros Owen
Finance Officer:	Carl Billingsley
Legal Officer:	Tracey Meredith

1. Introduction

- 1.1 Further to Minute 70 of the meeting of Standards Committee held on 12 April 2014, discussions have taken place with the above to seek their opinions regarding the role of the Standards Committee.
- 1.2 Extracts of the minutes of the relevant Standards Committee are attached to remind the Committee of the points raised during the discussions.
- 1.3 The Committees views are sought based on the discussions and are asked to formulate a workplan.

2. Recurring Themes and Key Issues Raised at Discussions

- 2.1 Councillor Links with Standards Committee. Standards Committee needs to raise its profile with Councillors and greater engagement with all Councillors. Standards Committee needed to become more proactive. Standards Committee meet with other Authorities to assist and improve their role. Rebranding as Standards Board.
- 2.2 Swansea Pledge. 50 of the 72 Councillors had signed the Pledge. This has basically split along Political lines. Standards Committee needs to review the issue. Some Councillors had created and signed their own version of a Pledge. A feeling that it was a Labour Manifesto commitment and not suitable for Opposition Councillors.
- 2.3 Councillors Local Dispute Resolution. Whilst this is an excellent innovation the system has not been used. Standards Committee could raise profile of this and encourage its use. It was suggested that the local dispute resolution be adopted by Community / Town Councils and that Standards Committee may wish to investigate how the various Community Councils operate and if correct procedures are adhered to.
- 2.4 Treating People with Respect.
- 2.5 Merger of the Standards Committee and the Community / Town Councils Standards Sub Committee. The majority support a merger.
- 2.6 Declarations of Interests at meetings were seen to be a precaution against being reported to the Ombudsman. Suggestion that many of the general interests should be added to the non Committee version which must be amended within 28 days of a change.
- 2.7 Standards Committee look at good Governance and best practice in other Local Authorities. It could also look at promoting the Council's values.
- 2.8 Inconsistency in some Ombudsman decisions and guidance difficult to interpret.
- 2.9 Councillor Training and attendance at training. Refresher Training in areas such as the Code of Conduct.
- 2.10 The possibility of promoting best practice e.g. declaration of interest being developed across other public services.
- 2.11 Advantageous if Standards Committee attended Committees in order to consider if good practice is being undertaken.
- 2.12 Annual link with Scrutiny Committee to ensure that Scrutiny was fulfilling its role.

3. Equality and Engagement Implications

- 3.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

4. Financial Implications

- 5.1 There are no specific financial implications associated with this report.

5. Legal Implications

- 5.1 There are no specific legal implications associated with this report.

Background Papers: None.

Appendices:

Appendix A	Extract of Standards Committee Minutes of Discussions with the Chief Executive, Various Group Leaders, Chairs of Regulatory Committees and the Chair of the Scrutiny Programme Committee
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Extract Of Standards Committee Minutes of Discussions with the Chief Executive, Various Group Leaders, Chairs of Regulatory Committees and the Chair of the Scrutiny Programme Committee

DISCUSSION WITH THE LEADER OF THE INDEPENDENT GROUP LEADER OF THE MAIN OPPOSITION GROUP AND CONSERVATIVE GROUP – 18 MARCH 2014

The Chairman welcomed Councillor E W Fitzgerald to the meeting and explained that she had been invited as Leader of the Independent Group to give her views regarding the role of the Standards Committee and how the work undertaken by this Committee could ensure high standards of behaviour. The Chairman explained that the role of the Standards Committee was both proactive and reactive and stated that it had been agreed that Annual Meetings be held with Group Leaders and the Chief Executive. The Chairman indicated that views were sought regarding the following:

- How you see the role of the Standards Committee.
- Your understanding of this role.
- How could you help to promote standards and good governance?
- How do you see the future role of the Standards Committee?
- Your views regarding training in respect of the Code.
- How do you consider the dispute resolution process is working?
- Your views in respect of the Swansea Pledge.
- Your views regarding the possible merger of the Standards Committee with the Community / Town Council Standards Sub-Committee.
- Do you think that incorporating the Community Council would / could bring benefits?

Councillor Fitzgerald outlined the following in response:

- No direct contact with the Standards Committee for a number of years, therefore, was only aware of the work undertaken by the Standards Committee through the Annual Report at Council. However, had not had good experiences in dealing with Standards Committee back in 2003.
- The Independent Group had produced their own pledge and they as a group did not feel that it was necessary to sign up to the City and County of Swansea Pledge. No follow-up had been carried out as to those who had signed up to this. The purpose of this pledge was questioned.
- As all Councillors have signed the Code of Conduct it was hoped that within the Group behaviour and conduct was in keeping with the Code.

