

Cyngor Sir CEREDIGION County Council

REPORT TO: Ethics and Standards Committee

DATE: 25 May 2022

TITLE: The PSOW Recent Investigations
Outcomes

PURPOSE OF REPORT: For information

The Public Services Ombudsman for Wales (PSOW) considers complaints relating to the Members Code of Conduct, 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.

The PSOW no longer publishes the Ombudsman's Casebooks. Issue 25 that was reported on 17 January 2022 was the last Casebook to be published. Cases can now be found on the PSOW website on the following link: <https://www.ombudsman.wales/findings/>

Appendix A contains the 18 investigations that have been published since the last casebook.

WELLBEING OF FUTURE GENERATIONS:

Has an Integrated Impact Assessment been completed? no
policy change
If, not, please state why
Summary:
Long term:
Integration:
Collaboration:
Involvement:
Prevention:

RECOMMENDATION (S):

To note the contents of PSOW recent investigations.

Contact Name: Lisa Evans

Designation: Scrutiny and Standards Officer

Date of Report:
28/4/22

Appendix A
Recent Investigations Outcomes

Integrity : **Barry Town Council**

Report date: 08/11/2021

Subject: Integrity

Outcome: CODE

Case ref number: 202003545

Report type: CODE - **Discontinued**

Relevant body: Barry Town Council

The Ombudsman received a complaint that a Member (“the Member”) of Vale of Glamorgan Council (“the Council”) and Barry Town Council (“the Town Council”), and the Council’s Planning Committee, had breached the Code of Conduct for Members by opening a coffee shop and wine bar without the correct change of use planning permission being in place.

The Ombudsman’s investigation found that the Member had been a joint director of the coffee shop and wine bar, and the business had opened before the Member’s change of use planning application was decided (in breach of planning control). The Ombudsman’s investigation also found that when a potential breach of the Code of Conduct regarding the situation was brought to the Member’s attention, the Member immediately resigned as a director and had no further involvement in the business. The Ombudsman concluded that, as a member of the Council’s Planning Committee, the Member had sufficient knowledge of relevant planning matters to understand the importance of adhering to planning regulations, and the Member should have considered his position, and sought advice about his role, before opening the business without correct planning permission.

The Ombudsman found that the Member’s conduct could reasonably be regarded as behaviour which might bring the office of Member of the Council into disrepute and was therefore suggestive of a breach of 6(1)(a) of the Code of Conduct. The Ombudsman referred his investigation report to the Monitoring Officer of Vale of Glamorgan Council for consideration by its Standards Committee. The Standards Committee of Vale of Glamorgan Council determined that the Member had breached 6(1)(a) of the Code of Conduct and suspended him for 1 month.

Integrity : Vale of Glamorgan Council

Report date: 08/11/2021

Subject Integrity

Outcome CODE

Case ref number 202003631

Report type CODE - **Referred to Standards Committee/APW**

Relevant body Vale of Glamorgan Council

The Ombudsman received a complaint that a Member (“the Member”) of Vale of Glamorgan Council (“the Council”) and Barry Town Council (“the Town Council”), and the Council’s Planning Committee, had breached the Code of Conduct for Members by opening a coffee shop and wine bar without the correct change of use planning permission being in place.

The Ombudsman’s investigation found that the Member had been a joint director of the coffee shop and wine bar, and the business had opened before the Member’s change of use planning application was decided (in breach of planning control). The Ombudsman’s investigation also found that when a potential breach of the Code of Conduct regarding the situation was brought to the Member’s attention, the Member immediately resigned as a director and had no further involvement in the business. The Ombudsman concluded that, as a member of the Council’s Planning Committee, the Member had sufficient knowledge of relevant planning matters to understand the importance of adhering to planning regulations, and the Member should have considered his position, and sought advice about his role, before opening the business without correct planning permission.

The Ombudsman found that the Member’s conduct could reasonably be regarded as behaviour which might bring the office of Member of the Council into disrepute and was therefore suggestive of a breach of 6(1)(a) of the Code of Conduct. The Ombudsman referred his investigation report to the Monitoring Officer of Vale of Glamorgan Council for consideration by its Standards Committee.

