



**CYNGOR BWRDEISTREF SIROL**  
**RHONDDA CYNON TAF**  
**COUNTY BOROUGH COUNCIL**

**COMMITTEE SUMMONS**

C. Hanagan  
Service Director of Democratic Services & Communication  
Rhondda Cynon Taf County Borough Council  
The Pavilions  
Cambrian Park  
Clydach Vale CF40 2XX

Meeting Contact: Hannah Williams - Council Business Unit (01443 424062)

**YOU ARE SUMMONED** to a meeting of **STANDARDS COMMITTEE** to be held at the **Committee Room 1, The Pavilions, Cambrian Park, Clydach Vale, Tonypany, CF40 2XX** on **FRIDAY, 29TH NOVEMBER, 2019** at **10.00 AM**.

Non Committee Members and Members of the public may request the facility to address the Committee at their meetings on the business listed although facilitation of this request is at the discretion of the Chair. It is kindly asked that such notification is made to Democratic Services by Wednesday, 27 November 2019 on the contact details listed above, including stipulating whether the address will be in Welsh or English.

**AGENDA**

**Page  
No's**

**1. DECLARATION OF INTEREST**

To receive disclosures of personal interest from Members in accordance with the Code of Conduct

Note:

1. Members are requested to identify the item number and subject matter that their interest relates to and signify the nature of the personal interest: and
2. Where Members withdraw from a meeting as a consequence of the disclosure of a prejudicial interest they must notify the Chairman when they leave.

**2. APPOINTMENT OF VICE-CHAIR**

To appoint a Vice-Chair for the Committee.

### **3. MINUTES**

To approve as an accurate record, the minutes of the meeting held on 20<sup>th</sup> September 2019.

**5 - 8**

### **REPORTS OF THE MONITORING OFFICER**

#### **4. APPLICATION FOR DISPENSATION - COUNTY BOROUGH COUNCILLOR R. BEVAN**

To consider the application presented.

**9 - 12**

#### **5. APPLICATION FOR DISPENSATION - COUNTY BOROUGH COUNCILLOR P. JARMAN**

To consider the application presented.

**13 - 16**

#### **6. REVIEW OF GIFTS AND HOSPITALITY POLICY AND ASSOCIATED REGISTER**

To review of the Council's Gifts & Hospitality Policy and associated Register.

**17 - 30**

#### **7. PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK**

To consider the Code of Conduct Casebook (Issue 21 and 22).

**31 - 44**

#### **8. URGENT BUSINESS**

To consider any items, which the Chairman, by reason of special circumstances, is of the opinion should be considered at the meeting as a matter of urgency.

**Service Director of Democratic Services & Communication**

**Circulation:-**

**Independent Members** – M.Jehu, MBE (Chair), D. Bowen and J.Thomas

**(Reserve Independent Member – C Pallant)**

**County Borough Councillors:** M. Forey & E. Webster

**Community Councillor** R.Butler

**(Reserve Community Councillor Member: C. Willis)**

**Officers:**

Mr A. Wilkins, Monitoring Officer

Mr C. Hanagan, Service Director of Democratic Services & Communication

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## **RHONDDA CYNON TAF COUNCIL STANDARDS COMMITTEE**

Minutes of the meeting of the Standards Committee meeting held on Friday, 20 September 2019 at 10.00 am at the Committee Room 1, The Pavilions, Cambrian Park, Clydach Vale, Tonypany, CF40 2XX.

### **Independent Members:-**

Mr M Jehu (Chair)  
Mr D. Bowen

### **County Borough Councillors - Standards Committee Members in attendance:-**

Councillor E Webster

### **Community Councillor:-**

Mr R Butler

### **Officers in attendance**

Mr A Wilkins, Director, Legal Services (Monitoring Officer)  
Mr P Nicholls, Service Director, Legal Services

#### **42 Apologies**

An apology for absence was received from Mr J Thomas (Independent Member), County Borough Councillor M Forey and Mr C Pallant (Reserve Member).

#### **43 Welcome**

The Chair welcomed members of the Committee to the meeting. The Chair introduced Mr P Nicholls, Service Director, Legal Services (Deputy Monitoring Officer) and briefly outlined his role which would involve deputising for the Director of Legal Services (Monitoring Officer) as and when appropriate.

#### **44 Declaration of Interest**

In accordance with the Council's Code of Conduct, there were no declarations made pertaining to the agenda.

#### **45 APPOINTMENT OF VICE-CHAIR**

It was **RESOLVED** to defer determination of the matter to the next meeting of the Standards Committee to be held on 29th November 2019 so as to afford all Independent Members the opportunity to submit their nominations for the position of Vice-Chair.

#### **46 MINUTES**

It was **RESOLVED** to approve the minutes of the meeting held on the 22nd March 2019 as an accurate reflection of the meeting.

#### **47 STANDARDS COMMITTEE WORK PROGRAMME**

The Monitoring Officer presented his report in respect of the Standards Committee Work Programme for the Municipal Year 2019/20. Committee Members were asked to review and comment on the attached work programme which reflects the remit of the Committee to monitor, review and advise on matters relating to the Ethical code; Members Code of Conduct and associated matters of governance and probity.

On consideration of the draft Work Programme for the Municipal Year 2019/20, Members noted the ongoing priorities, standard reports and frequency of reporting and acknowledged the importance of maintaining a degree of flexibility to enable additional, topical issues to be considered throughout the Municipal Year.

Following consideration of the forward plan of proposed Committee business for the 2019/20 Municipal Year, it was **RESOLVED** to adopt the ongoing work plan.

#### **48 PUBLIC SERVICES OMBUDSMAN FOR WALES**

The Monitoring Officer presented his report in respect of the summary of complaints made against Members and submitted to the Public Services Ombudsman for Wales (the 'Ombudsman') for the period 1<sup>st</sup> April 2018-31<sup>st</sup> March 2019.

Committee was asked to note the detail and summary of anonymised complaints made against Members for the period but also to note that in each case there had been no ombudsman investigation and no evidence of breach.

The Committee identified an emerging issue from the cases highlighted and sought assurance that relevant training was being delivered to all County Borough, Town and Community Councillors as it recognised that ongoing support and training for Members is vital. It was agreed that further discussion around this matter would be carried out in greater detail under Agenda Item 8 when the Monitoring Officer would outline future plans for refresher Code of Conduct training.