- The introduction of the local dispute resolution had been beneficial and it was considered that generally behaviour had not got worse.
- One of the main aspects of the Code of Conduct was to treat people with respect and in our Group we try to conduct ourselves in a good manner.
- It was suggested that one of the reasons that there were considerably less cases now referred to the Ombudsman, was the significant political majority under the new administration and maybe the improved conduct of newly elected Members.
- Had no firm views in relation to the merger of the Standards Committee and the Community/ Town Councils Standards Sub - Committee, however this would probably be a sensible move.

The Leader of the Independent Group was thanked for her views.

The Chairman then welcomed Councillor C Holley, Leader of the Main Opposition Group. He explained that he also had been invited to give his opinion regarding various aspects in relation to the potential role of the Standards Committee.

Councillor C Holley outlined the following in response to the views sought as indicated above:

- The Standards Committee in his view had not altered in the last few years.
- The local dispute resolution has worked to a certain extent but was limited.
- It was suggested that a more proactive role could be achieved by attending both Council meetings, Cabinet, as well as Scrutiny. It was considered that the role of the Standards Members should cover the entire workings of Council.
- Difficulties are now being experienced by Members in that there are a large number of declarations of interests at each meeting as a precaution against being reported to the Ombudsman.
- It was considered beneficial that the Code of Conduct and guidance in respect of this be reviewed regularly to take into consideration changes to legislation.
- It was explained that this Group had not signed up to the City and County of Swansea Pledge as they considered this to be an election manifesto pledge and felt that the Code of Conduct was adequate.

- It was suggested that it could be beneficial if Standards Committee look at Governance and best practice in other Local Authorities.
- He would have no objection if there was a merger of the Standards and Community / Town Council Standards Sub Committee.
- The local dispute resolution had helped lower the number of cases referred to the Ombudsman and queried the Ombudsman's inconsistency in some of his decisions.

The Leader of the Main Opposition Group was thanked for his views.

The Chairman then welcomed Councillor P Hood-Williams, Leader of the Conservative Group. He explained that he also had been invited to give his opinion regarding various aspects in relation to the potential role of the Standards Committee.

Councillor P Hood-Williams outlined the following in response to the views sought as indicated above:

- It was considered that guidance from the Ombudsman was contradictory and difficult to interpret.
- It was suggested that when the new Ombudsman had been appointed it may be an opportunity for this person to be invited to the Standards Committee.
- The principle in respect of the Pledge was agreed.
- All Members in this Group were fairly experienced and understood the code and it was hoped that they would act in an appropriate manner.
- It could be beneficial having one encompassing committee but the effectiveness would depend on the experience of the Community Councillor appointed.
- The main factor would be that the Committee maintains high standards.

The Leader of the Conservative Group was thanked for his views.

The Chairman indicated that the Leader of the Council and Chief Executive would be invited to future meetings for their views and a report of all these discussions would then be submitted to the Committee.

DISCUSSION WITH THE CHIEF EXECUTIVE AND THE LEADER OF THE LABOUR GROUP – 4 APRIL 2014

The Vice Chair stated that the Chief Executive (Jack Straw) and the Leader of the Labour Political Group (also Leader of the Council, Councillor D Phillips) has been invited to the meeting in order to give their views regarding the role of the Standards Committee and how the work undertaken by this Committee could ensure high standards of behaviour. The Vice Chairman explained that the role of the Standards Committee was both proactive and reactive and stated that it had been agreed that Annual Meetings be held with Group Leaders and the Chief Executive. The Vice Chairman indicated that views were sought from the Chief Executive, regarding the following:

- How you see the role of the Standards Committee.
- Your understanding of this role.
- How could you help to promote standards and good governance?
- How do you see the future role of the Standards Committee?
- Your views regarding training in respect of the Code.
- How do you consider the dispute resolution process is working?
- Your views in respect of the Swansea Pledge.
- Your views regarding the possible merger of the Standards Committee with the Community / Town Council Standards Sub-Committee.
- Do you think that incorporating the Community Council would / could bring benefits?

The Vice Chair indicated that the views of other Political Group Leaders had already been received.

The Chief Executive outlined the following in response:

- Was aware of the Code of Conduct for Members and Code of Conduct for Officers since becoming Chief Executive 3 years ago, but did not directly get involved with individual issues.
- Considered that the Ombudsman has been inconsistent in his decision making.
- It was recognised that there were considerably less cases now being referred to the Ombudsman.
- It was suggested that the Standards Committee could be more proactive and one way to achieve this could be to consider the officers code of conduct, which as yet had not been the subject of an area of complaint.
- Another area the Standards Committee could become involved with would be to do more to promote the Council's values and be an advocate for good governance.
- Local Dispute Resolution needed constant attention.

- It was considered beneficial that all members including independent members undertake training and refresher courses as necessary.
- It was now seen that the signing of the Pledge had become political.
- It was considered advantageous if members of the Standards Committee attend Scrutiny Committees and that if Standards Committee Members looked at areas such as whether the correct procedure and methodology were in place in respect of membership, terms of reference, placing of items on Scrutiny agendas, etc.
- No firm views were held in respect of having one encompassing Committee.

