

CYNGOR SIR CEREDIGION COUNTY COUNCIL

Report to: Ethics and Standards Committee

Date of meeting: 15 November 2023

Title: The Public Services Ombudsman Annual Letter 22/23 ,PSOW Annual Report 22/23 and PSOW Decision Notices

Purpose of the report: To update the Committee on Public Service Ombudsman Wales matters

1)PSOW Annual letter (2022/23)

The PSOW Annual letter (2022/23) for Ceredigion County Council which with complaints relating to maladministration and service failure, complaints relating to alleged breaches of the Code of Conduct for Councillors and the actions being taken to improve public services.

The Ombudsman states:

“We received fewer Code of Conduct complaints in 22/23 compared to the previous year, relating to both Principal Councils and Town and Community Councils. My role is such that I do not make final findings about breaches of the Code of Conduct. Instead, where investigations find the most serious concerns, these are referred to the Standards Committee of the relevant local authority, or the Adjudication Panel for Wales. In 2022/23, the Ombudsman made 12 such referrals – a welcome reduction from 20 last year.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2022/23. This table shows both the volume, and the proportion that each outcome represents for the Local Authority:”

Appendix E - Code of Conduct Complaints

		Ceredigion County Council
Investigations	Decision not to investigate	0
	Discontinued	1
	No evidence of breach	0
	No action necessary	0
	Refer to Adjudication Panel	1
	Refer to Standards Committee	0
	Total	2

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority’s area in 2022/23. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council:

Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Decision not to investigate	Investigations				Refer to Adjudication Panel	Refer to Standards Committee	Total
		Discontinued	No evidence of breach	No action necessary				
Llandysul Community Council	1	0	0	0	0	0	1	
Llanfair Clydogau Community Council	0	0	0	0	0	0	0	
Llangoedmor Community Council	0	0	0	0	0	0	0	
Llansanffraed Community Council	0	0	0	0	0	0	0	
New Quay Town Council	0	0	0	0	0	0	0	
Trefeurig Community Council	0	0	0	0	0	0	0	

Following a query raised by the Corporate Resources Committee on 19 October, an enquiry was made of the PSOW as to the data in Appendix F, in so far as there were data entries save for "0" for x5 Town/Community Councils.

The PSOW replied:

"We keep town councils who have 0/zero cases in the year in the annual letter if there were cases the year previous, this is so that Councils are able to track patterns and compare with the previous year. We also thought that this approach provides certainty so that the Council knows we recorded zero cases for last year. That said, we'll keep this in mind this and if there's any additional feedback from the Ethics & Standards Committee after its meeting please let us know. As the Annual letter reports only on our work during 2022/23, the cases we have worked on during this financial year 23/24, will be reported in the annual report and the annual letters we publish next year. "

2) Ombudsman Annual Report

The Ombudsman A year of change - a year of challenge Annual Report and Accounts 2022/3 can be found on the following link:

[Annual-Report-and-Accounts-2022-23-19-07-2023-Auditor-signed.pdf](https://www.ombudsman.wales/Annual-Report-and-Accounts-2022-23-19-07-2023-Auditor-signed.pdf)
(ombudsman.wales)

Committee's attention is drawn to the following pages which reference the Code, page 9,10,13,14,**24-28**:

- "61% of Code of Conduct complaints about promotion of equality and respect.
- We investigated this year a slightly lower proportion of Code of Conduct complaints than last year. We also referred fewer complaints to the Adjudication Panel for Wales and Standards Committees. This is positive, as it suggests that we saw fewer very serious breaches of the Code.
- "Generally, we investigate only a small proportion of the Code of Conduct complaints we receive. This shows that the standards of conduct in local government are generally good."

On page 27, a Ceredigion Community Council is also referenced (in context of referral to the Adjudication Panel for Wales):

“A former member of Llansantffraed Community Council was disqualified from holding office as a councillor because she brought her office as a councillor into disrepute, having been convicted of the criminal offence of causing bodily harm by ‘wanton and furious driving’ contrary to Section 35 of the Offences against the Person Act 1861. You can read about this decision on the Adjudication Panel’s website here: [APW/009/2021-022/AT: Former Councillor Caryl Vaughan | The Adjudication Panel for Wales \(gov.wales\)](https://www.gov.wales/gov/wales/APW/009/2021-022/AT:FormerCouncillorCarylVaughan|TheAdjudicationPanelforWales)”

3)Decision Notices

Decision Notices are now issued by the PSOW in circumstances where the Ombudsman has decided not to investigate.

This will be because the Two-stage test was not met:

- i) No direct evidence of a breach of the Code, and
- ii) it was not in the public interest to in investigate.

This test is set out in the PSOW Guidance:

[General : 27 FINAL Investigation Report Template s21 casework support only \(ombudsman.wales\)](https://www.ombudsman.wales/general/27-final-investigation-report-template-s21-casework-support-only)

Investigations: Assessing the Public Interest

There have been 4 Decision Notices issued by the PSOW for Ceredigion Councillors during Q1 and 2 23/24.

These cannot be published or put in public domain but can be presented to the Committee for information only, either by email on a confidential basis, or by way of exempt agenda item. The Committee’s views are sought on how best to present these in future.

Wellbeing of Future Generations:

Has an Integrated Impact Assessment been completed? If, not, please state why.

No

Summary of Integrated Impact Assessment:

Long term: N/A

Collaboration: N/A

Involvement: N/A

Prevention: N/A

Integration: N/A

Recommendation(s):Committee is requested:

1)To note the contents of the PSOW Annual letter 22/23 and the PSOW Annual report 22/23,

2) to consider whether:

- a) Members would wish to receive information regarding PSOW Decision Notices, and
- b) if so, whether Members would wish to have the PSOW Decision Notices, circulated by confidential email or presented to Committee as exempt items.

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Designation: Monitoring Officer

Date of Report: 25/10/23

Acronyms: