



CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL

GWŶS I GYFARFOD O'R CYNGOR

C.Hanagan
Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf
Y Pafiliynau
Parc Hen Lofa'r Cambrian
Cwm Clydach CF40 2XX

Dolen gyswllt: Marc Jones - Uned Busnes y Cyngor (07385 401845)

DYMA WŶS I CHI i gyfarfod hybrid o'r **PWYLLGOR SAFONAU** yn cael ei gynnal yn **hybrid** ar **DYDD GWENER, 19EG TACHWEDD, 2021** am **10.00 AM**.

Caiff Aelodau nad ydyn nhw'n aelodau o'r pwyllgor ac aelodau o'r cyhoedd gyfrannu yn y cyfarfod ar faterion y cyfarfod er bydd y cais yn ôl doethineb y Cadeirydd. Gofynnwn i chi roi gwybod i Wasanaethau Democrataidd erbyn Dydd Mercher, 17 Tachwedd 2021 trwy ddefnyddio'r manylion cyswllt uchod, gan gynnwys rhoi gwybod a fyddwch chi'n siarad Cymraeg neu Saesneg.

AGENDA

Tudalennau

1. DATGAN BUDDIANT

Derbyn datganiadau o fuddiannau personol gan Gynghorwyr, yn unol â gofynion Cod Ymddygiad y Cyngor.

Nodwch:

1. Mae gofyn i Aelodau ddatgan rhif a phwnc yr agendwm mae eu buddiant yn ymwneud ag ef a mynegi natur y buddiant personol hwnnw; a
2. Lle bo Aelodau'n ymneilltuo o'r cyfarfod o ganlyniad i ddatgelu buddiant sy'n rhagfarnu, rhaid iddyn nhw roi gwybod i'r Cadeirydd pan fyddan nhw'n gadael.

2. COFNODION

Cadarnhau cofnodion o'r cyfarfod a gafodd ei gynnal ar 24 Medi 2021 yn rhai cywir.

ADRODDIAD Y SWYDDOG MONITRO

3. PANEL DYFARNU CYMRU - PENDERFYNIADAU TRIBIWNLYS DIWEDDAR

Rhoi cyfle i'r Aelodau drafod penderfyniadau diweddar Panel Dyfarnu Cymru.

9 - 30

4. OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU CRYNODEB O'R CWYNION - 01.04.21 - 31.10.21

Derbyn crynodeb o'r cwynion yn erbyn Aelodau o 1 Ebrill 2020 – 31 Mawrth 2021.

31 - 38

5. CEISIADAU AM OLLYNGIAD

Trafod tri chais am ollyngiadau wedi'u cyflwyno'n unol â Rheoliadau'r Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) 2001.

39 - 50

6. OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU - LLYTHYR AC ADRODDIAD BLYNYDDOL 2020 - 2021

Rhoi crynodeb i'r Aelodau o'r materion sy'n ymwneud â'r Cod Ymarfer sydd wedi'u hamlinellu yn Llythyr ac Adroddiad Blynyddol yr Ombwdsmon i'r Cyngor yma ar gyfer 2020 – 2021.

51 - 74

7. ADOLYGIAD O'R FFRAMWAITH SAFONAU MOESEGOL YNG NGHYMRU

Rhoi gwybod i'r Aelodau bod adroddiad sy'n ymwneud â'r adolygiad annibynnol o'r Fframwaith Safonau Moesegol yng Nghymru a gomisiynwyd gan Lywodraeth Cymru wedi'i gyhoeddi.

75 - 98

ADRODDIAD Y CYFARWYDDWR GWASANAETH - GWASANAETHAU DEMOCRATAIDD A CHYFATHREBU

8. MEMORANDWM CYD-DDEALLTWRIAETH

Rhannu fersiwn ddrafft o'r Memorandwm Cyd-ddealltwriaeth ag Aelodau fel bod modd cyflwyno sylwadau ac adborth i'r Pwyllgor Gwasanaethau Democraidd cyn iddo gael ei gyflwyno i'r Cyngor.

99 - 104

9. BUSNES BRYN

Trafod unrhyw faterion sydd, yn ôl doethineb y Cadeirydd, yn faterion bryn yng ngoleuni amgylchiadau arbennig.

Cyfarwyddwr Gwasanaeth y Gwasanaethau Democraidd a Chyfathrebu

Cylchreliad:-

Aelodau Annibynnol – M.Jehu, MBE (Cadeirydd), D Bowen a J.Thomas

Y Cynghorwyr Bwrdeistref Sirol:

Y Cyngorydd M Forey a Y Cyngorydd E Webster

Y Cyngorydd Cymuned R.Butler

(Aelod wrth gefn o'r Cyngor Cymuned: C. Willis)

Mr A.Wilkins, Dirprwy Swyddog Monitro

Mr C Hanagan, Cyfarwyddwr Materion Cyfathrebu a Phennaeth Dros Dro'r
Gwasanaethau Llywodraethol

Tudalen wag



RHONDDA CYNON TAF COUNCIL STANDARDS COMMITTEE

Minutes of the meeting of the Standards Committee held virtually on Friday, 24 September 2021 at 10.00 am.

Standards Committee Members in attendance:-

Mr M Jehu (Chair)	Councillor E Webster
Councillor M Forey	Mr J. Thomas
Community Councillor R. Butler	Mr D. Bowen
Community Councillor C. Willis	

Officers in attendance:-

Mr A Wilkins, Director of Legal Services and Monitoring Officer
Mr P Nicholls, Service Director of Legal Services and Deputy Monitoring Officer

22 WELCOME

The Chair welcomed Committee Members, Officers and Observers to the virtual meeting of the Standards Committee.

23 Declaration of Interest

In accordance with the Council's Code of Conduct, Councillor R. Butler declared the following personal interest in Item 4 and 5 of the agenda 'I am a Community Councillor for Llantwit Fardre Community Council, which is referenced throughout the report. I will not take part in this item but will remain in the meeting whilst the items are being discussed'.

24 Minutes

It was **RESOLVED** to approve the minutes of the 19th March 2021 as an accurate reflection of the meeting, subject to it being noted that Mr M Jehu MBE name was omitted from the minutes as being in attendance.

25 Matters Arising

Page 4 of the minutes – In response to a query raised in relation to Code of Conduct training for Community Councillors and if they are to receive separate guidelines, the Monitoring officer report that this would be included as part of the wider review being undertaken by Welsh Government.

Page 6 – The Monitoring officer reported that the new Ombudsman Code of Conduct Guidance has now been finalised and published and will be circulated to all Members shortly. The Monitoring Officer also advised Members that the outcome of Welsh Government’s review into the Ethical Standards Framework in Wales was yet to be published and Committee would be kept updated as it develops.

26 Standards Committee Work Programme

The Monitoring Officer provided Members with the Standards Committee’s Work Programme and the proposed items for consideration by the Standards Committee during the Municipal Year 2021-2022.

The Committee were reminded of the Standards Committee’s Terms of Reference, which set out 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.

Members’ attention was drawn to Appendix 2 of the report, where the draft Work Programme for the Committee for the Municipal Year 2021-2022 was detailed. The Work Programme sought to reflect the ongoing priorities, standard reports and the frequency of reporting for the Committee’s consideration.

Following discussions, the Standards Committee **RESOLVED:**

1. To adopt the Standards Committee Work Programme for the 2021/2022 Municipal Year subject to any matters that arise during the year being able to be considered as necessary.

27 Public Services Ombudsman for Wales - Code of Conduct Casebook

In his report, the Monitoring Officer provided the Committee with Code of Conduct Casebook (Issue 24) produced by the Public Services Ombudsman for Wales.

Members noted that the casebook used to be published on a quarterly basis however, the most recent casebook reflects matters pertaining to the whole of the 2020 calendar year and the casebooks appear as though they will now be published annually.

Reference was made to a complaint concerning Llantwit Fardre Community Council again a matter previously discussed by the Committee. By way of an update the Chair has discussed with the Monitoring officer the possibility of a follow up visit and arrangements will be made with the Clerk in that respect.

The Monitoring officer informed Members that the Adjudication Panel is already processing six referrals in this financial year which suggests there is a worrying trend for cases which are investigated by the Ombudsman

and a potential breach found to be of such seriousness they warrant referral to the Adjudication Panel for Wales, to which five of those six complaints involve allegations that the member brought their Council or office into disrepute.

Following consideration thereof, it was **RESOLVED**:

1. To note the information contained within the report.
2. To note they will receive the casebook annually.

(Note: Having previously declared an interest (Minute No. 4), Community Councillor R. Butler did not participate in this item.)

28 PUBLIC SERVICES OMBUDSMAN FOR WALES - SUMMARY OF COMPLAINTS 2020-2021

The Monitoring officer provided Members with a summary of complaints made against Members and submitted to the Public Services Ombudsman for Wales (the 'Ombudsman') for the period 1st April 2020 – 31st March 2021.

Members noted the summary of anonymised complaints made against Members and submitted to the Ombudsman for the period 1st April 2020 – 31st March 2021 contained within the report.

Members were reminded in determining whether to investigate a breach of the Code of Conduct, the Ombudsman initially applies a two-stage test. At the first stage, he will aim to establish whether there is direct evidence that a breach of the Code has occurred. At the second stage the Ombudsman considers whether an investigation or a referral to a standards committee or the Adjudication Panel for Wales is required in the public interest, which involves the consideration of a number of public interest factors such as: whether the member has deliberately sought a personal gain at the public's expense for themselves or others, misused a position of trust, whether an investigation is required to maintain public confidence in elected members and whether an investigation is proportionate in the circumstances.

Members were provided with detail on each complaint whilst ensuring anonymity is retained.

Members found the Ombudsman's comments and conclusions on each matter helpful to understand how they approach dealing with a complaint.

The Monitoring officer outlined to Members a comment made by the Ombudsman whereby he stated that he has limited investigative resources and must decide which complaints should be investigated after considering the individual merits of each case. In exercising that discretion, the Investigating Officer considered both the nature of the complaint made and whether the prospect of achieving a worthwhile outcome was sufficient to justify an investigation.

It is therefore noted this is a common theme throughout the complaints that the Ombudsman will only investigate where they consider a standards committee is highly likely to impose a sanction by way of a suspension.

The Monitoring officer draw Members 'attention to the fact there were 9 complaints made against County Borough Members compared to zero complaints in the previous reporting period, none of which reached the investigation stage. 3 of the complaints related to the same member and incident.

An observation was made by the Chair to Committee to shorten reporting periods so that Members receive information quarterly to better identify any common themes/trends coming through in the complaints, to which they agreed they were happy with.

Following consideration thereof, it was RESOLVED:

1. To note the information contained within the report
2. To receive the summary of complaints report on a quarterly basis to coincide with Committee meetings

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Urgent Business

Members queried whether future meetings of this Committee were able to be held face-to-face as restrictions surrounding the pandemic have been lifted in Wales.

In response, the Monitoring officer replied that future meetings can now be held in the Council Chamber as this has been fully renovated and is well equipped with the ability to operate through a hybrid approach, which will give the Committee Members the option to attend meetings virtually or face-to-face as they see fit.

This meeting closed at 10.43 am

**MR. M. JEHU
CHAIR.**



RHONDDA CYNON TAF

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

19 NOVEMBER 2021

ADJUDICATION PANEL FOR WALES – RECENT TRIBUNAL DECISIONS

INFORMATION REPORT OF THE MONITORING OFFICER

1. PURPOSE OF REPORT

To allow Members the opportunity to consider recent decisions made by the Adjudication Panel for Wales (APW).

2. RECOMMENDATION

- 2.1 It is recommended the Committee considers the recent decisions made by the Adjudication Panel for Wales (as appended to the report); and
- 2.2 Determines whether there are any possible messages or lessons to be learnt arising out of the decision that could be communicated as part of future training for Members on the Code of Conduct.