The Standards Committee of Vale of Glamorgan Council determined that the Member had breached 6(1)(a) of the Code of Conduct and suspended him for 1 month.

Promotion of equality and respect : Pembrokeshire County Council

Report date 08/10/2021

Subject Promotion of equality and respect

Outcome CODE

Case ref number 202004458
Report type CODE - Discontinued
Relevant body **Pembrokeshire County Council**

[View report](#)

The Ombudsman received a complaint that a Member (“the Member”) of Pembrokeshire County Council (“the Council”) had failed to observe the Code of Conduct for Members. It was alleged that the Member had made threatening comments about a member of the public, which could have brought the Council into disrepute. The Ombudsman decided to discontinue the investigation because the investigation established that the comments were made wholly in the Member’s personal capacity and the tone and comments exchanged with the member of the public who made the complaint were of a similar tone and content to those the Member had made. In view of this, the Ombudsman concluded that it was no longer in the public interest for him to continue the investigation.

Promotion of equality and respect : Sully and Lavernock Community Council

Report date 12/07/2021
Subject Promotion of equality and respect
Outcome CODE
Case ref number 202000622
Report type CODE - **Referred to Standards Committee/APW**
Relevant body **Sully and Lavernock Community Council**

[View report](#)

The Ombudsman received a complaint from an employee of Sully and Lavernock Community Council (“the Council”) that a Member (“the Member”) of the Council had failed to observe the Code of Conduct for Members.

It was alleged that, during an incident on a Council playing field concerning Council equipment, the Member verbally abused and bullied the employee and subjected the employee’s father to abuse and provocation.

The Ombudsman concluded that the Member used abusive and offensive language towards the employee in front of other members and the employee’s father, in an attempt to insult, belittle and undermine the employee. The Ombudsman concluded that the Member’s actions were suggestive of bullying and provocation.

The Ombudsman determined that the Member’s behaviour may have breached the Council’s Code of Conduct, in particular 4(b) and 4(c) in a failure to show respect

and consideration to others, and not to use bullying behaviour. The Ombudsman also found that the Member's conduct could reasonably be regarded as behaviour which might bring the office of Member of the Council into disrepute and was therefore also suggestive of a breach of 6(1)(a) of the Code of Conduct.

The Ombudsman referred his investigation report to the Monitoring Officer of Vale of Glamorgan Council for consideration by its Standards Committee.

The Member resigned shortly before the Standards Committee Hearing. The Standards Committee of Vale of Glamorgan Council determined that the Former Member had breached paragraphs 4(b), 4(c) and 6(1)(a) of the Code of Conduct and the Former Member received a censure

Disclosure and registration of interests : Conwy Town Council

Report date	12/05/2021
Subject	Disclosure and registration of interests
Outcome	CODE
Case ref number	202004765
Report type	CODE - Discontinued
Relevant body	Conwy Town Council

[View report](#)

An Officer of Conwy Town Council complained that a Member had breached the Code of Conduct for Members when they failed to declare a personal and prejudicial interest in Council business and leave the room while that business was discussed at two Conwy Town Council meetings. The Member had previously been suspended for one month by the Standards Committee for similar conduct.

The Ombudsman considered whether the Member may have breached paragraphs 6(1)(a), 11(1), and 14(1)(a)(ii) of the Code of Conduct.

The Member resigned from Conwy Town Council during the course of the Ombudsman's investigation. The Ombudsman decided to discontinue the investigation as it was no longer in the public interest to pursue the matter further.

Disclosure and registration of interests : Conwy Town Council

Report date	12/05/2021
Subject	Disclosure and registration of interests
Outcome	CODE

Case ref number 202004764
Report type CODE - Discontinued
Relevant body Conwy Town Council

[View report](#)

An Officer of Conwy Town Council complained that a Member had breached the Code of Conduct for Members when they failed to declare a personal and prejudicial interest in Council business and leave the room while that business was discussed at two Conwy Town Council meetings. The Member had previously been suspended for one month by the Standards Committee for similar conduct.

The Ombudsman considered whether the Member may have breached paragraphs 6(1)(a), 11(1), and 14(1)(a)(ii) of the Code of Conduct.