The Chief Executive was thanked for his views.

The Vice Chairman then welcomed Councillor D Phillips, Leader of the Council. He explained that he had also been invited to give his opinion regarding various aspects in relation to the potential role of the Standards Committee.

The Leader of the Labour Group and Leader of the Council outlined the following in respect of the views sought as indicated above:

- It was recognised that there was a declining number of complaints and the local dispute resolution was one of the main reasons for this.
- Disappointment was expressed that other parties had not signed up to the pledge.
- The wider role of the Standards Committee in being proactive and improving relationships was supported.
- It was noted that this local dispute resolution practice in this authority had been adopted by the Ombudsman as good practice across the rest of Wales.
- It was recognised that decisions of the Ombudsman were not consistent.
- It was considered that professional behaviour and the Nolan Principles were important.
- The possibility of promoting best practice e.g. declaration of interest, could be developed across other public services.
- It was considered to be more effective if the Standards Committee remain separate to that of the Community / Town Council Standards Sub Committee.

- Strong views were expressed regarding training and it was stated that this was compulsory for Cabinet Members and this should be reviewed regularly.
- It was suggested that the local dispute resolution be adopted by Community Councils and that Standards Committee may wish to investigate how the various Community Councils operate and if correct procedures are adhered to.
- It was suggested that it may be beneficial if the Standards Committee be renamed Standards Board.
- Attending Scrutiny Committee would be encouraged to consider if good practice is being undertaken.
- It was suggested that this Standards Committee meet with other authorities to assist and improve their role.

The Leader of the Council was thanked for his views.

The Vice Chairman indicated that a report on all of these discussions would be submitted to a future meeting. It was also suggested that the Chair of a Regulatory Committee and Chair of Scrutiny be invited to a future meeting for their views.

MEETING WITH CHAIRS OF REGULATORY COMMITTEES – 18 JULY 2014

The Chair stated that the Chairs of the Regulatory Committees had been invited to the meeting in order to give their views regarding the role of the Standards Committee and how the work undertaken by this Committee could ensure high standards of behaviour. The Chair explained that the role of the Standards Committee was both proactive and reactive. The Chair indicated that views would be sought regarding the following:-

- How you see the role of the Standards Committee.
- Your understanding of this role.
- How could you help promote standards and good governance?
- How do you see the future role of the Standards Committee?
- Your views in respect of the Swansea Pledge.
- Your views regarding the possible merger of the Standards Committee with the Community / Town Council Standards Sub Committee.
- Do you think that incorporating the Community Council would / could bring benefits?

The Chair indicated that the views of the Chief Executive and other political Group Leaders had been received.

Councillor R Francis-Davies outlined the following in response:-

- Considered that the role of the Standards Committee was to ensure that good governance was maintained.
- He noted that the Standards Committee dealt with Code of Conduct Issues for Members, but had no experience of dealing with officer's code of conduct.
- The Head of Democratic Services clarified that there were 2 different codes for Members and Officers and it was not in the remit of Standards Committee terms of reference to deal with the Officers Code of Conduct.
- Councillor R Francis-Davies expressed concern in protecting officers and how things are perceived by the public.
- In his role as Chair he tried to keep Members to adhere to the code and avoiding predetermination.
- He considered that training on the Code was good, but as there were a large number of new members after the last election they had been inundated with training so it was difficult to take in everything so, refresher training was considered to be more beneficial.
- The Head of Democratic Services responded regarding the future training proposals together with personal development.
- He considered that the Swansea Pledge was a good idea and felt that the signing of this reassured the public.
- He considered that it would be beneficial if the Standards Committee merged with the Community / Town Council Standards Sub Committee.
- He also suggested that the Standards Committee be known as the Standards Board and its remit be widened to deal with code of conduct matters in relation to the Assembly as well.
- Independent members sitting as observers on various committees should be encouraged and it was considered that attending Area Development Control Committees was encouraged.
- Appraisals should be undertaken and the need to attend Committees be part of this.

Councillor R Francis-Davies was thanked for his views.

The Chair then welcomed Councillor P M Matthews. He explained that she had also been invited to give her opinion regarding various aspects in relation to the potential role of the Standards Committee.

Councillor P M Matthews outlined the following in respect of the views sought as indicated above.

- She considered that Standards Committee was necessary and helpful and prevents cases being referred to the Ombudsman.
- She recognised that Standards were promoted by being guided by the Nolan Principles, but some aspects were more challenging than others.
- She stated that training on the code was well thought out, but there was a need for a refresher and update training to be undertaken.
- She considered that the Local Dispute Resolution had prevented some cases being referred to the Ombudsman.
- She felt that the Swansea Pledge was a good thing for Swansea and a positive step forward.
- No firm views were expressed regarding the possible merger of the Standards Committee with the Community / Town Council Standards Sub Committee but it was thought that this could be beneficial.
- She suggested that in order to gain an understanding of Members perception of the Standards Committee, a questionnaire be sent to Members.