3. BACKGROUND

- 3.1 The ethical framework set under Part III of the Local Government Act 2000 included the establishment of the Adjudication Panel for Wales (APW) as an independent, judicial body with powers to form tribunals to deal with alleged breaches of the Members' Code of Conduct. The operation of the Panel is governed by Regulations issued by the Welsh Government.
- 3.2 The APW issues decision notices following the conclusion of the cases it considers and in that respect Members will find copies of the following decisions appended to the report:

Appendix 1 - APW/003/2020-021/CT – Councillor David Poole

Appendix 2 – APW/002/2020-021/AT – Councillor Richard Mainon (Appealing a Standards Committee decision)

- 3.3 The Committee may find it helpful to consider these decisions and the approach adopted by the APW in formulating its decision and sanctions (where relevant) in light of its own role when conducting Code of Conduct hearings.
- 3.4 The Committee may also wish to consider whether there are any possible messages or lessons to be learnt arising out of the decisions that could be communicated as part of future training for Members on the Code of Conduct.

4. LEGAL IMPLICATIONS

- 4.1 There are no legal implications arising from this report.

5. CONSULTATION

- 5.1 There are no consultation implications arising from this report.

6. EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 There are no equality and diversity implications arising from this report.

7. FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are no financial implications arising from this report.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

STANDARDS COMMITTEE

19 NOVEMBER 2021

REPORT OF MONITORING OFFICER

ADJUDICATION PANEL FOR WALES – RECENT TRIBUNAL DECISIONS

BACKGROUND PAPERS

Freestanding Matter

Contact: Mr. Andy Wilkins (Director of Legal Services & Monitoring Officer)

Tudalen wag

**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/003/2020-021/CT

**REFERENCE IN RELATION TO A POSSIBLE FAILURE TO FOLLOW THE
CODE OF CONDUCT**

RESPONDENT: Councillor David Vincent Poole

RELEVANT AUTHORITY: Caerphilly County Borough Council

1. INTRODUCTION

- 1.1 A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
- 1.2 The Case Tribunal determined its adjudication by way of written representations at a meeting on 28 June 2021 which was conducted by video. Its reasons for doing so were set out in the Listing Direction dated 29 April 2021 at paragraph 2.6 [A3].
- 1.3 References in square brackets within this Decision Report are to sections and pages within the bundle of Tribunal Case Papers unless otherwise stated.

2. PRELIMINARY DOCUMENTS

2.1 Reference from the Public Services Ombudsman for Wales

- 2.1.1 In a letter dated 23 February 2021, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales (“the Ombudsman”) in relation to allegations made against the Respondent [E367]. The allegations were that the Respondent had breached Caerphilly County Borough Council’s Code of Conduct in that he;
- (i) Used his position to secure an advantage by deciding to buy shares in a company, IQE plc, on the basis of confidential information that he had received through his position as a Councillor at a meeting on 8 October 2018 (alleged breach of paragraph 7 (a) of the Code) and thereby brought the Authority and his office as a member into disrepute (alleged breach of paragraph 6 (1)(a) of the Code);
 - (ii) Failed to disclose a personal interest and/or withdraw from a meeting on 18 February 2019 when a matter in which he had a

prejudicial interest was being discussed, namely financial dealings with that same company (alleged breaches of paragraphs 11 (1) and 14 (1) of the Code).

2.1.2 The circumstances leading to the alleged breaches were as set out above and, in more detail, in the factual findings which follow below.

2.2 The Councillor's Written Response to the Reference

2.2.1 Although the Respondent was interviewed as part of the Ombudsman's initial investigation, he did not respond to the Adjudication Panel's subsequent communications. A copy of the Ombudsman's Report was forwarded to him by the Adjudication Panel on 24 February 2021 by email [E383-6]. He was directed to reply to the allegations in the Report in accordance with paragraph 3 (1) of the Schedule of the Adjudications by Case Tribunals and Interim Case Tribunal's (Wales) Regulations 2001 by 17 March 2021. He did not reply to that correspondence. By a letter dated 24 March 2021 [E430], which was sent to him both by email and post, the Adjudication Panel informed him that, as a result of his failure to respond by the deadline of 17 March 2021, the case papers were being forwarded to this Case Tribunal. Again, no response was received to that communication.

2.2.2 The Relevant Authority confirmed the accuracy and use of the Respondent's email addresses and the Listing Direction confirmed the Tribunal's approach in light of the Regulations (see paragraphs 2.4 and 2.5 [A4]).

2.2.3 On 4 May 2021, however, the Respondent did contact the Adjudication Panel, he apologised for his earlier failures to make contact and then set out his position in relation to the case against him [E452-3]. The extent to which the contents of the email advanced his case beyond the information already received is considered below.

2.3 The Ombudsman's Written Representations

2.3.1 No further representations were made.

3. FINDINGS OF FACT

3.1 The Case Tribunal found the following **undisputed** material facts:

3.1.1 The Respondent was, at all times relevant, the leader of Caerphilly County Borough Council. He had been Leader since May 2017, having become a Councillor in May 2004.

3.1.2 He received training on the Council's Code of Conduct in May 2017 and undertook to observe the Code whilst fulfilling the duties of his office [B49, 61 and 281].

- 3.1.3 In his role, he attended Cardiff Capital Region (CCR) City Deal Regional Cabinet Meetings, a joint working arrangement between 10 Councils of the Cardiff Capital Region. Amongst other things, the Cabinet decided to invest in the CSC Project, a scheme designed to breathe new economic life into south east Wales through the creation of a manufacturing hub for semi-conductors. A company, CSC Foundry Ltd ('CSC'), was incorporated as a special-purpose vehicle in July 2017 to enable the CCR to give effect to its plans for the region. All 10 interested Councils had representatives acting as directors of CSC [B201].
- 3.1.4 At a CCR City Deal Regional Cabinet Meeting on 8 October 2018, the Respondent was present when a report prepared by Monmouthshire County Council the lead authority to CSC, and marked '*Confidential Appendix 1*', was considered [B192-199]. The report contained a number of appendices [B200 and following].
- 3.1.5 The documentation contained details of the financial arrangements between CSC and IQE plc ('IQE'), a company which had been engaged to work with CSC, the Welsh Government and the CCR City Deal to transform a disused building in Newport into the hub for the manufacture of semi-conductors for which it received a £38m grant. CSC controlled and managed that grant to IQE.
- 3.1.6 Contained within the report and its appendices were information about the level of IQE's investment and factors which affected its profitability (tooling costs, capacity and productivity). The report considered that productivity was "*significantly exceeding plan*", with a likely resultant acceleration to the 'tipping point' at which IQE achieved profitability (paragraph 9 [B194]). Further, within the appendices, an independent opinion was expressed about the likely consequent trajectory of IQE's share price by a well known firm of investment consultants, GVA [B234-5];
- "Whilst IQE's share price has dipped in recent months, we have been provided with evidence from analysts and the company's chairman to suggest that the share price should increase strongly again."* [B235]
- 3.1.7 The Respondent bought shares in IQE to the value of £2,034.55 on 22 October 2018 [B345]. He subsequently informed the Ombudsman that he had made the purchase with a view to making a profit [B303]. As a result, he believed that he had personal and prejudicial interests in respect of IQE [B293].
- 3.1.8 In January 2019, the Respondent attempted to amend his Register of Interests to reflect his ownership of shares in IQE. Following advice from the Monitoring Officer, no amendment was made. He was advised that, because of the level of his shareholding and the fact that the business was based outside the Council's area, it was not necessary to make any amendment [B125, 272-4 and 288-9].

- 3.1.9 On 21 January 2019, the Respondent reinvested dividends from his IQE shares by buying a further interest to the value of £111.57 [B346]. A further reinvestment of £111.33 was made on 31 May 2019 [B347].
- 3.1.10 At a CCR City Deal Regional Cabinet Meeting which took place on 18 February 2019, the Respondent made no declaration of interest regarding IQE (paragraph 2 [B252-6]). Amongst the matters discussed at that meeting was the Welsh Audit Office Review of the Cabinet's investment decisions, such decisions having included the grant to IQE (paragraph 11 [B256]). The Respondent remained in the room throughout the meeting [B291-2].
- 3.1.11 At a CCR City Deal Regional Cabinet Meeting on 29 April 2019, the Respondent *did* declare an interest regarding IQE and left the room during discussions which concerned CSC and/or IQE ([B257-262] and [B293-4]). After the meeting, he did not contact the Monitoring Officer to inform him of any change in respect of his registered interests [B294].
- 3.1.12 On 3 June 2019, at the prompting of the Deputy Monitoring Officer, the Respondent amended his Register of Interests to include IQE ([B96-101] and [B296-7]).
- 3.1.13 At a further CCR Cabinet Meeting which took place on 10 June 2019, the Respondent followed the same course of conduct ([B263-270] and [B299]).
- 3.1.14 The Respondent's declared interest was then discussed between him, officers from the Welsh Audit Office and the Monitoring Officer on 29 August 2019.
- 3.1.15 The Respondent sold his shares in IQE on 9 September 2019 for £1,244 [B348] and amended his Register of Interests to delete IQE [B107].
- 3.1.16 On 16 September 2019, the Respondent then referred himself to the Ombudsman [B33-4]. Within the letter, he stated that he understood that, in accordance with paragraph 11 (4) of the Code, he should have notified the Monitoring Officer of his declared interest at the meeting on 29 April 2019. He also stated that;
"..with the benefit of hindsight, by purchasing shares in IQE, I was preventing myself becoming involved in any decisions of CCR around IQE and the hoped for wider compound semiconductor industry growth in the area."
- 3.2 The Case Tribunal reached the following findings on the **disputed** material facts which were identified within the Annex to the Listing Direction on the balance of probabilities [A8]:

- 3.2.1 Whether the Respondent sought to benefit from information which he obtained as a result of his involvement in the meeting of 8 October 2018 by buying shares in IQE;
- 3.2.1.1 The Respondent had access to the confidential information referred to at the meeting of 8 October 2018. Although initially stating that he could not remember whether he had access, he accepted that he would have done when he was interviewed as part of the Ombudsman's investigation (see [B306] where he accepted that he would have had access it "*without a doubt*"). However, he denied that there had been anything within it which caused him to purchase the shares [B307];
- 3.2.1.2 The Respondent's motivation for purchasing the shares was stated to have been a demonstration of a 'vote of confidence' in the regeneration scheme and IQE's involvement in it. That was the reason given at interview [B303], albeit that he had also accepted that he had hoped to benefit financially. It was the reason repeated more recently in his email of 4 May 2021 [E452-3];
- 3.2.1.3 The Tribunal noted the Respondent's experience and was particularly struck by the proximity of the dates of the meeting and the share purchase, 8 and 22 October 2018 respectively. The simple message in the GVA letter was clear; that IQE's share price was likely to have seen an increase following an earlier than predicted achievement of profitability. The Respondent could have purchased shares at any point before 22 October to show a 'vote of confidence' in IQE, but only chose to do so once in receipt of that prediction;
- 3.2.1.4 The Tribunal considered that it was also noteworthy that, within his self-referral, the Respondent had appreciated that the purchase of the shares had been unwise, albeit because he considered that he was conflicted in future discussions regarding IQE, rather than because he ought not to have benefited from the contents of the confidential information that was seen.
- 3.2.1.5 Taking all of those matters into account, the Tribunal concluded that the Respondent had probably sought to benefit from the confidential information that he received in connection with the meeting of 8 October 2018 when he bought the shares.
- 3.2.2 Whether the information contained within '*Confidential Appendix 1*' was publicly available in any event and, if so, at what time;

- 3.2.2.1 There was some doubt as to what information had been made public in connection with the meeting of 8 October 2018.
- 3.2.2.2 Paragraph 1 of the minutes of the meeting suggested that there had been some technical difficulties associated with the dissemination of paperwork before the meeting [B190], but the Ombudsman's letter of 21 May 2021 made it clear that the Agenda and the report itself *had "been available for public inspection"* [E461]. The minutes made it clear, however, that certain appendices to the report were *not* published, which appeared to include the GVA report [B191]. That made sense to us given the price sensitive nature of the predictions within it.
- 3.2.2.3 The Respondent alleged that he had no advantage over anybody else when he had decided to buy the shares [B310]. He relied upon the fact that the *"information was in the public domain"* [B308] since there *"was in a press release anyway"* [B309]. In his more recent email of 4 May 2021, he stated that *"the decision to grant a loan to IQE was fully reported in the local media in 2017 and in the financial press"* and that he made the purchase a year later when his *"knowledge of the Company was out of date"* [E452]. The press report from 14 July 2017 undoubtedly covered IQE's initial involvement as the Respondent had claimed on 4 May 2021, but what it did *not* cover and/or make public was the change in the productivity projections, anticipated profitability and the likely effect on IQE's share price in 2018 [B341-3]. The Respondent pointed to no other source of such information which *he* had had been aware of before the shares were purchased.
- 3.2.2.4 Having considered all of that evidence, the Tribunal concluded that, although some information about productivity and potential profitability was made publicly available within the report to the meeting of 8 October 2018 (e.g. [B194]), the opinion in respect of its share price was *not* part of that information [B325] (see paragraph 3.1.6 above). Further, the Claimant's suggestion that that information had been made available in a press report in 2017 was not correct. The report contained considerably greater up-to-date detail and, in the case of the confidential appendices, information which was potentially price sensitive and valuable to an investor.
- 3.2.3 Whether the Respondent sought to influence any decision in which he had a prejudicial interest;
- 3.2.3.1 The Respondent was only present at one meeting between the date of his purchase of the shares and subsequent

meetings when he declared an interest, the meeting of 18 February 2019;

3.2.3.2 The subject for discussion on 18 February was not IQE itself and/or factors which may have affected its profitability or share price, but the Welsh Audit Office report into the arrangements for the CCR City Deal [B256]. There was nothing within the minutes or other evidence which suggested that the Respondent had sought to influence any decision in which he had a prejudicial interest. The meeting simply noted the contents of the report and the 'lessons' which were to have been learnt from it. Although the Tribunal did not have a copy of the Welsh Audit Office report, there was nothing to suggest that the findings may have either undermined or improved IQE's position.