The Member resigned from Conwy Town Council during the course of the Ombudsman's investigation. The Ombudsman decided to discontinue the investigation as it was no longer in the public interest to pursue the matter further.

Promotion of equality and respect : Gwynedd Council

Report date 05/10/2021
Subject Promotion of equality and respect
Outcome CODE
Case ref number 202002960
Report type CODE - No action necessary
Relevant body Gwynedd Council

[View report](#)

The Ombudsman received a complaint that a Member ("the Member") of Gwynedd Council ("the Council") had breached the Code of Conduct ("the Code").

It was alleged that the Member posted a homophobic comment on Facebook. The Member was not acting in his official role as a member when he posted the comment, therefore, the investigation considered whether the Member breached paragraph 6(1)(a) of the Code, which says that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

The information gathered during the investigation showed that in October 2020, the complainant's newly appointed employee posted on Facebook, "think I work for the

best boss” and tagged the complainant. The Member, posting from his personal Facebook account, replied, “do you suck for a living?”.

The employee was contacted as part of the Ombudsman’s investigation, however, he did not provide the Ombudsman with a completed witness statement. The evidence gathered was put to the Member and he was interviewed as part of the investigation. During interview, he said that there was no homophobic intent behind his comment and, whilst he accepted in hindsight that his comment could be perceived as homophobic, he said that his intention was to point out his view that the employee was “creeping up” to his employer.

Whilst the Ombudsman appreciated why the complainant and others had interpreted the comment as homophobic, he did not consider the Member’s explanation to be wholly implausible given that “sucking up” is a term commonly used to describe sycophantic behaviour.

The Member said that he regretted his actions and that faced with the same circumstances again, he would not have commented on the Facebook post. He also said that he was willing to apologise to the complainant and his employee for the offence that he had caused, which the Ombudsman encouraged him to do.

The Ombudsman did not consider it in the public interest to take any further action in relation to this matter

Integrity : Pembrokeshire County Council

Report date	14/09/2021
Subject	Integrity
Outcome	CODE
Case ref number	202102047
Report type	CODE - No evidence of breach
Relevant body	Pembrokeshire County Council

[View report](#)

The Ombudsman undertook an investigation against a Member (“the Member”) of Pembrokeshire County Council (“the Council”) to consider whether the Member misled him during the course of an ongoing investigation.

The Ombudsman considered whether the Member may have breached paragraph 6(1)(a) of the Code of Conduct (“the Code”).

The Member had been interviewed as a witness in an ongoing investigation. Following his initial interview, information was sought from third parties which

indicated that the information provided by the Member at interview was incorrect. The Member was subsequently interviewed on a second occasion and as there appeared to be discrepancies in the information provided by the Member, the Ombudsman began an investigation.

The Member provided a full statement to the Ombudsman in response to the allegation. The Ombudsman accepted the explanations provided by the Member regarding the discrepancies in his 2 interviews. Although the Ombudsman considered that the Member could have been more clear in his interviews, he did not consider that there was a deliberate attempt on the Member's part to provide misleading information during the investigation. Therefore, the Ombudsman found no evidence of a breach of paragraph 6(1)(a) of the Code of Conduct.

Duty to uphold the law : Bodelwyddan Town Council

Report date	06/09/2021
Subject	Duty to uphold the law
Outcome	CODE
Case ref number	202100504
Report type	CODE - No action to be taken
Relevant body	Bodelwyddan Town Council

[View report](#)

The Ombudsman received a complaint that a Member ("the Member") of Bodelwyddan Town Council ("the Council") had breached the Code of Conduct ("the Code") when they shared confidential CCTV images on the Council's Facebook page in a post published in March 2021.

The Ombudsman investigated whether the Member's actions may have amounted to a breach of paragraphs 5(a) and 6(1)(a) of the Code.

The Ombudsman obtained relevant information from the Council and considered the Member's comments. The Ombudsman found that the Member had published a mostly obscured image from the Council's CCTV footage on the Council's Facebook page. As the CCTV images should reasonably be considered to be confidential and should not be shared publicly in this way, the Ombudsman considered that the Member's actions may be capable of amounting to a breach of paragraphs 5(a) and 6(1)(a) of the Code.