Councillor P M Matthews was thanked for her views.

DISCUSSION WITH THE CHAIR OF THE SCRUTINY PROGRAMME COMMITTEE – 10 OCTOBER 2014

Councillor Mike Day gave a summary of the role of the Scrutiny Committee which also included an overview role and how the work of this Committee was divided into 4 key areas:

- Holding the Executive to account;
- Checking on decisions taken to Cabinet;
- Using Performance Panels to look at major services;
- Using Task and Finish Groups to look at specific areas.

Councillor Day saw the role of The Standards Committee as providing a culture for good governance and that part of this role could be by overseeing that the Scrutiny Committee provided this. He suggested that an Annual Event take place to ensure that Scrutiny Committee fulfilled this role. He indicated

that standards and good governance were promoted by ensuring that Chairs and Conveners were given appropriate training and that this was non political. Councillor Day explained that all recommendations to Cabinet followed specific guidelines in that Cabinet Members have to respond to recommendations within 3 months whether they totally, partially or disagree with recommendations. It was pointed out that the Scrutiny Programme had Independent Members as well as Councillors that also signed up to the Code of Conduct.

Councillor Day stated that Code of Conduct refresher training would be helpful and if examples of actual cases were given. He stated that in respect of the local dispute process he had no knowledge of this. Councillor Day explained that he hadn't signed the Swansea Pledge as he felt that all these areas were addressed by the code of conduct and in the pledge where it refers to 'Protecting the interests of the Council' he queried who determined this? He considered that the possible merger of the Standards Committee with the Community / Town Council Standards Sub Committee was sensible and that this would ensure consistency.

Councillor Day also wished to raise the negative response of a Local Service Board in respect of Scrutiny and also the role of the new Cabinet Advisory Boards and his concern that there could be an overlap of work by these Boards and Scrutiny and whether the Chairs of these Cabinet Advisory Committees are distant enough from the Executive to participate in the Scrutiny process. He suggested that there could be an opportunity in future to link Standards Committee with Scrutiny providing that the roles were clearly defined and he suggested that the Standards Committee could ensure that the correct Scrutiny procedures are undertaken.

Councillor Day was thanked for his useful and informative contribution.

The Code of Conduct casebook

Issue 3 October 2014

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A word from the Ombudsman

This is my first Code of Conduct Casebook as Public Services Ombudsman for Wales. I am grateful to my predecessor Peter Tyndall for creating this Casebook which was perceived to be challenging to produce. Cases where there is evidence of a breach of the code are referred to either a Standards Committee or a Tribunal convened by the Adjudication Panel for Wales. Consequently it is difficult to provide the full story of a case in our summary.

Of the fourteen cases included in this edition, seven showed no evidence of a breach, more than double the number dealt with in previous edition of the Casebook. Of those seven cases four relate to the promotion of equality and respect a further two relate to integrity.

It is of course very important that well founded Code of Conduct complaints should continue to be reported to me but it is concerning that a pattern appears to be emerging of complaints without any merit.

I take a dim view of vexatious complaints which are not founded in fact or are motivated by malice or are entirely frivolous. If I see evidence of any such behaviour I will take a hard line and investigate any member making such a complaint because if it is proven it is a breach of the code.

(Continued overleaf)

I am also concerned that during a period of public sector austerity, our finite resources are devoted to the most serious complaints and that the taxpayer's resources are devoted to areas of greatest need.

This seems to have been an issue within a minority of community councils and has broadly been resolved within county councils via the local resolution processes which county councils have adopted.

Of all of the Community Council complaints which were closed within last year over 20% related to one particular Community Council; all 26 of these cases were closed after initial consideration and were not therefore worthy of investigations and 22 of the 26 complaints closed in 2013/14 were Member v Member complaints (around half about equality and respect; the other half about integrity).

A further Community Council accounted for 7% of cases closed and all except one of those were also not worthy of investigation – that same Council accounted for 32% of Community Council Code of Conduct complaints my office received during 2011/12

As well as a period of public service austerity, we are also likely to be entering a period of public service reform for local authorities, it is vital therefore that all local representatives exercise leadership and ensure that they avoid pursuing trivial matters that may bring not just their council but their sector into disrepute. As councils face ever increasing challenges I hope we can ensure common sense for the common good.



Nick Bennett
Ombudsman

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 April to September 2014, but also includes the summaries of older cases for which the standards committee or Adjudication Panel hearings were concluded during this period.

Case Summaries

No evidence of breach

Isle of Anglesey County Council – Promotion of equality and respect **Case reference 201304372 – Report issued September 2014**

A member of a Community Council (‘the complainant’) complained that a fellow member of the County Council (‘the Councillor’) breached the Code of Conduct when he completed and submitted a member’s observation form to the Isle of Anglesey County Council in response to its proposed sale of land in Cemaes Bay. In particular, the complainant alleged that the Councillor did not formally consult with the Community Council and misrepresented the views of the Council. It was also alleged that the Councillor behaved in a bullying manner towards the complainant and failed to show respect and consideration to her at a meeting of the Community Council in October 2013.