It was **RESOLVED** to note the contents of the report.

#### **49 PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT AND LETTER 2018 - 2019**

In his report, the Monitoring Officer provided a summary of matters pertaining to standards of conduct of County, Town and Community Councillors as set out in the Public Services Ombudsman for Wales (PSOW) Annual Report and Annual Letter to the Council for 2018-2019.

Whilst considering the report, Committee Members noted the 4% increase in Code of Conduct Complaints (CCCs) for the Municipal Year 2018-2019 largely due to the 14% increase in CCCs relating to Town/Community Councillors. Of the total 282 complaints made 147 related to Town/Community Councils, 102 to Local Authorities and 1 to a National Park. The Monitoring Officer stated that a number of these complaints had resulted in a breakdown in employer/employee

relationships and in some cases had been subsequently referred to the appropriate Standards Committee where the failure had been identified.

Further, the Monitoring Officer confirmed that the majority of complaints (255) had been closed after initial consideration with a further 36 closed after full investigation. Of the seven complaints received with potential breaches of the Code of Conduct, two did not meet the PSOW criteria for investigation and two were discontinued as they were no longer in the public interest. The Monitoring Officer added that of the cases the PSOW investigated and closed this year, four cases were referred to the Adjudication Panel for Wales which are yet to be determined. In conclusion, the Monitoring Officer proposed that updates on those remaining cases would be reported throughout the year.

The Chair proposed that a letter be drafted on behalf of the Standards Committee and in consultation with the Monitoring Officer, for the attention of the Chairs of the Community Councils, in the first instance, to highlight the emerging issue from the Ombudsman's Annual Report and to reiterate the importance of all Town and Community Councillors attending future Code of Conduct training sessions.

Accordingly, Members of the Committee **RESOLVED** to note the contents of the report and to action the afore-mentioned letter to the Chairs of the Town/Community Councillors.

## **50 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK**

The Monitoring Officer presented his report in respect of the Ombudsman's Code of Conduct Casebook (Issue 20) which had been produced and published by the Public Services Ombudsman for Wales. Committee was asked to consider the contents of the report which set out the Code of Conduct Casebook for the period January-March 2019.

Following consideration of the report it was **RESOLVED** to note the content of the Code of Conduct Casebook.

## **51 CODE OF CONDUCT REFRESHER TRAINING**

The Monitoring Officer reminded Committee that following the Local Government Elections on the 4<sup>th</sup> May 2017, a number of Code of Conduct training sessions were held for County Borough and Town/Community Councillors with the expectation that they attended and signed up to the Code. Of the 75 County Borough Councillors, 59 attended one of the available sessions.

It was proposed that two years on, a Code of Conduct refresher training for County Borough and Town/Community Councillors is undertaken over the coming months. It was also suggested that smaller sessions are conducted in order to better focus the training and accommodate the needs of individual Members.

Committee was asked to consider and agree the way forward in respect of the Code of Conduct training sessions with the assurance that the Monitoring Officer report the outcomes and attendance figures to a future meeting of the Standards Committee.

Following consideration of the information, it was **RESOLVED** to agree that Code of Conduct refresher training for County Borough and Town/Community Councillors be undertaken during the remainder of the 2019/2020 Municipal Year.

**52 Councillors' guide to handling intimidation**

The Monitoring Officer referred Committee to the link to the 'Councillors guide to handling intimidation' for information only. Committee was informed that the information contained within the link offered Members advice and support on how to deal with intimidating behaviour.

The Chair commented on the useful information provided within the link and how important it is for all Members to understand that intimidating behaviour cannot be tolerated in any situation. Committee agreed that social media can sometimes impact and influence this type of negative behaviour.

Members of the Committee acknowledged the report for information.

**53 CHAIR'S CLOSING REMARKS**

The Chair reminded Committee that he had presented the Standards Committee Annual Report 2018/19 to a meeting of Full Council and it had been very well received by the Leader of the Council and by the leaders of the respective political groups. He had received a number of compliments in respect of the work and proactive approach taken by the Standards Committee. The Chair acknowledged that the compliments are testament to the commitment of the Committee and to its good reputation.

The Chair reminded Committee that the next meeting will be held on the 29<sup>th</sup> November 2019.

**This meeting closed at 11.20am**

**M Jehu  
Chairman**





## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2019 - 2020

STANDARDS COMMITTEE

29 NOVEMBER 2019

**APPLICATION FOR DISPENSATION – COUNTY BOROUGH COUNCILLOR R. BEVAN**

**REPORT OF THE MONITORING OFFICER**

**Author : Mr. Andy Wilkins (Deputy Monitoring Officer) (Tel: 01443 424189)**

### **1. PURPOSE OF REPORT**

To enable the Committee to decide whether to grant a dispensation to County Borough Councillor Robert Bevan to speak and vote on all matters relating to the Community and Children's Services Group, save for any specific matters that directly affect his daughter who is employed by the Council in the Community and Children's Services Group as the Service Manager for Access and Enablement, with such dispensation being reviewed on an annual basis by the Standards Committee.

### **2. RECOMMENDATION**

- 2.1 To consider granting County Borough Councillor Robert Bevan a dispensation to speak and vote on all matters relating to the Community and Children's Services Group, save for any specific matters that directly affect his daughter, who is employed by the Council in the Community and Children's Services Group as the Service Manager for Access and Enablement, with such dispensation being reviewed by the Standards Committee on an annual basis.

### **3. BACKGROUND**

- 3.1 Paragraph 14 of the Code of Conduct sets out the procedures to be followed regarding participation in meetings when a Member has declared a personal and prejudicial interest.