4. FINDINGS OF WHETHER MATERIAL FACTS DISCLOSE A FAILURE TO COMPLY WITH THE CODE OF CONDUCT

4.1 The Code of Conduct

4.1.1 The relevant parts of the Code of Conduct were as follows;

Paragraph 6 (1)(a);

"You must-

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;"

Paragraph 7 (a);

"You must not-

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on all secure for yourself.. an advantage..."

Paragraph 11 (1);

"Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest is apparent."

Paragraph 14 (1)(a);

"Subject to subparagraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee-

(a) withdraw from the room, chamber or place where a meeting considering business is being held.."

4.2 The Respondent's Submissions

- 4.2.1 The Respondent's position in respect of the breaches alleged under the Code was as follows;
- 4.2.1.1 Paragraph 6 (1)(a);
When interviewed, the Respondent stated that he considered that he had "*fully complied*" with that paragraph of the Code [B311].
- 4.2.1.2 Paragraph 7 (a);
In the Respondent's letter of self-referral, he went some way to admitting a breach of paragraph 7 (a). He stated that, "*with the benefit of hindsight*", he saw that the purchase of the shares prevented him from becoming involved in any future CCR decisions involving IQE [B34]. When subsequently interviewed, however, he stated that did not think that a lay person would have regarded his actions as having been in breach of that paragraph [B310].
- 4.2.1.3 Paragraph 11 (1);
In his letter of self-referral, the Respondent fully accepted that he "*should have notified the council's Monitoring Officer of the disclosure of the IQE interest at the meeting of CCR in April 2019*" [B34], but that was in relation to a potential breach of paragraph 11 (4). He did not address a potential breach of paragraph 11 (1).
- 4.2.1.4 Paragraph 14 (1)(a);
When interviewed, he '*did not think*' that he had breached that paragraph, albeit that he accepted that he held a prejudicial interest as stated above [B301].

4.3 The Ombudsman's Report

- 4.3.1 It was contended that;
- 4.3.1.1 Paragraphs 6 (1)(a) and 7 (a);
The Ombudsman considered that the facts were '*suggestive*' of breaches of both paragraphs of the Code. The Ombudsman believed that the nature of the confidential information which he had access to had led him to buy the shares in IQE. That information contained indications as to the likely value of the shares and he considered that the decision to purchase after sight of the commercially sensitive information demonstrated "*extremely poor judgment on his behalf*" [B26-7].
- 4.3.1.2 Paragraph 11 (1);

The Ombudsman appeared to consider that the Respondent had a personal interest as a result of the application of the wording of paragraph 10 (2)(a)(viii) of the Code; “*any body to which you have been elected, appointed or nominated by your authority*” [B13]. It was the Ombudsman’s case that the Respondent failed to declare that interest at the meeting of 29 April 2018.

4.3.1.3 Paragraph 14 (1)(a);
The Ombudsman’s view was that the Respondent had a prejudicial interest which ought to have led him to withdraw from the meeting on 18 February 2019 (paragraph 50 [B28]), a view shared by the Monitoring Officer ([B114] and paragraph 7 [B273]).

4.4 Case Tribunal’s Decision

4.4.1 On the basis of the findings of fact, the Case Tribunal unanimously found that there were failures to comply with the Code as follows:

4.4.1.1 Paragraph 6 (1)(a);
The Ombudsman’s Guidance in relation to this paragraph of the Code reminded members that their actions were subject to greater scrutiny than those of ordinary members of the public [B324].

The Tribunal considered that the Respondent’s breach of paragraph 7 of the Code (below) was conduct which brought his Authority into disrepute and, in particular, his office as leader.

4.4.1.2 Paragraph 7 (a);
The Ombudsman’s Guidance referred to the need for members to be mindful of the fact that the paragraph within the Code applied at all times, not just when carrying out duties as a member [B326].

Having concluded that the Respondent had used his capacity to attempt to secure a pecuniary advantage for himself when he bought the shares in IQE relying on the confidential information referred to within paragraph 3.2.2, the Tribunal concluded that he had committed a breach of paragraph 7 (a).

4.4.1.3 Paragraph 11 (1);
The Tribunal had some difficulty with this allegation because of the wording of paragraph 10 of the Code.

Paragraph 10 (2)(iv) defined a personal interest to include an interest which related to a corporate body which had a

place of business or land in the authority's area *and* in which the interest exceeded the value of £25,000. The Respondent did not meet each of those conjunctive tests in relation to his shareholding in IQE. Paragraph 10 (2)(a)(ix)(bb) related to companies, societies or other bodies "*directed to charitable purposes.*" We could not see that either of those sub-paragraphs or any other within paragraph 10 (2)(a) of the Code clearly defined the Respondent's shareholding as a personal interest.

Paragraph 10 (2)(c) was more generic but it extended the definition of personal interests to include something upon which an authority's decision might have affected a member's financial position (sub-paragraph (i)). The Tribunal considered the Respondent's share interest was likely to have been covered by paragraph 10 (2)(c)(i) because any decision in relation to IQE could have affected his financial position as a shareholder.

The Tribunal did not see the relevance of paragraph 10 (2)(a)(viii) which had been raised by the Ombudsman [B13].

The next question to address was whether the Respondent had attended a meeting at which "*that business [was] considered*".

The Respondent considered that it was not; it was only the 'process' or due diligence 'system' by which the investment had been made which was considered on 18 February 2019 (see the interview [B291] and his recent email of 4 May 2021 [E453]). The Tribunal concluded, however, that the Welsh Audit Office's review of CCR's investments clearly would have encompassed an examination of the £38m grant to IQE. In its broadest sense, IQE was either directly or indirectly 'considered' at the meeting.

- 4.4.1.4 Paragraph 14 (1)(a);
The Tribunal considered that the Respondent held a prejudicial interest paragraph 12 (1) of the Code. He accepted that that was the case, as did the Monitoring Officer. He did not withdraw from the room on 18 February 2019 when item 11 was discussed and was in breach of paragraph 14 (1) of the Code as a result.

5. SUBMISSIONS ON ACTION TO BE TAKEN

5.1 The Respondent's Submissions

- 5.1.1 The Respondent had made no submissions which were directly related to mitigation, although comments within his interview and his email of 4 May 2021 contained some relevant points which we considered [E452-3].

5.2 The Ombudsman's submissions

- 5.2.1 The Ombudsman made submissions by a letter dated 21 May 2021 [E460-2].

5.3 Case Tribunal's Decision

- 5.2.1 The Tribunal considered all of the facts of the case, the Presidential Sanctions Guidance and the parties' submissions. It considered the following points to have been of particular relevance in mitigation;

5.2.1.1 The fact that there was no record of the Respondent having committed any previous breach of the Code of Conduct;

5.2.1.2 The fact that he did seek to register an interest in January 2019, but failed to do so as a result of the Monitoring Officer's advice;

5.2.1.3 His acceptance that his purchase of IQE shares led him to hold personal and prejudicial interests;

5.2.1.4 He did not seek to influence any decision concerning IQE that was taken at the meeting on 18 February 2019;

5.2.1.5 He then left the meetings on 29 April and 10 June 2019;

5.2.1.6 He then also resigned as leader, referred himself to the Ombudsman and accepted further training.

- 5.2.2 The following aggravating features were relevant;

5.2.2.1 The Respondent was an experienced council member and, as leader, had an influential position and was expected to have set the standards of conduct for the Council;

5.2.2.2 He had used confidential, price sensitive information to attempt to secure a personal advantage on the purchase of the IQE shares;

5.2.2.3 There was a significant gap between his declaration of interest at the meeting on 29 April and the amendment of his register of interests on 3 June 2019, the latter having been prompted by the Deputy Monitoring Officer, a further potential breach of paragraph 11 (4) of the Code;

5.2.2.4 Through the interview process, he had shown no real insight into his wrongdoing and/or acceptance of guilt;

5.2.2.5 In the latter stages of the process leading to this decision, he had failed to engage with the Adjudication Panel.

5.2.3 The Case Tribunal unanimously concluded decision that the Respondent ought to have been suspended from acting as a member of the authority as follows;

5.2.3.1 In respect of his breaches of paragraphs 6 and 7 of the Code, a period of **five months**;

5.2.3.2 In respect of his breaches of paragraphs 11 and 14 of the code, a period of **two months concurrently**.

The Tribunal considered that the breach of paragraph 7 was the more serious matter, particularly since it gave rise to a breach of paragraph 6. The suspension was concurrent because the Tribunal considered that the breaches of paragraphs 11 and 14 effectively arose from the same facts.

5.2.4 The Authority and its Standards Committee are notified accordingly.

5.2.5 The Respondent has the right to seek the permission of the High Court to appeal the above decision. A person considering an appeal is advised to take independent legal advice about how to appeal.

6. CASE TRIBUNAL RECOMMENDATIONS

6.1 The Case Tribunal makes the following recommendation to the Authority and its standards committee;

6.1.1 That the Monitoring Officer re-emphasises the requirement for members to register interests as/when they arise and that the duty does not arise annually.



Signed.....
John Livesey
Chairperson of the Case Tribunal

Date...30 June 2021...

Dr G Jones
Panel Member

Mrs S McRobie
Panel Member

NOTICE OF DECISION

TRIBUNAL REFERENCE NUMBER: [APW/002/2021/022/AT](#)

**APPEAL AGAINST STANDARDS COMMITTEE DETERMINATION IN
RELATION TO AN ALLEGED BREACH OF THE CODE OF CONDUCT**

APPELLANT: Councillor Richard Mainon

RELEVANT AUTHORITY(IES): Denbighshire County Council

1. An Appeal Tribunal convened by the President of the Adjudication Panel for Wales has considered an appeal by Councillor Richard Mainon against the decision of Denbighshire County Council's Standards Committee made on 11th June 2021 that he had breached Denbighshire County Council's Code of Conduct and should be suspended from being a member of Denbighshire County Council for a period of two months.

2. Denbighshire County Council Members' Code of Conduct.

a. Paragraph 2(d) of the code provides that members must observe the code of conduct at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

b. Paragraph 4(c) of the code provides that members must not use bullying behaviour or harass any person.

c. Paragraph 6(1)(a) of the code provides that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

d. Paragraph 7(a) of the code provides that 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 for any other person, a disadvantage.

3. The Standards Committee found the following facts.

a. On Saturday 8th December 2018, Mrs Sandie Grieve had a heated altercation with Ms Jayne Davies outside a local mini supermarket. Ms Davies is a constituent of the Appellant.