The Ombudsman obtained evidence from the Community Council, as well as witness statements from several members of the Community Council. The Councillor was also interviewed and he advised that he discussed the proposed sale of land with some of the members of the Community Council informally at the end of a meeting in June 2013 and that the views expressed were reflected. The Councillor denied that his behaviour towards the complainant at the meeting in October 2013 was inappropriate in any way.

The Ombudsman found that the Councillor had consulted informally with a number of members of the Community Council before he completed the form. Whilst the views recorded appeared to be consistent with the views expressed, the wording used on the form by the Councillor gave the impression that he had consulted with the Community Council and that it was representative of a formal view on the matter, which was not accurate. The Ombudsman was satisfied that the Councillor did not deliberately misrepresent the views of the Council, but did advise the Councillor to exercise greater care in these circumstances in the future.

The evidence gathered from those present at the meeting in October 2013 did not support the allegations made by the complainant. The Ombudsman concluded that there was no evidence of breach in respect of the matters investigated.

Cardiff Council – Promotion of equality and respect **Case reference 201304630 – Report issued September 2014**

A member of the public (‘the complainant’) complained that a member of Cardiff Council (‘the Councillor’) breached the Code of Conduct by failing to show her respect and consideration during a telephone conversation with her. The complainant alleged that the Councillor’s tone had been aggressive and bullying and that he had thereby brought the office of member into disrepute. She also questioned whether the Councillor had misused his position in obtaining her telephone number thereby securing an advantage for himself or his constituent.

The Ombudsman determined that it was appropriate to investigate the complaint. The Ombudsman found the evidence from a third party who had directly witnessed the conversation to be compelling. As the Councillor was acting for a constituent, it was appropriate for him to obtain the telephone number to make the call concerned when advocating on his behalf. The Ombudsman concluded that the evidence gathered during the investigation was not suggestive of a breach of the Code of Conduct.

Aberystwyth Town Council – Promotion of equality and respect
Case reference 201306243 – Report issued August 2014

Mr T, an employee of the Council, complained about various matters in relation to behaviour by a Member of the Council (‘the Councillor’). The Ombudsman investigated five complaints. Mr T alleged that the Councillor was disrespectful on various occasions, including telling lies about his conduct. He stated that the Councillor breached confidence in relation to an employment problem that the complainant was facing and wrongly told another employee not to forward his correspondence to members of the Council.

The Ombudsman found that there was insufficient evidence that the Councillor had breached the Code regarding four issues. In respect to one of the allegations, there was evidence that Mr T’s accusations were correct concerning what the Councillor had said. However, on balance, the Ombudsman did not consider that a clear breach had occurred.

Mid and West Wales Fire Service – Integrity
Case reference 201304587 – Report issued July 2014

Mr S complained about the conduct of a member of the Fire Authority (‘the Member’). He alleged that the Member breached the Code of Conduct by using his position as a member of the Authority improperly to write to the Chair of the Authority about a decision to reject an individual’s application for employment (‘the applicant’). It was also alleged that the Member had a close personal association with the applicant.

The Acting Ombudsman determined that it was appropriate to investigate whether the conduct alleged was suggestive of a breach of the Code of Conduct. Information was obtained from the Fire Authority, the applicant and the Member. The investigation identified that the Member, in his capacity as a member of the Authority, was approached for assistance by the applicant when he had failed to receive a satisfactory response from the Fire Service in respect of his employment concerns. The Member wrote to the Chair on three occasions referring to the individual concerned and the interpretation and application of recruitment policies.

The Acting Ombudsman concluded that the evidence gathered was not suggestive of a breach of the Code. The Member was entitled to raise concerns about the Fire Service or Authority that may have been brought to his attention in his capacity as an elected member, even if the concerns related to employment policies. Furthermore, the Acting Ombudsman was not persuaded by the evidence that the Member had a close personal association with the individual concerned which would have given rise to a declarable personal interest under the provisions of the Code of Conduct.

Newport City Council – Disclosure and registration of interests
Case reference 201302386 – Report issued May 2014

The Acting Ombudsman received a complaint that a member of Newport City Council (‘the Councillor’) breached the Code of Conduct for predetermining the way in which he would vote on a decision at the Planning Committee to confirm a Tree Preservation Order (“TPO”); and, that Councillor should have declared an interest when the item came up at the committee on the basis that he was told by a Council officer (“the officer”) that the Councillor requested the TPO.

The Acting Ombudsman obtained documents from the Council and spoke with the officer. Having considered the information obtained during the investigation, the Acting Ombudsman concluded that there was no evidence that the Councillor had breached the Code of Conduct.