However, the Council had provided no training on the Code, the use of its social media, or the use of its CCTV to the Member. Moreover, the Council had no policies or procedures in place in relation to the use of its social media or the use of its CCTV. The Member had also apologised to their fellow Council members and removed the image quickly when requested. The Ombudsman therefore did not

consider any further action to be necessary. He did, however, suggest that the Member seek training on the Code as soon as possible and that the Council should promptly consider whether it has appropriate CCTV, data protection, and social media policies and/or procedures in place.

Integrity : Caernarfon Royal Town Council

Report date	02/09/2021
Subject	Integrity
Outcome	CODE
Case ref number	202002555
Report type	CODE - Referred to Standards Committee/APW
Relevant body	Caernarfon Royal Town Council

[View report](#)

The Ombudsman received a complaint from a member of Gwynedd Council and Caernarfon Royal Town Council that a Member (“the Member”) of those Councils had failed to observe the Councils’ Codes of Conduct for Members.

It was alleged that the Member failed to show respect and consideration to the complainant over several months, and his correspondence was suggestive of a course of conduct intended to bully and/or harass the complainant. It was alleged that the Member used, or attempted to use, his position improperly and brought his office or authority into disrepute by posting information provided to him as an elected member on Facebook, posting information which he knew was incorrect on Facebook, posting confidential information on Facebook and by being involved in a police incident. The complainant also said that the Member made vexatious, malicious or frivolous complaints to the Clerk, the Ombudsman and the police about the complainant.

The investigation considered whether the Member failed to comply with the following provisions of the Code of Conduct:

- 4(b) – members must show respect and consideration for others.
- 4(c) – members must not use bullying behaviour or harass any person.
- 5(a) – members must not to disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so.
- 6(1)(a) – members must not to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 6(1)(d) – members must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, their authority.

7(a) – members must not, in their official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.

During the investigation, it became apparent that the Member may have failed to comply with paragraph 6(2) of the Code of Conduct – members must comply with any request by the Ombudsman in connection with an investigation conducted in accordance with his statutory powers.

The investigation found that the Member had, over the course of several months, shared information about the complainant on Facebook and with professionals, associated with both Councils, about the complainant. The member also posted information, which should reasonably be regarded as confidential, about the complainant's family members. The investigation found that the Member approached the complainant in the street and began an altercation which required police involvement. The investigation also found that the Member made several complaints to the Clerk, the Police and to the Ombudsman, which lacked foundation and appeared to be motivated by malice or political rivalry.

The Ombudsman found that the member's behaviour was suggestive of a breach of paragraphs 4(b), 4(c), 6(1)(a), 6(1)(d), 6(2) and 7(a) of the Code of Conduct. He did not find a breach of paragraph 5(a) as the Member was not acting in his capacity as a member of the Council when he shared that information.

In relation to paragraph 6(2) of the Code of Conduct, the Ombudsman's Investigation Officer made reasonable and appropriate requests in connection with this investigation. The Investigation Officer also offered reasonable adjustments to afford the Member the opportunity to fully engage in the process. However, the Member deliberately failed to engage with my investigation in an attempt to obfuscate the process and that his actions were suggestive of a breach of paragraph 6(2) of the Code of Conduct.

The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

The Tribunal concluded that the Member had breached paragraphs 6(1)(d), 6(2) and 7(a) of the Code of Conduct. Accordingly, the Tribunal decided that the Member should be suspended from the Council for a period of 9 months or, if shorter, the remainder of his term in office. The Tribunal found that the Member had not breached paragraph 4(c) of the Code of Conduct. Whilst the Tribunal concluded that the Member had, "in principle", breached paragraphs 4(b), 6(1)(a) and 7(a) of the Code of Conduct, any restriction imposed would compromise a prima facie breach of the Member's Article 10 rights, the right to freedom of speech. The Tribunal, therefore, considered that restriction was not justified.