- b. Ms Davies phoned the local mini supermarket that evening to ask about CCTV footage of the car park and was advised the CCTV covered the car park, but it had no sound.
- c. On Monday 10th December 2018, Ms Davies established that Mrs Grieve worked for Social Care Wales (SCW) and asked Councillor Mainon for assistance with pursuing a complaint about Mrs Grieve to her employer. Councillor Mainon agreed to handle the matter for Ms Davies.
- d. On Tuesday 11th December 2018, Councillor Mainon conducted an online search for Mrs Grieve's place of work and determined an address for SCW's local office.
- e. On 11th December 2018, Councillor Mainon attended SCW's local office to determine if it was Mrs Grieve's place of work and to speak to her.
- f. On 11th December 2018, Councillor Mainon gained access to Mrs Grieve's workplace via a secure door entry. Mrs Grieve was not in the office at the time and Councillor Mainon spoke separately to three colleagues (an office colleague, her line manager and the organisation's Complaint Officer) about the altercation and shared details with them about the incident and Mrs Grieve's conduct. Councillor Mainon spoke to the office colleague in person but spoke to the line manager and Complaints Officer by telephone.
- g. On 15th December 2018 Councillor Mainon visited the local mini supermarket to ask whether the incident between Mrs Grieve and Ms Davies was recorded on CCTV.
- h. On 21st December 2018 Councillor Mainon visited the local mini supermarket and obtained information on what the CCTV footage of the incident had shown.
- i. On 21st December 2018 Councillor Mainon sent a complaint on Ms Davies' behalf to SCW about Mrs Grieve and her involvement in the altercation.
- j. SCW notified Mrs Grieve of the matter on 10th January 2019, which was subsequently dealt with according to the organisation's policy. SCW determined it was a private matter and no further action was taken.
- k. Aside from submitting that it was Ms Davies that had identified Mrs Grieve's employer, Councillor Mainon did not dispute this summary of the relevant facts.

4. The findings of the Standards Committee.

- a. The Committee was satisfied that Councillor Mainon gave the impression of acting in his capacity as a Councillor, thereby engaging paragraph 2 (d) of the Code of Conduct.
- b. The Committee found that Councillor Mainon had breached paragraph 4(c) of the Code in that his conduct in visiting Mrs Grieve's place of work and speaking to her colleagues in her absence could be considered to be bullying and harassing behaviour. The Committee had, in reaching this decision, considered the written evidence of Mrs Grieve and submissions to the effect

that she had genuinely felt stressed, vulnerable, upset and embarrassed. The Committee also considered the information provided by Councillor Mainon to the investigating officer and his submissions. The Committee accepted that Councillor Mainon had not intended to cause upset to Mrs Grieve and that he had no malicious intent when he attended her place of work. The Committee accepted that his intention was to assist Ms Davies and to avoid a damaging social media dispute in his community. The Committee did however conclude that Mrs Grieve was entitled to perceive Councillor Mainon's actions as bullying and harassing and that this conduct could reasonably be regarded as such.

c. The Committee concluded that Councillor Mainon had breached paragraph 6(1) (a) of the Code of Conduct. Councillor Mainon had given the impression to Mrs Grieve's colleagues that he was acting as a councillor in pursuit of Ms Davies' complaint. In doing so, and by visiting Mrs Grieve's place of work and speaking to her colleagues about the incident there was potential damage to the Council's reputation particularly as Councillor Mainon appeared to have accepted Ms Davies' version of events and had not sought Mrs Grieve's version of events.

d. The Committee concluded that Councillor Mainon's conduct amounted to a breach of paragraph 7(a) of the Code of Conduct. The Committee took into account Mrs Grieve's view that Councillor Mainon's actions were an effort to get her investigated and discredit her professionally. The Committee accepted that Councillor Mainon had not considered his approach to the Complainant's employer to be menacing and that his intent had been to seek to assist Ms Davies to pursue a complaint. However, the Committee concluded that in giving the impression that he was acting as a councillor in bringing to the attention of Mrs Grieve's employer a private incident, without demonstrating balance or fairness towards both parties, Councillor Mainon had attempted to use his position to cause Mrs Grieve a disadvantage.

5. The President of the Adjudication Panel for Wales gave limited permission to appeal on the following grounds. At paragraphs 9(c) and 9(d) of her decision dated 28th July 2021: -

9c. The Appellant submits that the Standards Committee did not define "bullying" or "harassment" and failed to identify a course of conduct in relation to harassment.

The decision of the Standards Committee...shows that the Committee was taken to the definition of bullying and harassment within the Ombudsman's guidance; it accurately summarises that relevant factors when dealing with allegations of bullying include the perception of the victim and the intention of the Appellant. I note that the report pack before the Standards Committee included excerpts of the Ombudsman's guidance explaining both bullying and harassment.

*The decision of the Standards Committee did not separate bullying from harassment; the two are not the same thing. The decision does not set how the Committee concluded that there was a course of conduct/repeated behaviour which constituted harassment. While the Notice sets out the activities of the Appellant towards the Complainant, which could be seen as more than one act and repeated behaviour, the Committee does not set out its conclusions in that regard to its decision; while it is likely that the Appellant's case here is not strong, I cannot say it has no reasonable prospect of success. However, the decision does set out how the Committee concluded that the Appellant's conduct could be reasonably perceived subjectively and objectively as bullying. **I do not consider this ground of appeal to have a reasonable prospect of success in respect of bullying and direct it not to be considered by the Appeal Tribunal. I do consider this ground of appeal to have a reasonable prospect of success in respect of harassment and it therefore will be considered by an Appeal Tribunal in due course.***

*9d. The Appellant goes on to dispute the Standards Committee's finding that he undertook a course of conduct which equated to harassment. For the relevant reasons given in sub paragraph c above, **I do consider this ground of appeal to have a reasonable prospect of success and it therefore will be considered by an Appeal Tribunal in due course.***

6. The President gave permission to appeal the sanction imposed in the following terms and with the following caveat.

*9k. I cannot say in all the circumstances that there is no reasonable prospect of success...as it is generally always arguable that a sanction imposed was too harsh or too lenient. This is despite the Appellant at the hearing, according to the Notice of Decision, saying that he would accept its judgment, and the evidence within the Notice of Decision that the Standards Committee considered the Sanctions Guidance. I remind the parties that if the Appeal Tribunal chooses to recommend that the sanction be reconsidered by the standards committee, the tribunal has the ability to recommend a reduction or increase in the period of suspension. **It therefore will be considered by an Appeal Tribunal in due course.***

7. A hearing was held by the Appeal Tribunal at 10am on 29th October 2021 via Cloud Video Platform. The hearing was open to the public. Councillor Mainon was represented by Mr Owain James. The Public Service Ombudsman for Wales was represented by Ms Katrin Shaw.

8. The Appeal Tribunal found by unanimous decision that between 11th December 2018 and 21st December 2018, Councillor Mainon harassed Mrs Sandie Grieve.

9. The Appeal Tribunal found by unanimous decision that thereby Councillor Mainon breached paragraph 4(c) of the Code of Conduct by harassing Mrs Sandie Grieve.

10. The Appeal Tribunal accordingly decided by unanimous decision to endorse the decision of Denbighshire County Council's Standards Committee that Councillor Mainon had breached the authority's Code of Conduct.

11. The Appeal Tribunal further determined to endorse the decision of the Standards Committee that Councillor Mainon should be suspended from being a member of Denbighshire County Council for a period of two months.

12. Denbighshire County Council and its Standards Committee are notified accordingly. The full decision report will be published on the APW website in due course.

Signed: Tom Mitchell

Date: 29th October 2021

Tom Mitchell
Chairperson of the Appeal Tribunal

Siân McRobie
Panel Member

Hywel Eifion Jones
Panel Member

Tudalen wag



RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

19 NOVEMBER 2021

PUBLIC SERVICES OMBUDSMAN FOR WALES – SUMMARY OF COMPLAINTS AGAINST MEMBERS – 1ST APRIL 2021 – 31ST OCTOBER 2021

REPORT OF THE MONITORING OFFICER

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with a summary of complaints made against Members and submitted to the Public Services Ombudsman for Wales (the 'Ombudsman') for the period 1st April 2021 – 31st October 2021.

2. RECOMMENDATIONS

- 2.1 To consider the contents of the report and provide any comments/feedback on the complaints received by the Ombudsman during the period 1st April 2021 – 31st October 2021.

3. BACKGROUND AND DETAILS OF COMPLAINTS

- 3.1 In determining whether to investigate a breach of the Code of Conduct, the Ombudsman initially applies a two-stage test. At the first stage, he will aim to establish whether there is direct evidence that a breach of the Code has occurred. At the second stage the Ombudsman considers whether an investigation or a referral to a standards committee or the Adjudication Panel for Wales is required in the public interest. This involves the consideration of a number of public interest factors such as: whether the member has deliberately sought a personal gain at the public's expense for themselves or others, misused a position of trust, whether an investigation is required to maintain public confidence in elected members and whether an investigation is proportionate in the circumstances.
- 3.2 Members will note below the summary of anonymised complaints made against Members and submitted to the Ombudsman for the period 1st April 2021 – 31st October 2021:

Date Complaint Received by the Ombudsman	Body & Cllr	Nature of Complaint	Ombudsman Investigation Yes/No
19/4/21	Taffs Well & Nantgarw Community Council (Community Cllr)	<p>Mr K's complaint against Cllr H related to an ongoing investigation that was at the time being conducted by the Ombudsman. Mr K had come into possession of evidence that was being used as part of that ongoing investigation which was provided to the original recipient in confidence.</p> <p>As the complaint (and evidence supplied by the complainant) was connected to an ongoing investigation it was not appropriate for the Ombudsman to consider a complaint about that at this stage.</p> <p>If at the conclusion of the investigation process there were any outstanding matters which have not been addressed it was open to the complainant to raise a fresh complaint.</p>	No
16/6/21	Llantwit Fardre Community Council (Community Councillor)	<p>Cllr C complained Cllr A failed to declare an interest at a meeting, where as a statutory consultee, the Council was asked for its views towards a recently registered planning application in relation to land owned by Cllr A.</p> <p>Cllr A was said to have denied having any interest when it was raised with them, as although it was on land they owned they were not the applicant. Cllr C explained that in their opinion Councillor A benefited from the success and rental fees relating to their land, and as such had a prejudicial interest which they should have declared.</p> <p>This was also highlighted in Cllr A's own declaration of interests, in that they had declared a "beneficial interest in a class of securities that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of a body" related to the planning application.</p> <p>It was stated that Cllr A may have breached the following paragraphs of the Code:</p> <ul style="list-style-type: none"> • 10(2)(a)(iv) [Members] must regard [themselves] as having a personal interest in any business of [their] authority if any corporate body which has a place of business or land in [their] authority's area, and in which [they] have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body. • 10(2)(c)(i) [Members] must regard [themselves] as having a personal interest in any business of [their] authority if a decision upon it might reasonably be regarded as affecting their well-being or financial position. • 11(1) Where [members] have a personal interest in any business of [their] authority and [they] attend a meeting at which that business is considered, [they] 	No