- 3.2 However the participation by a Member in any business which is prohibited by Paragraph 14 is not a failure to comply with the Code if the Member has acted in accordance with a dispensation from the prohibition granted by the Standards Committee in accordance with regulations.
- 3.3 The relevant regulations are the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001. These regulations set out the grounds on which dispensations may be granted.
- 3.4 County Borough Councillor Robert Bevan's daughter works in the Community & Children's Services Group as the Service Manager for Access and Enablement. Councillor Bevan therefore seeks a dispensation to speak and vote on all matters relating to the Community and Children's Services Group save for any specific matters that directly affect his daughter. Reference to matters 'directly affecting his daughter' in this context means matters which do not directly financially advantage or disadvantage, or give other direct benefit or dis-benefit to her.
- 3.5 Councillor Bevan acknowledges that any dispensation awarded cannot be used if the matter under consideration would confer a greater benefit on the employed family member than on other tax payers, ratepayers or inhabitants of the Council's area, or be such that a member of the public might reasonably conclude it would significantly affect his ability to act purely on the merits of the case and in the public interest if he were to take part in the discussion.
- 3.6 In his application for dispensation Councillor Bevan further states that by virtue of being a Cabinet Member his participation in matters relating to the Community and Children's Services Group is justified.
- 3.7 Two of the grounds for granting a dispensation are:-
- “(d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business”; and
- “(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise.”
- 3.8 It is recommended the Committee consider granting Councillor Robert Bevan a dispensation to speak and vote on all matters for relating to the Community and Children's Services Group save for any specific matters that directly affect his daughter, who is employed by the Council in the Community and Children's Services Group as the Service Manager for Access and Enablement, with such dispensation being reviewed on an annual basis.

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**LIST OF BACKGROUND PAPERS**

**STANDARDS COMMITTEE**

**29 NOVEMBER 2019**

**BACKGROUND PAPERS**

<b>APPLICATION FOR DISPENSATION - COUNTY BOROUGH COUNCILLOR R.BEVAN</b>	<b>Officer to contact: Mr. A.S. Wilkins Tel: 01443 424189</b>
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**Freestanding Matter**

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## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2019 - 2020**

**STANDARDS COMMITTEE**

**29 NOVEMBER 2019**

**APPLICATION FOR DISPENSATION – COUNTY BOROUGH COUNCILLOR P. JARMAN**

**REPORT OF THE MONITORING OFFICER**

**Author : Mr. Andy Wilkins (Deputy Monitoring Officer) (Tel: 01443 424189)**

### **1. PURPOSE OF REPORT**

To enable the Committee to decide whether to grant a dispensation to County Borough Councillor Pauline Jarman to speak and vote on all matters for the duration and adoption of the 2020-21 Budget process in her capacity as Leader of the Opposition.

### **2. RECOMMENDATION**

- 2.1 To consider granting County Borough Councillor Pauline Jarman a dispensation to speak and vote on all matters for the duration and adoption of the 2020-21 Budget process in her capacity as Leader of the Opposition.

### **3. BACKGROUND**

- 3.1 Paragraph 14 of the Code of Conduct sets out the procedures to be followed regarding participation in meetings when a Member has declared a personal and prejudicial interest.
- 3.2 However the participation by a Member in any business which is prohibited by Paragraph 14 is not a failure to comply with the Code if the Member has acted in accordance with a dispensation from the prohibition granted by the Standards Committee in accordance with regulations.

- 3.3 The relevant regulations are the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001. These regulations set out the grounds on which dispensations may be granted.
- 3.4 County Borough Councillor Pauline Jarman's son works in the Streetcare Department and lives with her at her home address. Councillor Jarman therefore seeks a dispensation to speak and vote on all services affected by the Budget. In her application for dispensation Councillor Jarman states that by virtue of being Leader of an Opposition Group, her participation in the Budget process is justified.
- 3.5 One of the grounds for granting a dispensation is:-
- “(f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise.”
- 3.6 It is therefore recommended the Committee consider granting Councillor Pauline Jarman a dispensation to speak and vote on all matters for the duration and adoption of the 2020-21 Budget process in her capacity as Leader of the Opposition.

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**LIST OF BACKGROUND PAPERS**

**STANDARDS COMMITTEE**

**29 NOVEMBER 2019**

**BACKGROUND PAPERS**

<b>APPLICATION FOR DISPENSATION - COUNTY BOROUGH COUNCILLOR P.JARMAN</b>	<b>Officer to contact: Mr. A.S. Wilkins Tel: 01443 424189</b>
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**Freestanding Matter**







**RHONDDA CYNON TAF**

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2019 - 2020**

**STANDARDS COMMITTEE**

**29 NOVEMBER 2019**

**REVIEW OF GIFTS AND HOSPITALITY POLICY AND ASSOCIATED REGISTER**

**REPORT OF THE MONITORING OFFICER**

**Author: Mr. Andy Wilkins (Monitoring Officer)**

**1. PURPOSE OF THE REPORT**

To review the declarations made by elected Members in respect of the acceptance and refusal of gifts and hospitality.

**2. RECOMMENDATIONS**

- 2.1 To note the content of the Council's Gifts and Hospitality Policy.
- 2.2 To note the form used for registering acceptance or refusal of a gift or hospitality.
- 2.3 To note the declarations contained in the elected Members' gifts and hospitality register.
- 2.4 To consider whether the Committee wishes to make any recommendations in relation to the operation of the policy and compliance by elected Members as to declarations of gifts and hospitality.

**3. BACKGROUND**

- 3.1 The Council's Code of Conduct for Members states that:-

Para. 9(b) (Members) must avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the Authority), material benefits or services for themselves or any person which might place them or reasonably appear to, place them under an improper obligation.”

3.2 The Members’ Code of Conduct also states:

Para.17 You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority’s monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage.

3.3 At its meeting on 24<sup>th</sup> January 2014, the Standards Committee undertook a review of the declarations in relation to the acceptance of gifts and hospitality by Members of the Council.

3.4 The Council’s current policy was adopted on 23 May 2007 and revised on 25<sup>th</sup> March 2014 following the above mentioned review by this Committee. A copy of the policy is attached at Appendix 1 to the report. The policy provides some examples of situations where acceptance of a gift or hospitality may place a Member under an improper obligation to the donor, or may reasonably appear to do so. Members will note that the current policy sets out a threshold of £25 under which Members/Officers can accept gifts and hospitality. In respect of any acceptance or refusal of gifts or hospitality over £25 a Member must provide written notification to the Monitoring Officer of the existence and nature of that gift, hospitality, material benefit or advantage.

3.5 Set out at Appendix 2 to the report, for Members’ information, is a list of the thresholds in place across a number of Authorities across Wales.

3.6 The current proforma form used for the registration of acceptance or refusal of gifts and hospitality by Members and by Officers of the Council is attached at Appendix 3 to the report.

3.7 As noted above Members and Officers are required in accordance with the policy to register acceptance or refusal of any gifts, hospitality or other benefits both below and exceeding the threshold, using the applicable form which would should be returned to the Monitoring Officer. The declarations currently held in the register will be available for Members’ inspection at the meeting.