Integrity : Gwynedd Council

Report date 02/09/2021

Subject Integrity

Outcome	CODE
Case ref number	202002215
Report type	CODE - Referred to Standards Committee/APW
Relevant body	Gwynedd Council

[View report](#)

The Ombudsman received a complaint from a member of Gwynedd Council and Caernarfon Royal Town Council that a Member (“the Member”) of those Councils had failed to observe the Councils’ Codes of Conduct for Members.

It was alleged that the Member failed to show respect and consideration to the complainant over several months, and his correspondence was suggestive of a course of conduct intended to bully and/or harass the complainant. It was alleged that the Member used, or attempted to use, his position improperly and brought his office or authority into disrepute by posting information provided to him as an elected member on Facebook, posting information which he knew was incorrect on Facebook, posting confidential information on Facebook and by being involved in a police incident. The complainant also said that the Member made vexatious, malicious or frivolous complaints to the Clerk, the Ombudsman and the police about the complainant.

The investigation considered whether the Member failed to comply with the following provisions of the Code of Conduct:

- 4(b) – members must show respect and consideration for others.
- 4(c) – members must not use bullying behaviour or harass any person.
- 5(a) – members must not to disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so.
- 6(1)(a) – members must not to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 6(1)(d) – members must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, their authority.
- 7(a) – members must not, in their official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.

During the investigation, it became apparent that the Member may have failed to comply with paragraph 6(2) of the Code of Conduct – members must comply with any request by the Ombudsman in connection with an investigation conducted in accordance with his statutory powers.

The investigation found that the Member had, over the course of several months, shared information about the complainant on Facebook and with professionals, associated with both Councils, about the complainant. The member also posted information, which should reasonably be regarded as confidential, about the

complainant's family members. The investigation found that the Member approached the complainant in the street and began an altercation which required police involvement. The investigation also found that the Member made several complaints to the Clerk, the Police and to the Ombudsman, which lacked foundation and appeared to be motivated by malice or political rivalry.

The Ombudsman found that the member's behaviour was suggestive of a breach of paragraphs 4(b), 4(c), 6(1)(a), 6(1)(d), 6(2) and 7(a) of the Code of Conduct. He did not find a breach of paragraph 5(a) as the Member was not acting in his capacity as a member of the Council when he shared that information.

In relation to paragraph 6(2) of the Code of Conduct, the Ombudsman's Investigation Officer made reasonable and appropriate requests in connection with this investigation. The Investigation Officer also offered reasonable adjustments to afford the Member the opportunity to fully engage in the process. However, the Member deliberately failed to engage with my investigation in an attempt to obfuscate the process and that his actions were suggestive of a breach of paragraph 6(2) of the Code of Conduct.

The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

The Tribunal concluded that the Member had breached paragraphs 6(1)(d), 6(2) and 7(a) of the Code of Conduct. Accordingly, the Tribunal decided that the Member should be suspended from the Council for a period of 9 months or, if shorter, the remainder of his term in office. The Tribunal found that the Member had not breached paragraph 4(c) of the Code of Conduct. Whilst the Tribunal concluded that the Member had, "in principle", breached paragraphs 4(b), 6(1)(a) and 7(a) of the Code of Conduct, any restriction imposed would compromise a prima facie breach of the Members Article 10 rights, the right to freedom of speech. The Tribunal, therefore, considered that restriction was not justified.

Promotion of equality and respect : Abertillery & Llanhilleth Community Council

Report date	02/08/2021
Subject	Promotion of equality and respect
Outcome	CODE
Case ref number	201906362
Report type	CODE - Referred to Standards Committee/APW
Relevant body	Abertillery & Llanhilleth Community Council

[View report](#)

The Ombudsman received a complaint that a Member (“the Member”) of Abertillery & Llanhilleth Community Council (“the Council”) had breached the Code of Conduct.

It was alleged that the Member had shown a disregard for the principle of equality, by making comments about another member’s hearing impairment and deliberately making it difficult for that member to participate in Council meetings.

The investigation considered whether the Member failed to comply with the following provisions of the Code of Conduct:

4(a) – members must carry out their duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.

4(b) – members must show respect and consideration for others.

4(c) – members must not use bullying behaviour or harass any person.