		<p>must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.</p> <ul style="list-style-type: none"> • 14(1)(a) - Where [members] have a prejudicial interest in any business of [their] authority [they] must, unless [they] have obtained dispensation from [their] authority's Standards Committee withdraw from the room, chamber or place where a meeting considering the business is being held whenever it becomes apparent that that business is being considered at that meeting. <p>The Ombudsman's guidance on the Code of Conduct explains that personal interests relate to issues where a member or a close personal associate may have some link to a matter under discussion. In the first instance members are required to decide if they have a personal interest and whether they should disclose it, and if so, to declare it as soon as it becomes apparent. Members with a personal interest can remain in a meeting and speak and vote on a relevant matter unless the personal interest is also prejudicial. These interests become prejudicial where an informed independent observer could conclude that the interest would prejudice their judgement of the public interest or influence the members vote or decision.</p> <p>It is noted that Cllr A had previously declared a personal interest on the Register of Members' Interests in respect of the company which operates on their land. The Community Council was being consulted on this application. It was noted that the Council was not the decision-making body as such regarding the planning application, and the Ombudsman found no evidence that Cllr A had taken part in any decision at that meeting concerning the planning application, or voted on anything in respect of decisions concerning the planning application.</p> <p>The Ombudsman considered that as the owner and/or landlord of the land affected by the application Cllr A had a personal interest which could also be deemed prejudicial and they should potentially have declared this. However, they did not consider it would be proportionate or in the public interest to investigate Cllr A's actions at that meeting in this circumstance. Whilst their conduct may suggest a technical breach of the Code, it appeared to the Ombudsman that even if the breach were to be found it is unlikely, given the reasons outlined, that a sanction would be imposed. Cllr A was advised however that they should be mindful of their obligations under the Code to disclose their interests orally and to consider whether they need to withdraw when matters relating to the planning application are discussed.</p>	
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5/7/21	Ynysybwl Community Council (Community Councillor)	<p>Cllr E complained Cllr P failed to appropriately chair a meeting of the Community Council and accused Cllr E of misleading the Community Council during a previous meeting. Also that Cllr P ignored that a member arrived late to a meeting and allowed them to speak and vote on the matter, despite not being present at the start of the discussion. Cllr P also failed to invite Cllr E back to the meeting after the discussion in which Cllr E had a personal interest had finished.</p> <p>The Ombudsman will not investigate a complaint unless there is reasonably strong evidence to suggest that the member concerned has breached the Code of Conduct. It was the Ombudsman's understanding that Cllr E had left the meeting when the events complained about happened and therefore they did not witness the events. They had not provided any additional evidence in support of their complaint. In the absence of any evidence the complaint did not meet the first stage of the Ombudsman's two-stage test and therefore would not be investigated.</p> <p>In any event the Ombudsman was not persuaded that the matters which were alleged amounted to a breach of the Code of Conduct. This is because it appeared that the complaint related to how a meeting was chaired and conducted rather than Cllr P performing functions as a councillor. It is for the Chair to apply the rules of debate and procedure (standing orders) as appropriate to prevent disorderly conduct at council meetings.</p>	No
13/7/21	<p>Community Council (Community Councillor)</p> <p><i>Community Council not named as complaint linked to ongoing investigation</i></p>	<p>Cllr V complained Cllr T failed to obtain planning permission before starting to develop a commercial business on land. They also complained about an email received from Cllr T which they believed to be bullying.</p> <p>In relation to the complaint that Cllr T failed to obtain planning permission, it appeared to the Ombudsman that the breach of the Code which was alleged was not sufficiently serious to warrant investigation. Cllr T had intended to place containers on the land and had started to clear the relevant site and level the ground before applying for planning permission. It was alleged Cllr T only sought planning permission after they were prompted to do so by an RCTCBC officer. From the evidence provided in support of the complaint, it was not clear whether Cllr T was prompted to obtain planning permission from an RCTCBC Officer or whether they sought planning permission of their own accord. In any event, given that Cllr T did apply for planning permission prior to placing the shipping containers on the land the Ombudsman was not persuaded that the information he considered was suggestive of a breach of the Code and did not consider it in the public interest to investigate that element of the complaint.</p> <p>In relation to the complaint about the content of Cllr T's email as the Ombudsman was already in the process of investigating a complaint about bullying behaviour by Cllr T the complaint would be used as witness evidence</p>	No (linked to ongoing investigation)

		in that investigation.	
13/7/21	Community Council (Community Councillor) <i>Community Council not named as complaint linked to ongoing investigation</i>	Cllr E complained about comments made by Cllr T at a Council meeting. As the Ombudsman was already investigating an identical complaint it would inform the complainant of the outcome of that investigation in due course.	No (linked to ongoing investigation)
21/7/21	Community Council (Community Councillor) <i>Community Council not named as complaint linked to ongoing investigation</i>	Mrs B complained that Cllr T had used bullying or intimidating behaviour towards them and shown respect. The Ombudsman is currently investigating this complaint. The complaint is being investigated on the basis that there may have been a failure to comply with the following paragraphs of the Code: <ul style="list-style-type: none"> • 4(b) – you must show respect and consideration for others. • 4(c) – you must not use bullying behaviour or harass any person. • 4(d) – you must not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority. • 6(1)(a) – you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute. • 11 – disclosure of personal interests. • 14 – disclosure of prejudicial interests. 	Yes (ongoing)
28/7/21	Community Council (Community Councillor) <i>Community Council not named as linked to ongoing investigation</i>	Mr L complained about a failure by Cllr T to show respect and consideration towards others and that their behaviour was bullying. They also alleged that Cllr T had attempted to influence members of the Community Council to support a planning application. The Ombudsman was already in the process of investigating these matters. It was confirmed the complaint would be used as witness evidence in that investigation.	No (linked to ongoing investigation)
19/8/21	Ynysybwl Community Council (Community Councillor)	Miss D complained Cllr W posted a video on Facebook. It was alleged Cllr W posted the video without their consent and that the video accused them of leaving dog mess in a public lane, which was not true. Miss D said that they found Cllr W's actions to be detrimental to their character and considered that their actions were intimidating and constituted bullying. In addition they alleged that when they contacted Cllr W on Facebook about the video their response was rude and unprofessional. They said that Cllr W's refusal to remove the video was in breach of GDPR regulations. The Code of Conduct only applies when a councillor is acting as a private individual in very specific circumstances, which did not appear to apply in this case. The Ombudsman had not seen any evidence that	No

		<p>Cllr W was acting as in their role as a councillor at the time of the conduct complained about. The Code of Conduct usually only applies when a member of a council is performing functions as a councillor or seeking in some way to rely upon their status as a councillor.</p> <p>Most of the provisions of the Code (including the requirement to show respect and consideration to others) do not apply to comments which councillors make in their personal capacity. The Ombudsman was therefore only able to consider that when making the comments, Cllr W may have brought their Council or their office as a councillor into disrepute. The Ombudsman had not seen any evidence that Cllr W named the complainant in the video. Therefore the Ombudsman stated that whilst posting the video on Facebook may be deemed by Miss D to be discourteous they did not consider that the matters complained about were sufficiently serious to warrant investigation. It was also noted that the video had limited reach and Miss D was able to share their version of events, therefore, they were not persuaded that even if the alleged breach were to be proven, an investigation would be in the public interest.</p> <p>In addition any concerns regarding a breach of GDPR would be more appropriately raised with the Information Commissioner's Office.</p>	
21/9/21	Llantwit Fardre Community Council (Community Council)	<p>Cllr G complained Cllr E, at the Management Committee of the Council repeatedly called them a liar on a matter that was not the business of the Committee.</p> <p>It was stated Cllr E may have breached the following paragraphs of the Code of Conduct ("the Code"):</p> <ul style="list-style-type: none"> • 4(b) – [Members] must show respect and consideration for others • 4(c) – [Members] must not use bullying behaviour or harass any person. <p>The Ombudsman stated this was a complaint suitable for resolution under local procedures. The local resolution procedure would also provide Cllr G the opportunity to seek the withdrawal of the alleged comments.</p>	No (referred back to Community Council for Local Resolution)
27/9/21	<p>Community Council (Community Councillor)</p> <p><i>Community Council not named as complaint linked to ongoing investigation</i></p>	<p>Miss M complained that Cllr F had used bullying or intimidating behaviour towards them. The Ombudsman is currently investigating this complaint. The complaint is being investigated on the basis that there may have been a failure to comply with the following paragraphs of the Code:</p> <ul style="list-style-type: none"> • 4(c) – you must not use bullying behaviour or harass any person. • 6(1)(a) – you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute. 	Yes (ongoing)

4. LEGAL IMPLICATIONS

4.1 There are no legal implications arising from this report.

5. CONSULTATION

5.1 There are no consultation implications arising from this report.

6. EQUALITY AND DIVERSITY IMPLICATIONS

6.1 There are no equality and diversity implications arising from this report.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications arising from this report.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

19 NOVEMBER 2021

REPORT OF THE MONITORING OFFICER

Background Papers: Freestanding matter

Contact: Mr. Andy Wilkins (Director of Legal Services & Monitoring Officer)



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2021 - 2022

STANDARDS COMMITTEE

19 NOVEMBER 2021

APPLICATION FOR DISPENSATION – COUNTY BOROUGH COUNCILLOR P. JARMAN

REPORT OF THE MONITORING OFFICER

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 2022-23 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 2022-23 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 (Plaid Cymru), 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 2022-23 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

19 NOVEMBER 2021

BACKGROUND PAPERS

APPLICATION FOR DISPENSATION - COUNTY BOROUGH COUNCILLOR P.JARMAN	Officer to contact: Andy Wilkins
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Freestanding Matter



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2021 - 2022

STANDARDS COMMITTEE

19 NOVEMBER 2021

APPLICATION FOR DISPENSATION – COUNTY BOROUGH COUNCILLOR R. BEVAN

REPORT OF THE MONITORING OFFICER

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 Programme Manager – Assistive Technology, 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 Programme Manager – Assistive Technology, 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 Programme Manager – Assistive Technology. 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 Programme Manager – Assistive Technology, 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

19 NOVEMBER 2021

BACKGROUND PAPERS

APPLICATION FOR DISPENSATION - COUNTY BOROUGH COUNCILLOR R.BEVAN	Officer to contact: Andy Wilkins
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Freestanding Matter

Tudalen wag



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2021 - 2022

STANDARDS COMMITTEE

19 NOVEMBER 2021

APPLICATION FOR DISPENSATION – COUNTY BOROUGH COUNCILLOR M. POWELL

REPORT OF THE MONITORING OFFICER

1. PURPOSE OF REPORT

To enable the Committee to decide whether to grant a dispensation to County Borough Councillor Michael Powell to speak and vote on all matters relating to the Children's Services department (within the Community and Children's Services Group), save for any specific matters that directly affect his wife who is employed by the Council in the Children's Services department as a Contact Worker, with such dispensation being reviewed on an annual basis by the Standards Committee.

2. RECOMMENDATION

- 2.1 To consider granting County Borough Councillor Michael Powell a dispensation to speak and vote on all matters relating to the Children's Services department (within the Community and Children's Group), save for any specific matters that directly affect his wife, who is employed by the Council in the Children's Services department as a Contact Worker, 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 (the 'Regulations'). The Regulations set out the grounds on which dispensations may be granted.
- 3.4 County Borough Councillor Michael Powell's wife works in the Children's Services department as a Contact Worker. Councillor Powell seeks a dispensation to speak and vote on all matters relating to the Children's Services department, save for any specific matters that directly affect his wife. Reference to matters 'directly affecting his wife' in this context means matters which do not directly financially advantage or disadvantage, or give other direct benefit or dis-benefit to her. In his application Councillor Powell has stated his wife is not in a decision making position.
- 3.5 Any dispensation awarded cannot be used if the matter under consideration would confer a greater benefit on his wife 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 Councillor Powell were to take part in the discussion.
- 3.6 The ground for granting a dispensation under the aforementioned regulations under which Councillor Powell has applied for his dispensation are as follows:

Ground:

(c) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

- 3.7 It is recommended the Committee consider granting Councillor Michael Powell a dispensation to speak and vote on all matters relating to the Children's Services department, save for any specific matters that directly affect his wife, who is employed by the Council in the Children's Services department as a Contact Worker, with such dispensation being reviewed on an annual basis on the ground that the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise as Leader of the RCT Independents Political Group.

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

LIST OF BACKGROUND PAPERS

STANDARDS COMMITTEE

19 NOVEMBER 2021

BACKGROUND PAPERS

APPLICATION FOR DISPENSATION - COUNTY BOROUGH COUNCILLOR M.POWELL	Officer to contact: Andy Wilkins
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Freestanding Matter

Tudalen wag



RHONDDA CYNON TAF

RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

19 NOVEMBER 2021

PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT AND LETTER 2020–2021

REPORT OF THE MONITORING OFFICER

1. PURPOSE OF THE REPORT

To provide Members with 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 this Council for 2020-2021.

