

## Report of the Deputy Monitoring Officer

Standards Committee – 7 October 2016

### PUBLIC SERVICE OMBUDSMAN FOR WALES ANNUAL REPORT AND ANNUAL LETTER 2015-2016

<b>Purpose:</b>	To update the Committee on Code of Conduct complaints contained within the Ombudsman Annual Report and Letter 2015-2016.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) The contents of the report are noted.
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<b>Finance Officer:</b>	N/A
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	N/A

#### 1. Introduction

1.1 The Public Service Ombudsman for Wales has published his report for 2015-2016. Attached at **Appendix A** is the Ombudsman's letter dated 28 July 2016 and **Appendix B** is the Annual Report.

#### 2. Annual Report

2.1 In his introduction the Ombudsman has re-emphasised his intent that his Office is devoted to issues of real concern and not trivial complaints about the Councillors Code of Conduct. He is therefore particularly concerned that the number of Code of Conduct complaints rose by 19%. This is solely attributable to Community and Town Councils, where complaints rose by 49%.

2.2 The new two stage test introduced (is there direct evidence that a breach actually took place and if so, is an investigation or referral to a Standards Committee or Adjudication Panel for Wales required in the public interest) has assisted the Ombudsman in dealing with these complaints in an effective manner.

2.3 Of the 276 Code of Conduct complaints received by the Ombudsman the top 5 subjects for complaint were:

- 41% promotion of equality and respect
- 16% integrity
- 14% accountability and openness
- 14% disclosure and registration of interests
- 7% objectivity and propriety

2.4 Of the 265 Code of Conduct complaints closed 37 were investigated (down 31%) and in only 18 was there found evidence of breach and by far the majority of those related to disclosure and registration of interest (39%).

2.5 The vast majority of complaints were closed after initial consideration i.e. no prima facie evidence of breach of the Code or breach was insufficiently serious to warrant an investigation. A few were referred back for local resolution. The reduction in cases being fully investigated is due to the introduction of the public interest test. Of the 27 cases fully investigated only 6 were referred to a Standards Committee or Adjudication Panel.

2.6 At **Appendix C** of the Ombudsman's Report, he sets out a statistical breakdown of outcomes by local authority. In relation to City and County of Swansea council there were 11 cases closed all closed after initial consideration. There were no referrals to the Standards Committee of those 112 cases closed across Wales.

2.7 In relation to Community / Town Councils the largest number of complaints closed related to Mumbles Community Council, where 5 complaints were closed after initial consideration.

### **3. Ombudsman Letter**

3.1 The Ombudsman states in his annual letter:

*"I am only too aware that we are in the run-up to the local elections where historically there is a spike in code of conduct complaints against local authority members. I have spoken previously about vexatious complaints and I would be most disappointed to see an increase in complaints of a trivial matter over the next 12 months when my office is dealing with issues of real concern across public services in my jurisdiction."*

### **4. Financial Implications**

4.1 There are no financial implications associated with this report.

**5. Legal Implications**

5.1 There are no legal implications associated with this report.

**6. Equality and Engagement Implications**

6.1 There are no equality implications associated with this report and therefore an equality impact assessment is not required.

**Background Papers:** None.

**Appendices:**

<b>Appendix A</b>	PSOW Letter
<b>Appendix B</b>	PSOW Annual Report