Rhondda Cynon Taf County Borough Council – Promotion of equality and respect
Case reference 201305349 – Report issued May 2014

Following a complaint made by a local authority member (‘the complainant’), the Acting Ombudsman investigated whether another member (‘the Councillor’) had breached the Code of Conduct. The complainant alleged that the Councillor had attempted to denigrate him in his local area by “blatantly declaring erroneous accusations” to a member of the public.

The Acting Ombudsman’s investigation obtained documents from the Council and statements from the member of the public, as well as two other Councillors. The Councillor also provided a response to the complaint. Having considered the available information, the Acting Ombudsman concluded that there was no evidence that the Councillor had breached the Code of Conduct.

Cardiff Council – Integrity
Case reference 201202666 – Report issued April 2014

A member of the Council (‘the complainant’) complained that a fellow member’s (‘the Councillor’) behaviour and conduct towards him, which he considered was capable of amounting to a number of breaches of the Code. He alleged that the cumulative effect of the Councillor’s behaviour towards him was harassing in nature and designed to undermine his role as member. The complainant also alleged that the Councillor failed to show respect and consideration to him and several other persons, including members of the public, officers of the Council and fellow Councillors. The complainant considered this to have happened on numerous occasions, both in person and in various written formats and that, in doing so, his conduct was also capable of bringing the role of member and the Council into disrepute. In addition, the complainant alleged that the Councillor had failed to demonstrate the principle of equality for all persons in some of his literature.

The Acting Ombudsman determined that it was appropriate to investigate whether the Councillor had failed to comply with the Code of Conduct and obtained evidence from the Council. The complainant and Councillor were also interviewed.

The report determined that many of the issues raised and views expressed by the Councillor (in various formats) appeared to be politically motivated. Furthermore, whilst the Acting Ombudsman considered that some of the comments made by the Councillor, in the various formats, were capable of stretching the boundaries of acceptable political expression, they were also capable of being considered as part of the cut and thrust of local politics.

Therefore, having reviewed the evidence gathered during the investigation, the Acting Ombudsman was not satisfied that it was sufficiently robust to enable any further action to be taken.

No action necessary

Llansantffraed Community Council – Disclosure and registration of interests

Case reference 201303799 – Report issued August 2014

The Ombudsman received a complaint that a member of Llansantffraed Community Council (‘the Councillor’) breached the Code of Conduct during the Council meeting held on 6 August 2013, by failing to declare an interest and leave the room during the discussion of a planning application.

The Ombudsman determined that it was appropriate to investigate whether the Councillor had breached the Code of Conduct and obtained evidence from the Council, the County Council’s Planning Department and the persons present at the meeting. The Councillor also submitted comments and supporting documents.

The Ombudsman was satisfied that, on balance, the evidence suggested that the Councillor had a personal and prejudicial interest in Council business relating to the planning application. This is because his farm was located within close proximity of the site and his family member lived opposite it. However, the Ombudsman felt that, on balance, the evidence did not suggest that the Councillor played an active part in discussions about the matter during the meeting. The Ombudsman found that no action needed to be taken in respect of the matters investigated.

Llanbadrig Community Council – Accountability and Openness; Promotion of equality and respect

Case references 201304536 & 201305202 – Report issued August 2014

The Ombudsman received four complaints made by a member of the Community Council (‘the complainant’) against another member of the same Council (‘the Councillor’). Firstly, the Councillor did not declare interests in a car parking matter which came before the Council. Secondly, the Councillor breached the Code by asking unfair and discriminatory questions of a female candidate at a job interview. Thirdly, the Councillor displayed potentially racist material in a shop and thereby brought the Council into disrepute. Finally, the Councillor was abusive in front of a member of the public when the alleged visited their shop on Council business.

The Ombudsman investigated all four complaints. The Ombudsman gathered substantial written material and interviewed some of the witnesses involved. The evidence was provided to the Councillor, who was also interviewed during the course of the investigation.

The Ombudsman determined an outcome for each of the allegations as follows. With regard to the car parking issue, he found that the Councillor might have breached the Code by not declaring a personal interest. However, this was marginal and he did not conclude that a definite breach had occurred. With respect to the questions at a job interview, the Ombudsman considered that a breach might have occurred and the Councillor was unwise to ask the questions that he did. However, he concluded that, even if there was a breach and the matter was referred to a standards committee, it was unlikely that the committee would impose a sanction. On both these issues, the Ombudsman found that no further action was necessary.

The Ombudsman did not find that the Councillor breached the Code regarding the display of potentially offensive materials in the shop. This was because it was his daughter that displayed the items, which she had a right to do as a business partner. Finally, the Ombudsman concluded that the Councillor breached the Code of Conduct by being very rude to the alleger. However, he did not consider that a standards committee would impose a sanction due to the isolated nature of that action and mitigation. The Ombudsman decided to take no further action but warned the Councillor about future conduct.