2. RECOMMENDATION

- 2.1 That the Committee notes the matters relating to Code of Conduct Complaints reported in the Public Services Ombudsman for Wales' Annual Report and Annual Letter to this Council 2020-2021.

3. BACKGROUND

- 3.1 The PSOW has published his Annual Report for 2020-2021 ('AR') pursuant to Paragraph 14 of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005. The AR has been combined with the annual accounts for the PSOW as it was last year. The purpose of the AR is to report on the performance of the PSOW's office over the year, provide an update on developments and to deliver any key messages arising from their work carried out during the year.

- 3.2 The AR Executive Summary is attached at Appendix 1. The full report can be accessed via the following link on the PSOW website:

<https://www.ombudsman.wales/wp-content/uploads/2021/07/Annual-Report-and-Accounts-2020-21-Delivering-Justice-FINAL.pdf>

- 3.3 The PSOW also issues an Annual Letter (AL) to each Local Authority in Wales with a summary of complaints received by his office that relate specifically to that Local Authority. The AL is attached as Appendix 2 to this report.

- 3.4 The AR sets out the workload that has been dealt with by the PSOW during 2020-2021. It breaks the workload down into the number of enquiries received and the number of complaints received, and also breaks down the complaints

into those received about services (public body complaints) and those received in relation to Code of Conduct Complaints (CCCs). This report will highlight the data relating to CCCs only (issues arising from public services or the annual accounts section of the AR are beyond the scope of this report).

- 3.5 The number of CCCs increased by 47% during 2020-2021 with the PSOW receiving 535 new CCCs with 308 taken forward for investigation. The total number of complaints for the year 2018-19 was 282 and for 2019-20, 231. Of those 308 complaints 167 related to Town and Community Councils, 138 to Local Authorities, 2 to National Park authorities and 1 to a Fire Authority.
- 3.6 Whilst complaints about members of National Parks and Fire Authorities have remained low, Town and Community Council complaints have increased by 23.7% and County and County Borough Council complaints have increased by 43.8%. The PSOW has stated the latter is of particular concern. It should be noted however that there were 35 complaints made about 1 individual County Council member with several investigations ongoing in respect of those complaints.
- 3.7 Within a small number of Town and Community Councils the PSOW has stated he is still seeing complaints which appear to border on frivolity or are motivated by political rivalry or clashes of personalities rather than being true Code of Conduct issues. Where his offices receives 'tit for tat' complaints they will engage with the Council and the Monitoring Officer of the principal authority to remind its members of their obligations under the Code and their democratic responsibilities to the communities they serve.
- 3.8 As in previous years the majority of CCCs (55%) related to matters of the promotion of equality and respect; 14% related to the failure to disclose or register interests; 12% related to integrity; 4% related to accountability and openness; 5% related to failure to be objective or act with propriety; 8% related to the duty to uphold the law and 2% related to selflessness and stewardship.
- 3.9 As in previous years therefore the majority of CCCs received during 2020/2021 related to matters of 'promotion of equality and respect' (55%) and 'disclosure and registration of interests' (14%). The PSOW has noted there is an annual increase in the number of complaints where bullying behaviour is being alleged.
- 3.10 The PSOW has highlighted once again the important of Code of Conduct training to become a 'good councillor'. From his investigations he has gained an impression that many members of Town and Community Councils often do not take up training opportunities offered on the Code of Conduct. Whilst there is no statutory obligation for Members to complete training currently it is strongly advised they should do so.
- 3.11 In 2020-2021 the PSOW closed 289 cases. The most common outcome of the complaints were that they were 'closed after initial consideration'. The majority (255) were closed under this outcome. These include decisions where there is no 'prima facie' evidence of a breach of the Code and it is not in the public interest to investigate.
- 3.12 24 complaints were taken forward for investigation in 2020-21 with the PSOW again directing investigative resources towards the more serious complaints

where an investigation is required in the public interest. In 14 cases an investigation was discontinued (5 cases), no evidence of breach was found or no further action was necessary (9 cases) and there were 10 referrals (to either Standards Committees or the Adjudication Panel for Wales) – a 50% increase from 2019-2020.

- 3.13 As regards investigating complaints the Ombudsman notes the following in his report:

“All the Code of Conduct complaints received by our office are assessed against our two-stage test. We consider whether:

- a complaint is supported by direct evidence that is suggestive that a breach has taken place*
- it is in the public interest to investigate that matter.*

Public interest can be described as “something which is of serious concern and benefit to the public

During the life cycle of an investigation, we review the evidence gathered to assess whether it remains in the public interest to continue. Where it appears that investigating a matter is no longer in the public interest, we will make the decision to discontinue that investigation. Also, sometimes when we investigate we find no evidence of a breach. Finally, when an investigation is concluded, we can determine that ‘no action needs to be taken’ in respect of the matters investigated. This will often be the case if the member has acknowledged the behaviour (which may be suggestive of a breach of the Code) and has expressed remorse or taken corrective or reparatory action to minimise the impact of it on the individual, the public or the authority concerned.”

- 3.14 The above happened in 58% (14 cases) of the investigations undertaken during the period (i.e. no evidence of breach was found or investigation discontinued), a significant decrease on the previous year, where this outcome happened in 85% of cases. The PSOW has stated that whilst fewer cases are being referred to investigation, of those that are, he is finding evidence suggestive of a breach of the Code of Conduct in more cases.
- 3.15 The subjects of the Code of Conduct complaints that were closed largely mirrored the subjects of the new complaints received. The majority related to ‘disclosure and registration of interests’ and ‘promotion of equality and respect.
- 3.16 There were 6 referrals to the Standards Committees this year. At the time of writing 5 are yet to be concluded. The matter which has already been considered related to a former member of Laleston Community Council who used Council funds for personal items. The Standards Committee issued a censure, the only sanction available to it as the member had resigned. A Standards Committee also considered 2 cases which were referred to it in the previous year, relating to 2 members of Conwy Town Council who had failed to disclose an interest in business relating to a member of staff who had made a bullying complaint against them which had not been resolved at the time of the events. Both members were suspended for 1 month.

- 3.17 There were 4 referrals to the Adjudication Panel for Wales. 2 have already been considered and were previously reported to the Committee. The first concerned the conduct and behaviour of a member in relation to their failure to disclose their personal and prejudicial interests and their actions towards a member of staff. In this case the member of Merthyr Tydfil County Borough Council was suspended for 7 months. The second related to Facebook posts made by a member of Sully and Lavernock Community Council, which contained extreme and gratuitous violent references about female politicians. The member was disqualified for 15 months.
- 3.18 In 20/21 the Adjudication Panel for Wales and the Standards Committees upheld and found breaches in 100% of PSOW referrals.
- 3.19 The PSOW had stated that the increase in the number of complaints referred for further consideration in respect of potentially serious breaches of the code last year, is of concern and suggests there has been some decline in member conduct. Of the complaints referred for hearing which are yet to be determined, it is concerning that the complaints suggest disreputable conduct and that some members may have misused their positions as members.
- 3.20 Nevertheless the investigations and the outcomes of these case referrals demonstrate the importance of standards of conduct in public life and provide a helpful indication to members of all authorities as to the behaviours expected of them.
- 3.21 The PSOW is currently trialling a change in process which they anticipate will reduce the time taken to decide whether a complaint should be investigated and improve overall investigation times. Where appropriate, they also want to give members the opportunity to account for their own actions, even when we they do not refer a case for hearing because it does not meet the PSOW public interest test.
- 3.22 In 2020/21 the PSOW received 36 Code of Conduct complaints that would potentially meet the statutory definition of disclosure from employees or former employees of a council. The disclosures mostly related to allegations that the members concerned had 'failed to promote equality and respect'. Eleven complaints were investigated. Investigation is continuing into 10 complaints and 1 was discontinued as the investigation was no longer in the public interest. The 2 complaints ongoing from 2019/20 were concluded. One was referred to the Standards Committee. The former Member received a censure for misusing funds. The second was referred to the Adjudication Panel for Wales. The Member was suspended for failing to declare an interest and poor behaviour towards a member of staff.

4. LEGAL IMPLICATIONS

- 4.1 There are no legal implications arising from this report.

5. CONSULTATION

- 5.1 There are no consultation implications arising from this report.

6. EQUALITY AND DIVERSITY IMPLICATIONS

6.1 There are no equality and diversity implications arising from this report.

7. **FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 There are no financial implications arising from this report.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

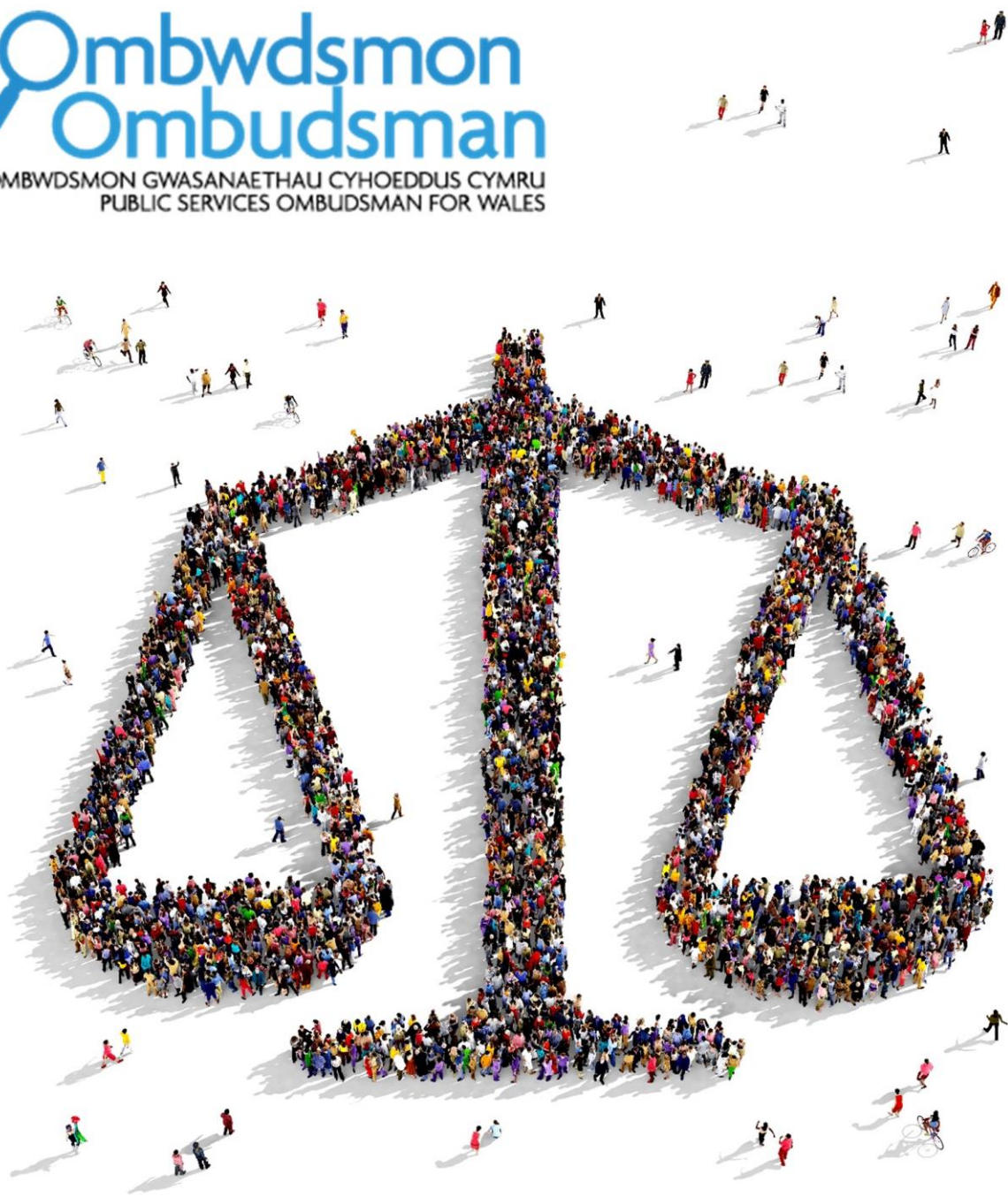
STANDARDS COMMITTEE

19 NOVEMBER 2021

REPORT OF THE MONITORING OFFICER

Background Papers: Public Services Ombudsman for Wales' Annual Report
2020-2021
Public Services Ombudsman for Wales' Annual Letter –
RCT CBC 2020-2021

Contact: Mr. Andy Wilkins (Director of Legal Services & Monitoring Officer)



Delivering Justice

The Public Services Ombudsman for Wales

Annual Report and Accounts

2020/21

Executive Summary

Message from the Ombudsman.