During the investigation, it became apparent that the Member may have failed to comply with paragraphs 6(1)(a) (members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute) and 6(2) of the Code of Conduct (members must comply with any request by the Ombudsman in connection with an investigation conducted in accordance with his statutory powers).

Five witnesses were interviewed during the investigation: all were members of the Council. The investigation found that the evidence suggested that the Member had directly discriminated against another member by making discriminatory remarks about her disability during and immediately after a Council meeting on 30 October 2019, and by deliberately making it difficult for her to participate at Council meetings. The Ombudsman concluded that the Member’s behaviour was suggestive of a serious breach of paragraph 4(a) of the Code of Conduct.

The Ombudsman considered that the Member’s comments about the other member’s disability were a clear attempt to intimidate and undermine her. He considered that the Member’s behaviour was also suggestive of a breach of paragraph 4(b) of the Code of Conduct.

The Member denied that his actions breached the Code of Conduct, but he refused to be interviewed so that he could provide an account for the specific actions complained about. The other member said that she felt distressed and intimidated after the meeting on 30 October. Witnesses have also described the other member as being visibly upset during Council meetings. On balance, I consider that the Member behaved in a way that is suggestive of a breach of paragraph 4(c) of the Code of Conduct. The Ombudsman was also of the view that it would be reasonable to regard such conduct as capable of bringing the Member’s office or authority into disrepute and was therefore suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.

In relation to paragraph 6(2) of the Code of Conduct, the Ombudsman’s Investigation Officer made reasonable and appropriate requests in connection with this

investigation. The Investigation Officer took extra steps, causing a delay in the process, to appease the Member and to help him feel comfortable with the process. The Investigation Officer also took steps to make reasonable adjustments to afford the Member the opportunity to fully engage. My view is that the Member deliberately failed to engage with my investigation in an attempt to obfuscate the process and that his actions were suggestive of a breach of paragraph 6(2) of the Code of Conduct.

The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

The Adjudication Panel for Wales concluded that the Member had breached paragraphs 4(a), 4(b), 4(c), 6(1)(a) and 6(2) of the Code of Conduct and suspended him for 10 months. It also recommended that the Member should undertake further training on the Code of Conduct, undertake Equality and Diversity training and provide the Complainant with a full written apology.

Promotion of equality and respect : Llantwit Fardre Community Council

Report date	30/07/2021
Subject	Promotion of equality and respect
Outcome	CODE
Case ref number	202002984
Report type	CODE - No evidence of breach
Relevant body	Llantwit Fardre Community Council

[View report](#)

The Ombudsman received a complaint that a Former Member of Rhondda Cynon Taf County Borough Council (“the Council”) and Llantwit Fardre Community Council (“the Community Council”) had breached the Code of Conduct for Members (“the Code”) in using the term “Pikies” during a community WhatsApp group discussion.

The Ombudsman investigated whether the Former Member’s conduct may have breached paragraphs 4(a), 4(b) and 6(1)(a) of the Code. During the investigation the Member resigned from both the Council and Community Council. The Ombudsman’s investigation found that the community WhatsApp group was comprised of members of a village hall committee and at the time of the exchange the Former Member was not a Council or Community Council representative on the committee or WhatsApp group. The Ombudsman found the Former Member was not acting in his public role during the exchange and therefore paragraphs 4(a) and 4(b) of the Code were not engaged when he made the post in his private capacity, and these provisions of the Code were not engaged when the Former Member made his comment on WhatsApp.

The Ombudsman considered that had the Former Member been a Council or Community Council representative, his conduct could be suggestive of a breach of paragraph 6(1)(a) of the Code. However, the Ombudsman was not persuaded there was a sufficient link to the Former Member's role to suggest the comment would affect the reputation of the Former Member's office or authority. This being the case, the Ombudsman did not consider that the conduct was suggestive of a breach of paragraph 6(1)(a) of the Code.

Promotion of equality and respect : Rhondda Cynon Taf County Borough Council

Report date	30/07/2021
Subject	Promotion of equality and respect
Outcome	CODE
Case ref number	202002418
Report type	CODE - No evidence of breach
Relevant body	Rhondda Cynon Taf County Borough Council

[View report](#)

The Ombudsman received a complaint that a Former Member of Rhondda Cynon Taf County Borough Council ("the Council") and Llantwit Fardre Community Council ("the Community Council") had breached the Code of Conduct for Members ("the Code") in using the term "Pikies" during a community WhatsApp group discussion.