3.8 In addition the Ombudsman’s guidance provides the following advice to Members:-

*“It is important that you do not accept any gifts or hospitality for yourself, or on behalf of others, which would place you under obligation or appear to do so. Accepting such gifts or hospitality could be regarded as compromising your objectivity when you make decisions or carry out the work of your Council. This is also true of any services or gifts in kind. This does not prevent you from attending official events such as a civic reception or working lunch where these are authorised by your authority. You must register any gifts or hospitality worth more than the amount specified by your authority that you receive in connection with your official duties as a member and the source of the gift or hospitality.*

*You must register the gift or hospitality and its source within 28 days of receiving it. Like other interests in your register of interests, you may have a **personal interest** in a matter under consideration if it is likely to affect a person who gave you a gift or hospitality that is registered.*

*If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, how the business under consideration relates to that person and then decide whether that interest is also a **prejudicial interest**. It is also good practice to provide a note of any offers of gifts which you have declined.*

**Is the gift or hospitality connected to my official duties as a member?**

*You should ask yourself, would I have been given this if I was not on the Council? If you are in doubt as to the motive behind a gift or hospitality, I recommend that you register it or speak to your Monitoring Officer.*

*You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept.*

*However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.*

**What if I do not know the value of a gift or hospitality?**

*The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to the value specified by your authority or over should be registered. The Code also refers to material benefit or advantage. The measure of this would be if an informed independent*

*observer could conclude that you might be perceived to be better off as a consequence. “*

- 3.9 In England there is currently no legal requirement for local authorities to maintain a gifts and hospitality register, nor for individual Councillors to register or declare gifts and hospitality they receive as part of their role. Most codes adopted by local authorities in England do however require Councillors to register gifts and hospitality in some way. In the recent Local Government Ethical Standards review (of the ethical framework in England) undertaken by the Committee on Standards in Public Life, which Members considered at its meeting in March 2019, the Committee recommended Local authorities should be required to establish a register of gifts and hospitality, which as noted above is already a requirement in Wales). They also recommended Councillors be required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. £50 is the registration threshold for gifts or donations during election campaigns, which the Committee say provides a consistent declaration threshold both during and outside election periods. They also recommended local authorities update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.
- 3.10 The Committee having reviewed the policy and form used for registering the accepting or refusal of gifts and hospitality together with the Members declarations contained in the register is invited to consider whether the it wishes to make any recommendations in relation to the operation of the policy and compliance by elected Members as to declarations of gifts and hospitality.

**A POLICY ON ACCEPTANCE OF GIFTS AND HOSPITALITY OFFERED TO MEMBERS AND OFFICERS adopted by the Council on 23 May 2007 – Revised 25<sup>th</sup> March 2014**

**Introduction**

1. This guidance is issued under the statutory Codes of Conduct for Members and officers, and is therefore relevant to Councillors and Co-opted Members of Rhondda Cynon Taf County Borough Council, and to Council employees to whom the Employee Code of Conduct relates. The guidance contains the levels set by the Council under the Codes above which the receipt of gifts and hospitality can be accepted but together with refusals must be notified to and registered by the appropriate Group Directors and kept under review by the Monitoring Officer.

**Definitions**

2. “Gift” – any tangible item given to a Member or employee arising out of his/her official duties and position with the Council. “Hospitality” – any entertainment beyond the offer of non-alcoholic drinks and light refreshments, which would reasonably be regarded as normal social congress, offered to the Member or officer in his/her official capacity or in the course of their duties as a Member or officer of the Council. Hospitality can include (but not exclusively) entertaining individuals to meals, travel opportunities, hotel accommodation, invitations to events, sporting and theatre tickets. “Other benefits” – any other benefit offered to a Member or employee in the course of or arising from their official duties, not constituting covered by the definitions of Gifts or Hospitality above.

NOTE: the above definitions do not include gifts, hospitality or other benefits offered by the Council, which do not need to be authorised or registered.

**Statutory and Council Framework**

3. The Council’s Code of Conduct for Members states that:- Article 9(b) (Members) must avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the Authority), material benefits or services for themselves or any person which might place them or reasonably appear to, place them under an improper obligation.”  
“Registration of Gifts and Hospitality – Article 17, a Member must within 28 days of receiving any gift, hospitality material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority’s Monitoring Officer of the existence and nature of that gift, hospitality material benefit or advantage.
4. The statutory Code of Conduct for Local Government Employees

(which currently excludes fire-fighters and teachers) states that:-

“Personal Interest – Article 8 (Employees must comply with) any rules of their relevant Authority on the declaration by employees on hospitality or gifts offered to or received by them from any person or organisation doing or seeking to do business or otherwise benefiting or seeking to benefit from a relationship with the Authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant Authority.”

### **Acceptance and Refusal**

5. Currently the Council has agreed a threshold figure of **£25** in relation to the acceptance of gifts, hospitality and other benefits by Members and Officers. Whatever the value of the gift, hospitality or other benefit offered to a Member or employee, if its acceptance may place him/her under an improper obligation to the donor, or may reasonably appear to do so, it should always be refused. Members and officers must not contravene the provisions of the Bribery Act 2010 as they may be liable to a fine and/or imprisonment.
6. It is not possible to describe all the situations where an improper obligation may arise. However, these are some examples of circumstances in which offers are likely to be seen as suspect:-
  - The offer of hospitality, gifts or benefits, which do not appear to have any proper purpose connected with the Council (examples could include the offer of private holidays or the use of holiday accommodation, personal gifts of substantial value or other benefits offered to the Members or employees at substantially below the price they would normally be offered to the public);
  - Benefits offered to individuals who are closely involved with the matter or relevant service area by someone seeking to do business with the Council by (for example) negotiating a contract or the sale or acquisition of a property, or who has submitted a tender for a Council project;
  - Regular and repeated hospitality from the same person or organisation;
  - Hospitality offered where the Council or employee would be the sole guest on an essentially private occasion;
  - Hospitality offered for purely sporting or social occasions away from the Council's area, where there would be no general expectation that the Council should be represented, nor any clear connection with Council functions.

It should be stressed that the above are examples only, and are not exhaustive. Each offer should be considered on its merits and it will be necessary for the Member to take a personal view as to whether it is appropriate to accept it.

7. Members and employees must strike a balance between, on the

one hand, taking an active part in the life of the community and ensuring that the Council is properly represented when it needs to be in a position to receive or impart information, and, on the other hand, the need to avoid the appearance of improper obligations.