The coronavirus pandemic has presented all public bodies with new challenges, not least the massive challenges to health and care services. My thoughts are with all those servants of the public, the key workers who have not had the option of home working through this crisis.



We have maintained our service throughout, with staff enabled to work remotely. I am very grateful for our teams in facilitating and accepting change so effectively.

We saw the first substantial reduction in cases but in contrast code of conduct complaints about local elected members have increased. We have revised our Code of Conduct Guidance and were involved in training for some town councils about the Code. Complaints standards for local authorities and health boards are now in place, with training being provided to organisations that generate 95% of our complaints.

Despite all the challenges of the past year, I genuinely feel that this annual report reflects well on the office and our people, and I hope that the following year brings greater 'normality' to all our lives.

Nick Bennett

Public Services Ombudsman for Wales



About us

We have three main roles:

- handling complaints about public service providers.
- considering complaints about breaches of the Code of Conduct by elected members.
- driving systemic improvement of public services.

We are independent of all government bodies and the service we provide is free of charge.

Contact us

1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ

0300 790 0203

Tudalen 58

ask@ombudsman.wales

<https://www.ombudsman.wales/>

We have continued to deliver for those who have suffered injustice during the pandemic.



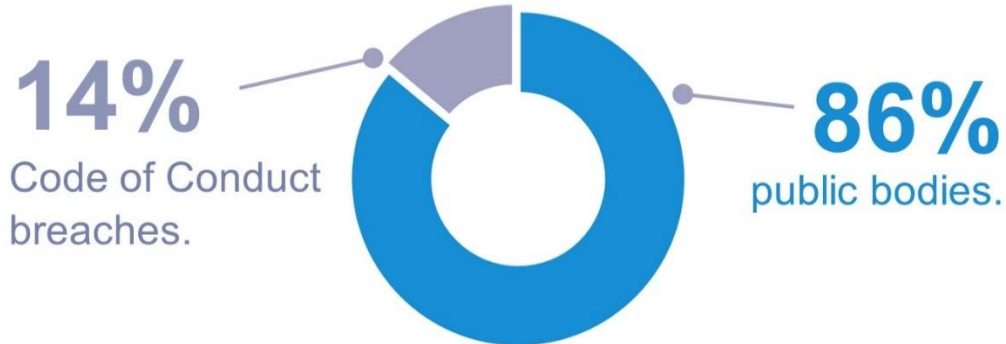
61%
of people contacting us were provided with advice or directed to other sources of help.

 **3,774**
enquiries

 **2,409**
complaints

 **47%**
more Code of Conduct complaints compared to last year.

Complaints about



We strive to be a fair independent, inclusive and responsive complaints service. We continued to deliver justice to the people of Wales by handling complaints about maladministration by public bodies and allegations of breaches the Code of Conduct by elected members.

The Covid-19 pandemic had an impact on the number of enquiries and complaints we have received and closed in 2020/21.

14% We had 14% fewer contacts in 2020/21

16% We received 16% less complaints about public bodies

21% We received 21% less complaints about the NHS

11% We received 11% less complaints about local authorities

12% We closed 12% fewer cases in 2020/21

New complaints about public bodies

2020/21



2019/20



We developed a constructive dialogue with the

public bodies we investigate to understand their position during the pandemic. This was to make sure it would work for everyone and to make sure we were maintaining a service for complainants. This dialogue has continued over the year, and we have adapted as public bodies have too.

Health	39%		41%
Housing	13%		15%
Complaint handling	9%		9%
Social services	9%		8%
Planning and building control	7%		7%
Covid-19	3%		0%
Other	20%		18%

Complaints about public bodies closed

1,687

Assessments

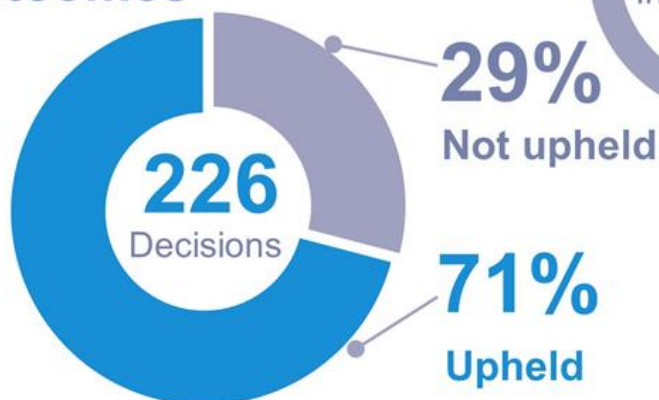
- 212 resolved early with the public body
- 346 out of our jurisdiction
- 658 unable to investigate*
- 471 were made to us prematurely

248

Investigations

Investigation outcomes

- 11 complaints were settled voluntarily.
- 11 investigations were discontinued.



*Reasons 'Unable to investigate': more than 12 months since awareness of hardship or injustice; the complainant has access to alternative legal remedy; there is no evidence of maladministration; unable to achieve the outcome sought; not proportionate; no direct hardship or injustice suffered.

New complaints about Code of Conduct breaches

2020/21



2019/20



Town and Community Council

complaints have increased by 23.7% and County and County Borough Councils complaints by 43.8%. We received 35 complaints about 1 County Council member. Several investigations are ongoing in respect of those complaints.

Promotion of equality and respect	55%		49%
Disclosure and registration of interests	14%		17%
Accountability and openness	4%		11%
Integrity	12%		10%
Duty to uphold the law	8%		7%
Selflessness and stewardship	2%		3%
Objectivity and propriety	5%		2%

Closed complaints about Code of Conduct breaches

10 were withdrawn.

255 closed after initial consideration.

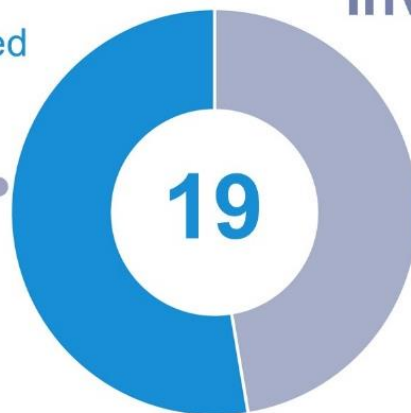


Assessments

5 investigations were discontinued

Investigations

53%
Referred



47%
No action necessary



We intervened in (upheld, settled or resolved early) 20% of complaints about public bodies, the same as last year.

We referred 3% of our code of conduct complaints to local standards committee or the Adjudication Panel for Wales, up from 2% in the previous year.

1045

recommendations issued to public bodies.

£62k

of financial redress recommended.

2

special reports issued.

20%

of our recommendations highlighted retraining or process reviews. This can lead to significant improvement in public services.

85%

compliance with recommendations due during the year.

Here is an example from our casework of the types of recommendations we make to help deliver justice:

The Ombudsman found shortcomings in Betsi Cadwaladr University Health Board's assessment, investigation and diagnosis of Mr D's brainstem stroke, until it was too late for treatment options to be considered. The investigation found that the loss of the opportunity to have potential treatment options discussed was a significant injustice.

The Ombudsman recommended that the Health Board should:

- Apologise to Mr D and Mrs D.
- Make a financial redress payment of £1,500.
- Share the report with the doctors involved in the interests of improving their clinical practice.
- Develop an action plan to address the failings identified in the report within 3 months

We also continued to share our findings through public interest reports, casebooks, thematic reports and annual letters to the bodies in our jurisdiction.

We issued:

8 public interest and special reports

Health



6

Planning



1

Social care



1

1 thematic report

"At Your Service: A Good Practice Guide"



We published our second Equality and Human Rights Casebook



Each year, we send letters on to health boards and local authorities concerning the complaints we have received and considered during. They provide these bodies with information to help them improve both their complaint handling and the services that they provide.



We are proactive, helping the public sector improve during challenging times.

We made large strides in launching our new proactive powers to drive systemic improvement



We issued our Model Complaints Handling Policy and guidance to Local Authorities and Health Boards



We continued the development of standardised data reporting for Public Bodies in Wales.



We provided 90 virtual training sessions to public bodies across Wales



We started four extended own initiative investigations, one of which has been concluded



We re-launched our first own initiative investigation at the Chartered Institute of Housing TAI Cymru conference



We embrace learning and welcome feedback

205 review cases were closed

9%

of the reviews identified we could do more, often as a result of new evidence provided by complainant

32 complaints about us were closed.

22%

of these were upheld or partially upheld.

51% of all complainants questioned were satisfied with our customer service...

...rising to **99%** amongst those satisfied with the outcome of their complaint.



We strive to ensure and promote accessibility, equality and diversity

87% of our customers questioned found it easy to contact us.

3

Sounding boards were run to understand the needs of our stakeholders.



We now comply with most of the Welsh Language Standards



We adopted a Race and Ethnicity at Work Charter



We appointed an Autistic Champion to raise awareness of neurodiverse issues.



We maintained the silver FairPlay Employer level for gender equality.



We pull together and support each other



We provided a range of wellbeing activities to support staff during the pandemic

77%

of staff completed 28 or more hours of continuing professional development.

We saw the average percentage of working days lost through staff sickness drop to

1.1%



We reduced our median Gender Pay Gap from 21% in 2019 to 5% in 2021.



We are accountable and transparent about our performance and use of resources

Our budget of **£5.1m** comprised of...

£4.1m from the Senedd

£974k from a Pension Fund surplus repayment

Our unit cost per case was **£674**

91% of our budgeted funding for new powers (£330k) was spent on implementation



We attended two scrutiny sessions with the Senedd.



We reduced our energy usage by 31%.



We maintained close links with colleagues in the UK, Europe and around the world.



We reduced our office waste by 85%.

182kg of CO₂ emissions were avoided.

Ask for: Communications

 01656 641150

Date: September 2021

 communications@ombudsman.wales

Cllr. Andrew Morgan
Rhondda Cynon Taf County Borough Council

By Email only: andrew.morgan2@rctcbc.gov.uk

Annual Letter 2020/21

Dear Councillor Morgan

I am pleased to provide you with the Annual letter (2020/21) for Rhondda Cynon Taf County Borough Council.

This letter discusses information from a year unlike any other in recent memory, and as such may not be useful for establishing trends or patterns. Information received during this remarkable year will, however, bring insights on how public services reacted in the face of unprecedented demand and the most difficult of circumstances.

During the past financial year, we have intervened in (upheld, settled or resolved at an early stage) the same proportion of complaints about public bodies, 20%, compared with 2019/20.

Regarding new complaints received relating to Local Authorities, the overall number decreased by 12.5% compared with last year. This reflects the reduction in complaints being reported by Local Authorities during the Covid-19 pandemic. My office intervened in a similar proportion of the cases closed as in the previous year (13%).

However, we referred a higher proportion of Code of Conduct complaints to a Standards Committee or the Adjudication Panel for Wales: 3.4% compared to 2% in the previous year. This higher referral rate was also accompanied by a sharp increase in the number of Code of Conduct complaints received.

During 2020/21, despite challenges caused by the pandemic, my office made great strides in progressing work related to Complaints Standards and Own Initiative Investigations. The theme and consultation period of the first wider Own

Page 1 of 9

Initiative Investigation – into Local Authority Homelessness Assessments - was launched in September 2020 and the report is due in the coming months. We also commenced 4 extended Own Initiative Investigations, where we extended the scope of our work on a complaint already under investigation.

Last year, my office also pushed ahead with two new publications – ‘Our Findings’ and our first Equality Report.

‘Our Findings’ will be accessed via the PSOW website and replaces the quarterly casebooks. Our Findings will be updated more frequently and will be a more useful tool in sharing the outcomes of investigations. Our first Equality Report highlights the work done to improve equality and diversity, and to ensure that our service is available to people from all parts of society.