The Ombudsman investigated whether the Former Member's conduct may have breached paragraphs 4(a), 4(b) and 6(1)(a) of the Code. During the investigation the Member resigned from both the Council and Community Council. The Ombudsman's investigation found that the community WhatsApp group was comprised of members of a village hall committee and at the time of the exchange the Former Member was not a Council or Community Council representative on the committee or WhatsApp group. The Ombudsman found the Former Member was not acting in his public role during the exchange and therefore paragraphs 4(a) and 4(b) of the Code were not engaged when he made the post in his private capacity, and these provisions of the Code were not engaged when the Former Member made his comment on WhatsApp.

The Ombudsman considered that had the Former Member been a Council or Community Council representative, his conduct could be suggestive of a breach of paragraph 6(1)(a) of the Code. However, the Ombudsman was not persuaded there was a sufficient link to the Former Member's role to suggest the comment would affect the reputation of the Former Member's office or authority. This being the case, the Ombudsman did not consider that the conduct was suggestive of a breach of paragraph 6(1)(a) of the Code.

Integrity : Neath Port Talbot Council

Report date	20/07/2021
Subject	Integrity
Outcome	CODE
Case ref number	202005795
Report type	CODE - No evidence of breach
Relevant body	Neath Port Talbot Council

[View report](#)

The Ombudsman received a self-referred complaint that a Member (“the Member”) of Neath Port Talbot Council (“the Council”) had breached the Code of Conduct (“the Code”) in respect of comments he had made during a private Labour Party meeting during October 2019. The comments were secretly recorded and later published on social media on 5 March 2021.

The Ombudsman began an investigation of some of the comments made and considered whether the Member had breached the following paragraphs of the Code:

- 6(1)(a) – members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 7(b)(v) – members must not use or authorise others to use, the resources of their authority improperly for political purposes.

In the recording, the Member commented on school reorganisation. The investigation found that comments made about the relocation of a particular school appeared to have been made in the context of a report that identified that the school was at risk of being affected by a landslide. The comments were based on independent professional advice and were therefore not likely to amount to a breach of the Code.

The Member also made general comments about the Council’s school reorganisation plans. Whilst the Member clearly expressed his preliminary views on the matter, he did not appear to discount the possibility of other options. Neither did he indicate that he would not be willing to consider the advice of appropriate officers. That being so, the comments did not amount to a breach of the Code. During the recording, the Member suggested that he would refuse funding for a proposal supported by another political party in favour of a contradicting Labour proposal and, in doing so, referred to his involvement in the repair of a cemetery road in Ystalyfera. The decision to fund the work on the road was made by the Council’s Capital Programme Steering Group. Whilst the Member was copied into correspondence, he was not involved in the decision to fund the work. As such, the Ombudsman concluded that there was no evidence to suggest that the Member misused his position in relation to this matter and there was no evidence of a breach of the Code.

The Member also made reference to “cutting out” another member when putting through a regeneration programme which that member had been campaigning about for several years. The investigation found no evidence of any deliberate action by

the Member to “cut out”, or exclude the other member from the programme. There was a failure to keep the member informed of developments, however, it was not the Member’s responsibility to do so and, in any event, a Council officer took ultimate responsibility for this oversight. There was no evidence of a breach of the Code by the Member.

The Member was informed that no evidence of breaches of the Code were found during the investigation.

Selflessness and stewardship : Newport City Council

Report date	13/07/2021
Subject	Selflessness and stewardship
Outcome	CODE
Case ref number	202001914
Report type	CODE - Referred to Standards Committee/APW
Relevant body	Newport City Council

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The Ombudsman received a complaint from the Practice Manager of a GP Practice (“the Practice”) in the area of the Aneurin Bevan University Health Board (“the Health Board”), that a Member (“the Member”) of Newport City Council had failed to observe the Code of Conduct for Members.