8. In circumstances where it is necessary for the Council to be represented at events where hospitality is offered, it is appropriate to accept unless there are circumstances which clearly suggest that an improper obligation may be seen to arise. If, for example, the host offering hospitality is at a sensitive stage in contractual negotiations with the Council, it will not be appropriate for those who are directly or indirectly involved with those negotiations to accept hospitality. If the matter is a major project which affects many parts of the Council, all invitations during negotiations should be refused. If, however, the issue is relatively minor and confined to one service area or a small group of individual Councillors or employees, it may be appropriate for those unconnected with the matter to accept invitations, if it is believed that the event concerned is particularly relevant to Council functions.
9. The offer of hospitality from major public bodies (including the UK Parliament, the National Assembly for Wales, National Health Service Trusts, Health Authorities, Audit Commission and other Councils) will normally be appropriate for acceptance as the implication of improper obligation would rarely arise in those circumstances and such events are generally arranged for proper public purposes. However, those offered the hospitality would still need to consider whether acceptance is likely to further the Council's interests. Also, if the organisation is involved in the process of negotiating a contract or other arrangement with the Council, careful consideration should be given before accepting the invitation.
10. The acceptance of Gifts and Hospitality in relation to civic or ceremonial events or occasions will not be the subject of any threshold and an inventory of any such gifts received must be recorded in accordance with paragraph 17.
11. Members and employees may be offered gifts in the form of bequests, as a result of their undertaking official duties. This most often happens in the case of home care or residential care staff. Offers of bequests should be discouraged where possible, but if a bequest is made, employees are required by their Code of Conduct to seek the consent of the Council before accepting it. Acceptance of a bequest by Members or employees should be considered within the following framework:-
  - Consent will generally be refused where undue influence or persuasion has been shown to be brought to bear on the testator;
  - The acceptance of small bequests representing a minor proportion of the estate in each individual case will generally be seen as acceptable.

## **Authorisation**

12. It is necessary under the Employee Code of Conduct for employees to receive formal authorisation from the Council before accepting gifts, hospitality or other benefits. Even if authorisation is given by this guidance or otherwise, employees remain under a duty to consider whether acceptance of the gift, hospitality or other benefit would place him/her under an improper obligation or be reasonably regarded as such, and whether they need to register its receipt. The responsibility to do so remains with the employee.
13. Subject to paragraph 12 above, this guidance gives general authorisation for employees to accept the following without further authorisation:-
  - Promotional or advertising items including pens, calendars, note pads, diaries, etc;
  - Token gifts given to all or most participants at the end of an official visit by or to the Council or a properly authorised conference;
  - Modest gifts given by individuals to express gratitude for help given in the proper performance of official duties, where refusal would needlessly offend, including (for example) bunches of flowers, boxes of chocolate, single bottle of inexpensive wine etc, but repeated or costly gifts of this nature should be politely refused;
  - Hospitality offered as part of a conference or training event at which attendance has been authorised through the normal procedures;
  - Hospitality by way of meals offered at business meetings where it is necessary because of diary commitments or other pressing circumstances, for the meeting to cover a normal mealtime. In such cases, the hospitality should be of an appropriately modest scale.

## **Authorisations**

14. The Chief Executive must seek approval of the Monitoring Officer and the Chief Financial Officer.

Group Directors must seek the approval of the Chief Executive.

Service and other Directors must seek the approval of their Group Directors.

Officers below Service Directors must seek their approval of their Service or other Directors.
15. Councillors or Co-Opted Members are not required to obtain authorisation before accepting hospitality, gifts or other benefits offered but they should consult with the Chief Executive or the Monitoring Officer. They will be responsible for any decision they take to accept.



## **Registration**

16. Members and employees are required to register all gifts, hospitality or other benefits accepted or refused other than those authorised under paragraph 13, using the applicable forms, which will be returned for registration to the appropriate Group Director.
17. Civic gifts or donations intended to be given to the Council and not to the Member or employee personally, should be accepted on behalf of the Council and need not be registered by the individual formally receiving them. However, the receipt of such gifts must be recorded by the Council for inventory purposes.

## **Offering Hospitality, Gifts and Other Benefits**

18. There will be many occasions when it is necessary and appropriate for the Council to offer hospitality, gifts or other benefits to organisations or individuals in order to further the proper exercise of the Council's functions. These may include the following (which is for guidance and not intended to be an exhaustive list):-
  - Promoting the economic, environmental and social benefit of the inhabitants of the area;
  - Securing economic development;
  - Encouraging visitors and providing entertainment;
  - In connection with official and courtesy visits by distinguished people, representatives of foreign, national, regional and local government and other public services;
  - Raising money for charitable purposes or for the funds of public bodies which provide services otherwise than for gain.
19. When considering whether to make such offers, Members and employees must ensure that they have proper regard to the fiduciary responsibilities of the Council towards Council Taxpayers and the inhabitants of the area.
20. The Member Code of Conduct says that:-
  - "7. Members:
    - (a) must not, in their official capacity or otherwise, use their position improperly to confer on or secure for any person, and in particular their family, friends or those with whom they have a close personal association, an advantage or disadvantage or to secure an advantage for themselves;
    - (b) must, when using or authorising the use by another Member of the resources of the Authority, do so prudently and in accordance with the law and the Authority's requirements; and
    - (c) must ensure that the resources of the Authority are not used improperly for their own private purposes, their family, friends and persons with whom they have a close personal

association.”

21. The Employee Code of Conduct says that:-
  - “7. Qualifying employees of relevant Authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised to do so.”

## APPENDIX 2

### GIFTS & HOSPITALITY THRESHOLD – AS AT 1 NOVEMBER 2019

<b>Authority</b>	<b>Threshold</b>
Blaenau Gwent	£10
Bridgend	£20
Caerphilly	£25
Cardiff	£25
Carmarthenshire	£25
Ceredigion	£21
Conwy	£25
Denbighshire	£25
Flintshire	£10
Gwynedd	£10
Isle of Anglesey	£20
Monmouthshire	£25
Neath Port Talbot	£50
Pembrokeshire	£25
Powys	£25
Swansea	£25
Torfaen	£25
Vale of Glamorgan	£50 – gifts £25 - hospitality
Wrexham	£25
South Wales Fire	£25

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**RECORD OF OFFER OF GIFT/HOSPITALITY/MATERIAL  
BENEFIT OR ADVANTAGE – COUNCIL MEMBERS**

Members must consider the Council's policy and the current threshold of £25.00 before accepting or refusing any offer of gifts, hospitality, material benefit or advantage, from external organisations. In addition, before acceptance of any offer, a Member may consult the Chief Executive or the Monitoring Officer.