Referred to standards committee

Tywyn Town Council – Disclosure and registration of interests

Case reference 201301629 – Report issued May 2014

The Acting Ombudsman received a complaint from a member of the Town Council, that another member of the Council (‘the Councillor’) had breached the Code of Conduct during the Council’s Finance Committee and Council meetings held between May and September 2013. It was alleged that the Councillor should have declared an interest and left the room when items relating to Tywyn & District Chamber of Tourism and Commerce (‘the CTC’) were discussed during the meetings. It was also alleged that the Councillor made unsubstantiated comments about the CTC in an attempt to prevent it from receiving financial assistance from the Council.

The Acting Ombudsman determined that it was appropriate to investigate whether the Councillor had breached the Code of Conduct and obtained evidence from the Town Council, the County Council and persons present at the meetings.

The Acting Ombudsman was satisfied that, on balance, the evidence suggested that the Councillor had a personal and prejudicial interest in Council business relating to the CTC, because of the recent acrimonious history and her ongoing dispute with the CTC. The Acting Ombudsman felt that there was evidence that the Councillor may have sought to use her position improperly, had failed to reach decisions objectively and that her conduct could be capable of bringing her role as member, or the Council, into disrepute.

The Acting Ombudsman referred the matter to the County Council for determination by its Standards Committee. The Standards Committee found that the Councillor had breached specified paragraphs of the Code of Conduct and determined that she should be suspended for a period of three months.

The decision of the Standards Committee can be found [here](#).

Gwynedd Council – Accountability and Openness; Promotion of equality and respect

Case references 201300346 & 201301307 – Report issued May 2014

The Acting Ombudsman received two complaints about the conduct of a member of Gwynedd County Council (‘the Councillor’). The complainant alleged that the Councillor secretly filmed and recorded a conversation with her whilst she was performing her duties as a Civil Parking Enforcement Officer on 8 February 2013 and later posted a video of this conversation on his Facebook page. Another complainant alleged that the Councillor had behaved in a threatening manner towards him on 17 May 2013, whilst he was performing his duties as Civil Enforcement Officer. Both complainants alleged that the Councillor had failed to observe the requirements of the Code of Conduct.

The Acting Ombudsman determined that it was appropriate to investigate whether the Councillor had breached the Code of Conduct and obtained evidence from the Council as well as persons present at each incident.

The Acting Ombudsman was not persuaded that the Councillor's conduct in posting the footage of his conversation with the complainant on Facebook was capable of bringing either the role of member or the Council into disrepute. However, the Acting Ombudsman felt that it was for the Council's Standards Committee to decide whether his actions, which would amount to a departure from the Officer/Member protocol, were capable of doing so.

The Acting Ombudsman was satisfied that, on balance, the evidence obtained during the investigation of the second complaint suggested that the Councillor's conduct breached the Code of Conduct. The Acting Ombudsman referred both matters to the Council for determination by its Standards Committee.

In respect of the first complaint, the Standards Committee determined that the Councillor had failed to comply with specified paragraphs of the Code of Conduct as he had not followed the Council's internal procedures with regard to concerns about council employees and instead had raised his concerns in the public domain, causing distress to an officer of the Council. The Standards Committee believed also that, in not revealing that he was a Member of the Authority, the Councillor had showed a lack of respect and consideration to the officers of the Council by posting the footage on Facebook and naming a Council officer. The Standards Committee decided that the Councillor should be censured in respect of the breach of the Code of Conduct. The Standards Committee also resolved also that the Councillor should remove the footage and post from his Facebook page immediately and receive training on the Code of Conduct and all Council protocols relevant to the conduct of councillors.

In respect of the second complaint, the Standards Committee determined that the Councillor had failed to comply with specified paragraphs of the Code of Conduct. Taking all the circumstances of the case into consideration, the Committee concluded that his behaviour in making a threat of physical violence was neither appropriate nor proportionate. It was not the type of behaviour expected from an elected member and, as such, brought both his office and the Council into disrepute. The Standards Committee decided that the Councillor should be suspended from his role as member for a period of two months.

The decision of the Standards Committee can be found [here](#).

Cardiff Council – Integrity

Case reference 201202666 – Report issued April 2014

A member of the Council (the complainant) complained about the conduct of a fellow ward member (the Councillor). In particular, the complainant alleged that the Councillor had used the Council's mailing system to distribute a political campaign leaflet in October 2012 and that, in doing so, his conduct was also capable of bringing the role of member and the Council into disrepute.

The Acting Ombudsman determined that it was appropriate to investigate whether the Councillor had failed to comply with the Code of Conduct in respect of this allegation and obtained evidence from the Council. The Acting Ombudsman also interviewed the complainant and the Councillor.

The Acting Ombudsman determined that, on balance, the inclusion of the request for support for a campaign (both physical and financial support) was highly suggestive that the leaflet drafted and distributed by the Councillor was “political” in nature. The Acting Ombudsman concluded that the evidence gathered during the investigation in respect of this issue was suggestive that the Councillor had used the Council’s mailing resources improperly for political purposes, contrary to the requirements of the Code of Conduct.

