

Cyngor Sir CEREDIGION County Council

REPORT TO: Ethics and Standards Committee

DATE: 25 January 2023

LOCATION: Hybrid

TITLE: The Public Services Ombudsman Code of Conduct Findings

PURPOSE OF REPORT: For information

The Public Services Ombudsman for Wales 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 following is a decision published since the last meeting.

Duty to uphold the law : Llandovery Town Council

Report date - 27/10/2022

Subject: Duty to uphold the law

Outcome:CODE

Case ref number: 202100012

Report type CODE: - Referred to Standards Committee

Relevant body: Llandovery Town Council

The Ombudsman received a complaint that a Member (“the Member”) of Llandovery Town Council (“the Council”) had breached the Code of Conduct. The Member had been convicted of drug driving and it was reported in a newspaper that she did not intend to stand down as Mayor.

The investigation considered whether the Member failed to comply with paragraph 6(1)(a) of the Code of Conduct in that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

The Ombudsman considered the Member’s conviction and the fact that her sentence fell short of automatic disqualification as outlined in Section 80A of the Local Government Act 1972. The Ombudsman also considered the account provided by the Member.

The Ombudsman considered whether further action was needed in the public interest and the overriding purpose of the ethical standards regime in Wales, which is to uphold standards of conduct in public life and maintain confidence in local democracy. The Ombudsman was of the view that the Member’s conviction and the press coverage that followed which referred to the Council, the Member’s membership of the Council and her position as Mayor, could be regarded a conduct that was capable of bringing her Council and/or her office as a councillor into disrepute and was suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.

The report on the investigation was referred to the Monitoring Officer of Carmarthenshire County Council for consideration by its Standards Committee.

The Standards Committee concluded that the member had breached paragraph 6(1)(a) of the Code of Conduct. Accordingly, the Standards

Committee decided that the Member should be suspended to 2 months and be required to attend Code of Conduct training within 6 months.

Promotion of equality & respect : Ceredigion County Council

Report date 03/08/2022

Subject Promotion of equality & respect

Outcome CODE

Case ref number 202106365

Report type Code - No Action Necessary

Relevant body Ceredigion County Council

The Ombudsman received a self-referred complaint from a Member (“the Former Member”) of Ceredigion County Council (“the Council”), that they had breached the Council’s Code of Conduct for members.

The Member said that during a discussion at a public Council meeting about Welsh Ambulance Service NHS Trust (“WAST”) provision in Ceredigion, they had made inappropriate comments about “incomers” to the county and “immigrants” being allowed into Wales by the Welsh Government and the potential impact on those services. The Ombudsman’s investigation considered whether the Former Member’s conduct may have breached paragraphs 4(a), 4(b) and 6(1)(a) of the Council’s Code of Conduct. Information was obtained from the Council including a transcript of what the Former Member had said in the meeting, minutes of Council meetings, and comments from the Former Member. The Ombudsman found that following the incident the Former Member had stepped down from their political party to sit as an independent member. During the investigation the Former Member stood in the election on 5 May 2022 and was not returned by the local electorate.

In comments to the Council and the Ombudsman, the Former Member said the remarks had been inappropriate and taken in a way not intended. The Ombudsman found that the Former Member’s remarks did not extend to gratuitous or personal comment or hate speech and would not have been interpreted as representative of the views of the Council. As such, they would not have amounted to a breach of paragraphs 4(a) or 6(1)(a) of the Code of Conduct. The Ombudsman determined, however, that they could be considered divisive and disrespectful, and suggestive of a breach of paragraph 4(b) in failing to show respect and consideration for others.

The Ombudsman considered that, as the Former Member’s role was ultimately decided by the local electorate and they were no longer a member of the Council, any sanction which could be given if a breach of the Code of Conduct was found by the Council’s Standards Committee would be limited and therefore it was not in the public interest to take any further action in respect of the matter. The Ombudsman found that under Section 69(4)(b) of the Local Government Act 2000 no action needed to be taken in respect of the matters investigated.

RECOMMENDATION (S):

To note the contents of the report.

Contact Name:

Dana Jones

Designation:

Democratic Services and Standards Officer

Date of Report:

04 January 2023