Members must not accept gifts or hospitality above the threshold nor below the threshold which might place them or reasonably appear to place you under an improper obligation.

Members must, within 28 days of receiving, or refusing, any gift, hospitality, material benefit or advantage, provide written notification to your Authority's Monitoring Officer of the existence and nature of that gift, hospitality, material benefit or advantage.

The under-mentioned details must be submitted to the Director of Legal Services on all occasions where the offer is accepted or refused

<b>MEMBER:</b>	
<b>DATE:</b>	
<b>NAME AND ADDRESS OF ORGANISATION/INDIVIDUAL OFFERING GIFT/HOSPITALITY/MATERIAL BENEFIT OR ADVANTAGE:</b>	
<b>NATURE OF GIFT/HOSPITALITY/MATERIAL BENEFIT OR ADVANTAGE OFFERED:</b>	
<i>Please tick as appropriate</i>	
<b>ACCEPTED:</b>	<b>REFUSED:</b>
<b>SIGNED:</b>	

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

**29 NOVEMBER 2019**

**REPORT OF THE MONITORING OFFICER**

**REVIEW OF GIFTS AND HOSPITALITY POLICY AND ASSOCIATED REGISTER**

**Background Papers**

Rhondda Cynon Taff County Borough Council Gifts and Hospitality Policy

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## **RHONDDA CYNON TAF**

### **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

#### **STANDARDS COMMITTEE**

**29 NOVEMBER 2019**

### **PUBLIC SERVICES OMBUDSMAN FOR WALES – CODE OF CONDUCT CASEBOOK**

#### **REPORT OF THE MONITORING OFFICER**

#### **1. PURPOSE OF REPORT**

To receive the Ombudsman's Code of Conduct Casebook (Issue 21 & 22) produced by the Public Services Ombudsman for Wales.

#### **2. RECOMMENDATION**

2.1 To note and consider the contents of the Ombudsman's Code of Conduct Casebook (Issue 21 & 22) published by the Public Services Ombudsman for Wales.

#### **3. BACKGROUND**

3.1 The Public Services Ombudsman for Wales produces quarterly Code of Conduct casebooks.

3.2 Issue 21 of the Code of Conduct Casebook, covers the period April-June 2019, and is attached as Appendix 1 to the report.

3.3 Issue 22 of the Code of Conduct Casebook, covers the period July-September 2019 and is attached as Appendix 2 to the report.

3.3 Members should note that the Casebooks are able to be accessed via the Ombudsman's Website and the following link:

[Code of Conduct Casebooks](#)

**LOCAL GOVERNMENT ACT 1972**  
**AS AMENDED BY**  
**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**STANDARDS COMMITTEE**  
**29 NOVEMBER 2019**  
**REPORT OF MONITORING OFFICER**

**BACKGROUND PAPERS**

**Freestanding Matter**

**Contact:** Mr. Andy Wilkins (Director of Legal Services & Monitoring Officer)  
– 01443 424105



# The Code of Conduct Casebook

Issue 21 September 2019

## 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 defense 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 June 2019.

# The Code of Conduct Casebook

Issue 21 September 2019

## Contents

No evidence of breach .....	3
No action necessary .....	4
Referred to Standards Committee .....	4
Referred to Adjudication Panel for Wales.....	4

# Case summaries

## No evidence of breach

### Sully and Lavernock Community Council - Disclosure and registration of interests

Case number: 201802547 - Report issued in April 2019

The Ombudsman received a complaint that a Member ("the Member") of Sully and Lavernock Community Council ("the Council") had breached the Code of Conduct. It was alleged that, despite being aware that a grievance had been submitted to the Council about his behaviour, the Member had failed to declare an interest when those matters were discussed in Council meetings.

In addition to the evidence provided by the complainant, information was also sought from the Council, the County Council and the Member. Having reviewed the information available, the Ombudsman found that there was no evidence of a breach of the Code of Conduct.

### Amlwch Town Council – Promotion of equality and respect

Case Number: 201802863 – Report issued in April 2019

The Ombudsman received a complaint that a Member ("the Member") of Amlwch Town Council ("the Council") had breached parts of the Code of Conduct in his conduct towards the Council's Clerk at a meeting.

The Ombudsman investigated whether the Member had breached parts of the Code in relation to showing respect and consideration, not use bullying behavior or harass any person, and not conduct yourself in a manner which could reasonably be regarded as bringing their authority into disrepute.

The Ombudsman investigated a selection of those present at the meeting, including members of the Council and members of the public. The evidence did not support the complaint.

Under Section 69(4)(a) of the Local Government Act 2000, the Ombudsman Concluded that there was no evidence to suggest that the Member had failed to comply with the Code of Conduct

### Powys County Council – Promotion of equality and respect

Case Number: 201803813 & 201803815 – Report issued in May 2019

The Ombudsman received a complaint that a Member ("the Member") of Powys County Council ("the Council") had breached the Code of Conduct. It was alleged that the Member had continuously made comments to the press about the complainant's business, which caused the complainant to feel bullied and harassed.

During the course of the investigation, information was provided by relevant parties including the complainant and the Monitoring Officer.

The Ombudsman found that there was no evidence of a breach of the Code of Conduct. The matters referred to by the complainant were accurate and in the public domain. There was no evidence which was suggestive that matters had been leaked to the press by the Member.

## **No action necessary**

### **Magor with Undy Community Council – Integrity**

**Case Number: 201807788 – Report issued in May 2019**

The Ombudsman received a complaint that a Member (“the Member”) of Magor with Undy Community Council (“the Council”) had breached the Code of Conduct when he organised the transfer of Council data to an external, electronic storage application. It was alleged that the Member acted improperly to persuade Council staff to grant access to the Council’s files, and inappropriately accessed the information which was available during the file transfer process.

Having been informed, during the course of the investigation, that the Member had resigned from the Council, the Ombudsman concluded that the complaint no longer satisfied the public interest requirements of the two-stage test and the investigation was discontinued.