The Acting Ombudsman determined that her report on this investigation should be referred to the Monitoring Officer of Cardiff County Council, for consideration by the Council’s Standards Committee. The Standards Committee determined that the Councillor had failed to comply with the Code of Conduct. However, given the circumstances and, in particular, the full apology given by the Councillor following the issue of the report, as well as his repayment of the postage costs incurred, no further action should be taken in respect of this failure.

The decision of the Standards Committee can be found [here](#).

Colwinston Community Council – Disclosure and registration of interests **Case reference 201301409 – February 2014**

A member of the public (‘the complainant’) complained that a member of Colwinston Community Council (‘the Councillor’) breached the Code of Conduct. Specifically, the complainant said that the Councillor failed to declare a personal and prejudicial interest at a Community Council meeting in August 2012 concerning a planning application, the site of which was near his home and would have affected him detrimentally if the County Council had approved it. In addition, the Councillor took part in discussions leading to plans that might make the site less easy to develop in future.

The Acting Ombudsman considered that the Councillor might have breached the Code of Conduct for failing to declare the interest and contributing to Community Council decisions, the outcome of which might have put him at an advantage. During the investigation, the Councillor was interviewed and written evidence relating to the complaint was considered. The Acting Ombudsman also considered the fact that the Community Council Chairman had indicated to the Councillor that he did not need to declare an interest.

The Acting Ombudsman decided that the Councillor’s actions were indicative of four breaches of the Code. These concerned using his position to gain an advantage, failure to declare a personal interest, not withdrawing from the meeting despite having a prejudicial interest and seeking to influence a decision whilst having a prejudicial interest. The Acting Ombudsman referred the matter to the Standards Committee of the Vale of Glamorgan Council.

The Standards Committee found that the Councillor had breached the Code of Conduct. It issued him with a censure and asked him to attend training. The decision of the Standards Committee can be found [here](#).

Colwinston Community Council – Disclosure and registration of interests
Case reference 201301594 – February 2014

A member of the public (‘the complainant’) complained that a member of Colwinston Community Council (‘the Councillor’) breached the Code of Conduct. Specifically, the complainant said that the Councillor failed to declare a personal and prejudicial interest at a Community Council meeting in August 2012 concerning a planning application, the site of which was near his home and would have affected him detrimentally if the County Council had approved it. In addition, the Councillor took part in discussions leading to plans that might make the site less easy to develop in future.

The Acting Ombudsman considered that the Councillor might have breached the Code of Conduct by failing to declare the interest and contributing to Community Council decisions, the outcome of which might have put him at an advantage. The Councillor was interviewed and written evidence relating to the complaint was considered. The Acting Ombudsman also considered the fact that the Community Council Chairman had indicated to the Councillor that he did not need to declare an interest.

The Acting Ombudsman decided that the Councillor’s actions were indicative of four breaches of the code. These concerned using his position to gain an advantage, failure to declare a personal interest, not withdrawing from the meeting despite having a prejudicial interest and seeking to influence a decision whilst having a prejudicial interest.

The Acting Ombudsman referred the matter to the Standards Committee of the Vale of Glamorgan Council. The Standards Committee found that the Councillor had breached the Code. It issued him with a censure and asked him to attend training.

The decision of the Standards Committee can be found [here](#).

Sully Community Council – Integrity
Case reference 201204263 – February 2014

A member of the Community Council complained that the Chairman of the Council had banned him from e-mailing the Clerk of the Council, and had subsequently failed to be open with the Council about his action. The complainant believed that he had been placed in a position where he was unable to conduct Council business effectively and that this situation had arisen from questions he had posed about the Council’s handling of maintenance issues. He said that this had brought him into conflict with the Chairman and that other members had been made aware of the difficulties between the two.

The complainant believed that he was not being allowed to fully participate in Council meetings and said that he had received e-mails from the Chairman which he found offensive and personal. He said that these e-mails had been copied to other members and that, on occasions, members of the public had been made aware of the difficulties between them.

The Acting Ombudsman decided to investigate the complaint as there appeared to be evidence of potential breaches of the Code of Conduct in relation showing respect to others and not to bring their office or authority into disrepute. The Acting Ombudsman decided that the matter would be referred to the Monitoring Officer of the Vale of Glamorgan County Council for determination by its Standards Committee.

The Standards Committee found multiple breaches of specified paragraphs of the Code of Conduct. The Committee decided that the Chairman should be suspended from office for 6 months and should attend training on the Code of Conduct.

The decision of the Standards Committee can be found [here](#).

Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding. The Ombudsman has referred one report to the Adjudication Panel for Wales; the summary for this report will be available following the publication of the Panel's Decision Notice.

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 James.Merrifield@ombudsman-wales.org.uk or sent to the following address:

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