It was alleged that the Member used their position as a member of the Council improperly when they advocated on behalf of a patient of the Practice.

The Ombudsman concluded that the Member had made 2 telephone calls to the Practice in which she sought to improperly rely on her position as a Member of the Council, and as a Council representative on the Health Board, in order to speak to an on-call doctor about the patient’s healthcare. The Ombudsman also concluded that the Member had made a complaint to the Health Board containing information which was critical of the Practice staff and did not accurately reflect the content of the telephone conversations. The Ombudsman was of the view that the complaint was an attempt by the Member to use their position to undermine the actions of the Practice and create a disadvantage for it.

The Ombudsman therefore determined that the Member may have breached paragraph 7(a) of the Council’s Code of Conduct for Members and referred his investigation report to the Monitoring Officer of Newport City Council for consideration by its Standards Committee.

The Standards Committee concluded that the Member had breached paragraph 7(a) of the Code of Conduct and suspended her for 3 months. It also recommended to the Council that she be removed from her position on the Health Board.

Integrity : Saltney Town Council

Report date	15/06/2021
Subject	Integrity
Outcome	CODE
Case ref number	202004182
Report type	CODE - No evidence of breach
Relevant body	Saltney Town Council

[View report](#)

A Member (“the Member”) of Saltney Town Council (“the Council”) self-referred to the Ombudsman as the Solicitors Regulation Authority (“the SRA”) had publicly issued a disqualification order related to their former employment as a paralegal.

The Ombudsman investigated whether the Member’s conduct may amount to a breach of paragraph 6(1)(a) of the Code of Conduct (“the Code”).

The Ombudsman obtained copies of the SRA’s decision documents and found that it had reached a finding of dishonesty against the Member on the basis that the Member had provided false information to clients on the progress of their cases. There was no suggestion of any financial impropriety or criminal conduct on the Member’s part.

The Ombudsman found that, whilst the Member may have brought themselves personally into disrepute as a result of the SRA’s public decision notice, the Member’s role as a paralegal was entirely related to their private life and had no connection to the Council or their role as a Councillor. Furthermore, the SRA’s dishonesty finding related to the Member’s inability to progress work. This being the case, the Ombudsman did not consider that the Member’s actions amounted to a breach of paragraph 6(1)(a) of the Code.

Promotion of equality and respect : Pembroke Dock Town Council

Report date	23/04/2021
Subject	Promotion of equality and respect
Outcome	CODE
Case ref number	202000789
Report type	CODE - Referred to Standards Committee/APW

Relevant body Pembroke Dock Town Council

[View report](#)

The Ombudsman received a complaint that a Former Member of Pembroke Dock Town Council (“the Council”) had failed to observe the Code of Conduct for Members of the Council. It was alleged that the Former Member had published a post on the social media platform Facebook, which could be considered racist and could have the potential to damage the reputation of the Council.

The Ombudsman’s investigation established that the Former Member had “liked” and “shared” the Facebook post, and that there had been a short delay before he took the post down. The investigation found that the Former Member had misled a local newspaper by stating that his Facebook account had been “hacked”, but had corrected this within 48 hours. It also found that the Former Member resigned as a member of the Council and was interviewed by police, who took no further action.

The Former Member said that he had not recognised the racist overtones when he shared the post, and was not a racist person. He apologised for any offense he might have caused. The Former Member accepted that he had the opportunity to attend Code of Conduct training which would have included training on equality issues. He had not attended, due partly to his disability, but accepted that he had not requested training in a manner more accessible to him.

The Ombudsman determined that the Former Member may have breached the Council’s Code of Conduct, in particular, paragraphs 4(a) and 4(b), as he may have failed to have due regard to the principle of equality of opportunity for all people while carrying out his duties, and may not have shown due respect and consideration for others. The Ombudsman also found that the Former Member’s actions could reasonably be regarded as behaviour which might bring the office of member, or the Council itself into disrepute, which may amount to a potential breach of paragraph 6(1)(a) of the Code of Conduct.

The Standards Committee of Pembrokeshire County Council determined that the Former Member had breached paragraphs 4(b) and 6(1)(a) of the Code of Conduct. The Former Member was given a censure.