## **Referred to Standards Committee**

### **Cwmllynfell Community Council– Promotion of equality and respect**

**Case Number: 201704948 – Report issued in May 2019**

The Ombudsman received a complaint that a Member (“the Member”) of the Cwmllynfell Community Council (“the Councillor”) displayed disrespectful and bullying behaviour towards the Clerk (at the time) at two meetings.

The Ombudsman found that there was evidence to suggest that the Member had failed to show respect and consideration to the former Clerk when raising matters of a personal nature, which did not relate to the performance of the Clerk’s duties, during the second meeting which was open to the public. The Member’s actions were considered to be contrary to one of the Council’s Standing Orders. The Ombudsman found also that there was evidence to suggest that the Member had displayed bullying behaviour towards the Clerk at this meeting.

The Ombudsman determined that the matter should be referred to the Monitoring Officer of Neath Port Talbot County Borough Council for consideration by that Council’s Standards Committee.

The Standards Committee determined that the Members conduct in respect of the second meeting was in breach of paragraphs 4(b) and 4(c) of the Council’s Code of Conduct. In addition, the Standards Committee found that in behaving in this way during this meeting that the Member had also brought the office of member into disrepute in breach of paragraph 6(1)(a). The Standards Committee issued a censure to the Member for the breaches of the Code found.

## **Referred to Adjudication Panel for Wales**

There are no summaries in relation to this finding.

# The Code of Conduct Casebook

Issue 22 October 2019

## 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 defense 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 July to September 2019.

# The Code of Conduct Casebook

Issue 22 October 2019

## Contents

No evidence of breach .....	3
No action necessary .....	4
Referred to Standards Committee .....	5
Referred to Adjudication Panel for Wales.....	6

## Case summaries

### No evidence of breach

#### Caia Park Community Council - Disclosure and registration of interests

Case number: 201805133 - Report issued in July 2019

The Ombudsman received a complaint that a Member ("the Member") of Caia Park Community Council ("the Council") had breached the Code of Conduct for members, in October 2018, when they submitted an application for funding for a community project, in which they had an interest, which was above the Council's agreed limit, against the advice of the Clerk. It was alleged that the Member's behaviour could bring the Council into disrepute.

The investigation established that the Clerk had advised that the Council could consider an application for funding above the agreed limit. The Member declared an interest and there was no evidence that they sought to influence the decision making. Therefore, the Ombudsman found that there was no evidence that the Member had breached the Code of Conduct.

#### Powys County Council - Accountability and openness

Case Number: 201803272 – Report issued in August 2019

The Ombudsman received a complaint that a Member ("the Member") of Powys County Council ("the Council") had breached the Code of Conduct ("the Code") in relation to the connection of water supplies to two of his properties and in respect of his actions in relation to his caravan site.

An investigation was commenced to consider whether the Member had breached the part of the Code relating to disrepute. Copies of relevant documents were obtained. The evidence found by the investigation was shared with the Member before he was formally interviewed.

The Ombudsman determined there was no evidence to suggest that the Member had breached the Code.

#### Denbighshire County Council - Promotion of equality and respect

Case Number: 201900044 – Report issued in August 2019

The Ombudsman received a complaint about a Member ("the Member") of Denbighshire County Council ("the Council"). It was alleged that the Member's behaviour had been inappropriate and disrespectful and breached the Code of Conduct.

During the course of the investigation, information was provided by relevant parties including the complainant, and the Monitoring Officer.

The Ombudsman found that there was no evidence to support the concerns raised and found that there was no breach of the Code of Conduct.

#### Prestatyn Town Council - Promotion of equality and respect

Case Number: 201900045 – Report issued in August 2019

The Ombudsman received a complaint about a Member ("the Member") of Prestatyn Town Council ("the Council"). It was alleged that the Member's behaviour had been inappropriate and disrespectful and breached the Code of Conduct.

During the course of the investigation, information was provided by relevant parties including the complainant, the Clerk to the Council and the Monitoring Officer.

The Ombudsman found that there was no evidence to support the concerns raised and found that

there was no breach of the Code of Conduct.

### [Sully and Lavernock Community Council - Duty to uphold the law](#)

[Case number: 201900025 - Report issued in September 2019](#)

The Ombudsman received a complaint that a Member ("the Member") of Sully and Lavernock Community Council ("the Council") had breached the Code of Conduct when he allegedly physically attacked someone.

The Ombudsman's investigation was suspended pending the outcome of a criminal prosecution made against the Member in relation to the incident. The case was heard by the Magistrates Court; there was no direct witness evidence to the alleged incident and the Member was found not guilty. Therefore, the Ombudsman did not consider that the evidence suggested that the Member had breached the Code of Conduct in this case. The Ombudsman's finding under s69(4)(a) of the Local Government Act 2000 was therefore that there was no evidence that the Member had failed to comply with the Code.

## **No action necessary**

### [Llandrindod Wells Town Council - Promotion of equality and respect](#)

[Case number: 201803394 - Report issued in July 2019](#)

The Ombudsman received a complaint that a Member ("the Member") of Llandrindod Wells Town Council ("the Council") had inappropriately accessed the Council's computer, withheld information gathered from it from the Council and failed to declare a personal and prejudicial interest in matters the Council was considering. It also alleged that the Member had engaged in bullying behaviour towards the Clerk at two meetings, in particular.

The investigation considered whether the Member might have breached paragraphs 4(b) and (c), 5(b), 7(a), 11 and 14 of the Code of Conduct. Copies of relevant documents, including the approved minutes of the two meetings, were obtained and telephone interviews were conducted with relevant witnesses. The evidence found by the investigation was shared with the Member before he was formally interviewed.

The investigation found that the evidence did not suggest the Member had acted in a bullying manner, prevented the Council from obtaining access to information to which it was entitled or used his position improperly. The Member was entitled to comment on matters to do with the Council and had legitimate grounds for his actions.

The investigation found evidence that the Member had failed to show due respect and consideration to the Clerk at one meeting, and that he had failed to take appropriate action in respect of a personal and prejudicial interest. However, the Member had been acting in good faith and in the best interests of the Council. In addition, he demonstrated a reasonable level of personal reflection since the time of the events. The Ombudsman found that, therefore, no action needed to be taken in respect of the matters investigated

### [Bridgend Town Council - Disclosure and registration of interests](#)

[Case number: 201707582 - Report issued in September 2019](#)

The Ombudsman received a complaint about a Member ("the Member") of Bridgend Town Council ("the Council"). It was alleged that the Member had failed to disclose a personal and prejudicial interest during a meeting of the Council and proceeded to participate in discussions relating to that matter. Additionally, it was alleged that the Member failed to show respect and consideration during the meeting and behaved in a bullying manner towards the Clerk to the Council.

During the course of the investigation, information was provided by relevant parties including the complainant, and the Council.



The Ombudsman found that the evidence gathered was suggestive that the Member had failed to appropriately declare a personal and prejudicial interest at the meeting of the Council. In addition, the Member's actions in failing to leave the room and making representations were also suggestive of a failure to comply with the relevant provisions of the Code. Further, the Ombudsman determined that the evidence was suggestive that the Member failed to show respect and consideration to the Clerk during that meeting.

In deciding what action to take the Ombudsman considered the custom and practice of declaring interests within the Council at the relevant time, the mitigation provided by the Member and recent evidence confirming a significant improvement in working relationships within the Council. The Ombudsman concluded that it would not be in the public interest to take matters further and that no action should be taken in respect of the matters investigated.

#### [Bridgend Town Council - Disclosure and registration of interests](#) [Case number: 201707583 - Report issued in September 2019](#)

The Ombudsman received a complaint about a Member ("the Member") of Bridgend Town Council ("the Council"). It was alleged that the Member had failed to disclose a personal and prejudicial interest during a meeting of the Council and proceeded to participate in discussions relating to that matter. Additionally, it was alleged that the Member had used his position improperly in an attempt to gain an advantage for himself or his close personal associates.

During the course of the investigation, information was provided by relevant parties including the complainant, and the Council.

The Ombudsman found that the evidence gathered was suggestive that the Member had failed to appropriately declare a personal and prejudicial interest at the meeting of the Council. In addition, the Member's actions in failing to leave the room and making representations are also suggestive of a failure to comply with the relevant provisions of the Code. However, the Ombudsman was not persuaded that the evidence was suggestive that the Member used his position in an attempt to gain an advantage as suggested.

In deciding what action to take the Ombudsman considered the custom and practice of declaring interests within the Council at the relevant time and the mitigation provided by the Member. The Ombudsman concluded that it would not be in the public interest to take matters further and that no action should be taken in respect of the matters investigated.

#### [Trefeurig Community Council - Disclosure and registration of interests](#) [Case number: 201806748 - Report issued in September 2019](#)

The Ombudsman received a complaint that a Member ("the Member") of Trefeurig Community Council ("the Council") had breached the Code of Conduct. It was alleged that, during a discussion about a planning application for a local development, the Member failed to declare an interest in the matter.

During the course of the investigation, information was provided by relevant parties including the complainant, and the Clerk to the Council.

The Ombudsman found that no action needed to be taken in respect of the matters investigated.

## **Referred to Standards Committee**

#### [Prestatyn Town Council - Promotion of equality and respect](#) [Case number: 201700947 – Report issued in July 2019](#)

The Ombudsman received a complaint that a Member ("the Member") of Prestatyn Town Council

("the Council") may have used threatening and abusive behaviour towards a fellow member of the Council and behaved in an aggressive and confrontational manner at two Council meetings in November 2016 and May 2017.

The Ombudsman obtained relevant information about the matter from the Council and interviewed a number of witnesses. The Member was interviewed and provided his response to the complaint. Having considered the evidence the Ombudsman found that there was evidence to suggest that the Member may have breached the Code of Conduct and referred the matter for consideration by the Council's Standards Committee.

The Standards Committee determined that the Member failed to show respect and consideration to Police Officers who were in attendance at the meeting in November 2016 and towards his fellow member in the meeting in May 2017. In addition, the Standards Committee found that the Members behaviour at both meetings was capable of bringing the Council into disrepute.

The Standards Committee decided that on the basis of the findings reached that the Member should be suspended from office of member of the Council for a period of four months.

#### [Neath Town Council - Promotion of equality and respect](#)

[Case number: 201707990 – Report issued in July 2019](#)

On 21 March 2018, I received a complaint that a member of the Council ("the Member") failed to observe the code of conduct for members of Neath Town Council ("the Council"). It was alleged that the Member had commented that a Neath resident had deserved to be murdered.

The investigation found that the Member's unsolicited comments about the victim were both disrespectful and distasteful and, whilst it may have been the member's private opinion, there was no reason for it to have been expressed publicly. In view of the effect of the Member's comments on the citizens of Neath Town Council, many of whom believe that the Member is no longer a suitable representative, and the effect on the reputation of the Town Council itself, the Ombudsman concluded that the Member may have breached paragraph 6(1)(a) of the Code of Conduct.

The Ombudsman determined that the matter should be referred to the Monitoring Officer of Neath Port Talbot County Borough Council for consideration by that Council's Standards Committee. The Standards Committee found that the Member had breached the Code of Conduct and she was suspended for four months.

## **Referred to Adjudication Panel for Wales**

#### [Mathern Community Council - Promotion of equality and respect](#)

[Case number: 201802799 – Report issued in July 2019](#)

During a public hearing of the Adjudication Panel For Wales held on 19 July 2018, a member of Mathern Community Council ("the Member") made a statement which he followed up with a letter to the Adjudication Panel. Both the statement and the letter contained language either the same as or similar to language which the Adjudication Panel had advised him would amount to a breach of the Code of Conduct.

The Ombudsman decided to investigate whether the Member's actions amounted to a breach of paragraph 6(1)(a) of the Code of Conduct on the basis that the matter had come to his attention as a result of the investigation which was being heard by the Adjudication Panel for Wales on 19 July.

The Ombudsman considered that a reasonable person would conclude that the Member actions affected the reputation of both the Office of Member and the Authority of which he is a member and that they may amount to a breach of paragraph 6(1)(a) of the Code of Conduct. The Ombudsman also considered that any restriction of the Member's right to freedom of expression under article 10 of the Human Rights Act, would be necessary for the protection of the rights and interests of others.

The Ombudsman referred the matter to the Adjudication Panel for Wales. However, on 17 July 2019 the Adjudication Panel determined that the matter did not come to the Ombudsman's attention as a result of the investigation heard on 19 July 2018 as that investigation concluded on 20 December 2017 (when the matter was referred to the Adjudication Panel for Wales) and determined it would therefore not consider the case. No further action was taken.

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