Local Authorities in Wales continued to submit data about the complaints they handled to the Complaints Standards Authority (CSA) during 2020/21, as well as receiving a model complaints procedure and accessing 76 virtual training sessions.

The data submitted for 2020/2021 shows:

- Nearly 12,000 complaints were recorded by Local Authorities
- This equates to 3.77 for every 1000 residents.
- Nearly half (44%) of those complaints were upheld.
- About 75% were investigated within 20 working days.
- About 9% of all complaints closed were referred to PSOW.

The CSA will publish data to the PSOW website for the first time in the coming year, marking a key achievement in the progress of this work. Training sessions have been delivered to almost all Local Authorities in Wales, and our offer of training remains open ended and will be delivered free of charge.

A summary of the complaints of maladministration/service failure received relating to your Council is attached.


Also attached is a summary of the Code of Conduct complaints relating to members of the Council and to the Town & Community Councils in your area.

I ask that the Council takes the following actions:

- Present my Annual Letter to the Cabinet to assist members in their scrutiny of the Council’s complaints performance and any actions to be taken as a result.
- Engage with my Complaints Standards work, accessing training for your staff and providing complaints data.
- Inform me of the outcome of the Council’s considerations and proposed actions on the above matters by 15 November.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a stylized flourish at the end.

Nick Bennett
Ombudsman

cc.Chris Bradshaw, Chief Executive, Rhondda Cynon Taf County Borough
Council
By Email only: christopher.d.bradshaw@rctcbc.gov.uk

Factsheet

Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
Blaenau Gwent County Borough Council	15	0.21
Bridgend County Borough Council	31	0.21
Caerphilly County Borough Council	46	0.25
Cardiff Council*	96	0.26
Carmarthenshire County Council	27	0.14
Ceredigion County Council	32	0.44
Conwy County Borough Council	32	0.27
Denbighshire County Council	32	0.33
Flintshire County Council	59	0.38
Gwynedd Council	30	0.24
Isle of Anglesey County Council	18	0.26
Merthyr Tydfil County Borough Council	15	0.25
Monmouthshire County Council	20	0.21
Neath Port Talbot Council	19	0.13
Newport City Council	31	0.20
Pembrokeshire County Council	28	0.22
Powys County Council	38	0.29
Rhondda Cynon Taf County Borough Council	40	0.17
Swansea Council	73	0.30
Torfaen County Borough Council	12	0.13
Vale of Glamorgan Council	39	0.29
Wrexham County Borough Council	43	0.32
Total	776	0.25

* inc 2 Rent Smart Wales

Appendix B - Received by Subject

Rhondda Cynon Taf County Borough Council	Complaints Received	% Share
Adult Social Services	6	15%
Benefits Administration	1	3%
Children's Social Services	8	20%
Community Facilities, Recreation and Leisure	1	3%
Complaints Handling	5	13%
Covid19	1	3%
Education	2	5%
Environment and Environmental Health	1	3%
Finance and Taxation	1	3%
Housing	5	13%
Licensing	1	3%
Planning and Building Control	4	10%
Roads and Transport	2	5%
Various Other	2	5%
Total	40	

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Appendix C - Complaint Outcomes
 (* denotes intervention)

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/voluntary settlement*	Discontinued	Other Reports- Not Upheld	Other Reports Upheld*	Public Interest Report*	Total
Rhondda Cynon Taf County Borough Council	12	11	16	2	1	1	0	0	43
% Share	28%	26%	37%	5%	2%	2%	0%	0%	

Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	1	17	6%
Bridgend County Borough Council	2	30	7%
Caerphilly County Borough Council	3	45	7%
Cardiff Council	26	100	26%
Cardiff Council - Rent Smart Wales	0	2	0%
Carmarthenshire County Council	6	29	21%
Ceredigion County Council	4	31	13%
Conwy County Borough Council	5	31	16%
Denbighshire County Council	2	31	6%
Flintshire County Council	11	62	18%
Gwynedd Council	5	27	19%
Isle of Anglesey County Council	1	17	6%
Merthyr Tydfil County Borough Council	0	14	0%
Monmouthshire County Council	1	19	5%
Neath Port Talbot Council	1	17	6%
Newport City Council	5	29	17%
Pembrokeshire County Council	3	26	12%
Powys County Council	4	47	9%
Rhondda Cynon Taf County Borough Council	2	43	5%
Swansea Council	9	67	13%
Torfaen County Borough Council	0	11	0%
Vale of Glamorgan Council	5	38	13%
Wrexham County Borough Council	6	48	13%
Total	102	781	13%

Appendix E - Code of Conduct Complaints

County/County Borough Councils	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Rhondda Cynon Taf County Borough Council	1	6	0	0	0	1	8

Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Llantwit Fardre Community Council	2	0	1	0	0	0	3
Pontypridd Town Council	0	1	0	0	0	0	1
Taff's Well and Nantgarw Community Council	6	1	0	1	0	0	8
Ynysybwl & Coed-y-cwm Community Council	0	2	0	0	0	0	2

Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2020/2021. These complaints are contextualised by the number of people each health board reportedly serves.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2020/2021. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

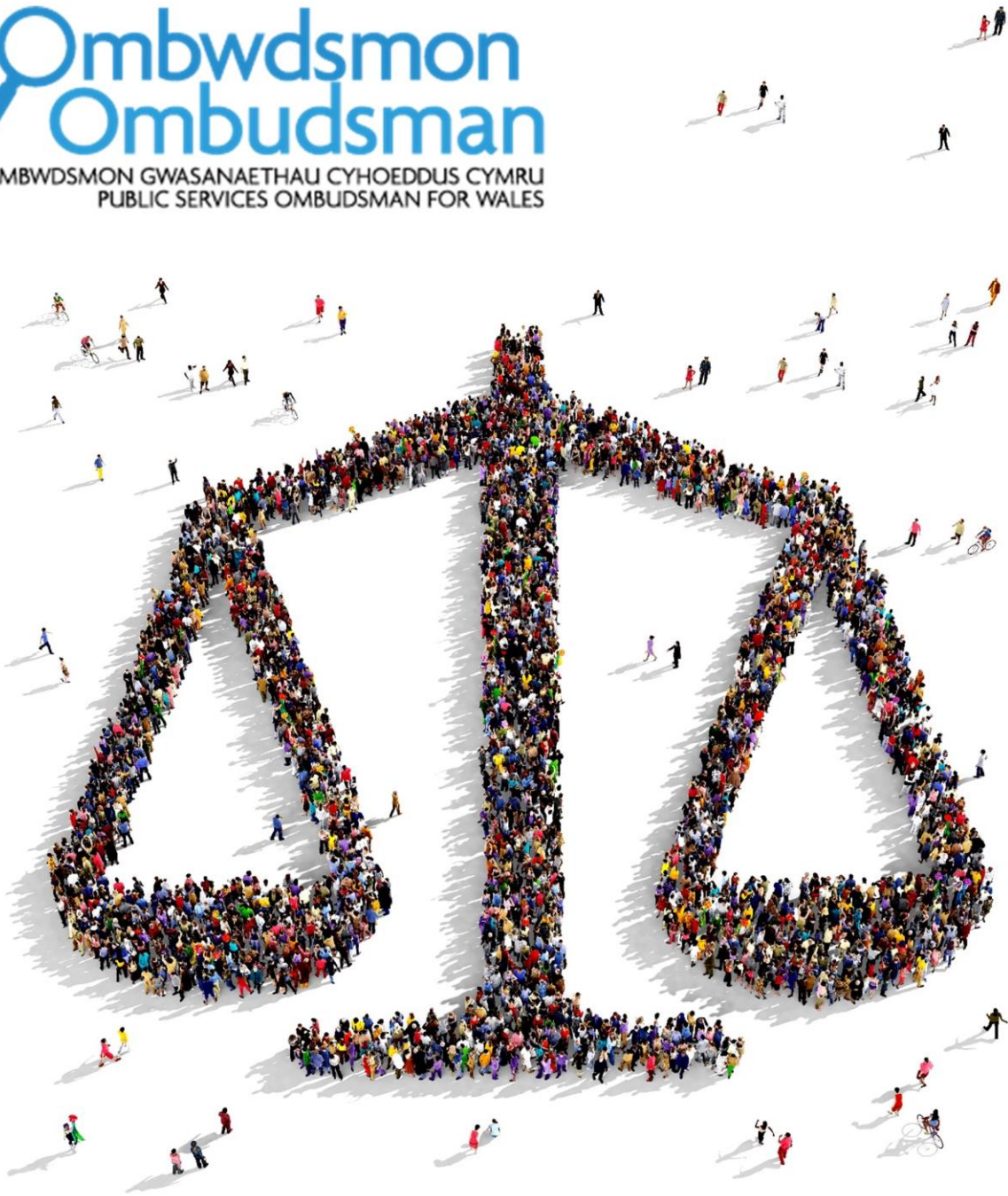
Appendix D shows Intervention Rates for all Local Authorities in 2020/2021. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2020/2021. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

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. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

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**Ombwdsmon
Ombudsman**
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU
PUBLIC SERVICES OMBUDSMAN FOR WALES



Delivering Justice

The Public Services Ombudsman for Wales

Annual Report and Accounts

2020/21

Executive Summary

Message from the Ombudsman.

The coronavirus pandemic has presented all public bodies with new challenges, not least the massive challenges to health and care services. My thoughts are with all those servants of the public, the key workers who have not had the option of home working through this crisis.



We have maintained our service throughout, with staff enabled to work remotely. I am very grateful for our teams in facilitating and accepting change so effectively.

We saw the first substantial reduction in cases but in contrast code of conduct complaints about local elected members have increased. We have revised our Code of Conduct Guidance and were involved in training for some town councils about the Code. Complaints standards for local authorities and health boards are now in place, with training being provided to organisations that generate 95% of our complaints.

Despite all the challenges of the past year, I genuinely feel that this annual report reflects well on the office and our people, and I hope that the following year brings greater 'normality' to all our lives.

Nick Bennett

Public Services Ombudsman for Wales



About us

We have three main roles:

- handling complaints about public service providers.
- considering complaints about breaches of the Code of Conduct by elected members.
- driving systemic improvement of public services.

We are independent of all government bodies and the service we provide is free of charge.

Contact us

1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ

0300 790 0203

Tudalen 76

ask@ombudsman.wales

<https://www.ombudsman.wales/>

We have continued to deliver for those who have suffered injustice during the pandemic.



61%

of people contacting us were provided with advice or directed to other sources of help.



3,774
enquiries



2,409
complaints

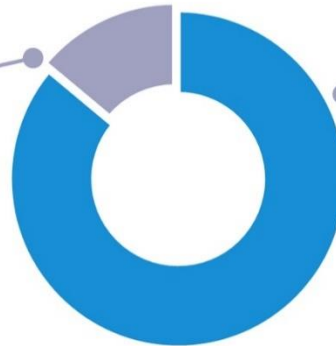
47%

more Code of Conduct complaints compared to last year.

Complaints about

14%

Code of Conduct breaches.



86%

public bodies.

We strive to be a fair independent, inclusive and responsive complaints service. We continued to deliver justice to the people of Wales by handling complaints about maladministration by public bodies and allegations of breaches the Code of Conduct by elected members.

The Covid-19 pandemic had an impact on the number of enquiries and complaints we have received and closed in 2020/21.

14%

We had 14% fewer contacts in 2020/21

16%

We received 16% less complaints about public bodies

21%

We received 21% less complaints about the NHS

11%

We received 11% less complaints about local authorities

12%

We closed 12% fewer cases in 2020/21

New complaints about public bodies

2020/21



2019/20



We developed a constructive dialogue with the

public bodies we investigate to understand their position during the pandemic. This was to make sure it would work for everyone and to make sure we were maintaining a service for complainants. This dialogue has continued over the year, and we have adapted as public bodies have too.

Health	39%		41%
Housing	13%		15%
Complaint handling	9%		9%
Social services	9%		8%
Planning and building control	7%		7%
Covid-19	3%		0%
Other	20%		18%

Complaints about public bodies closed

1,687

Assessments

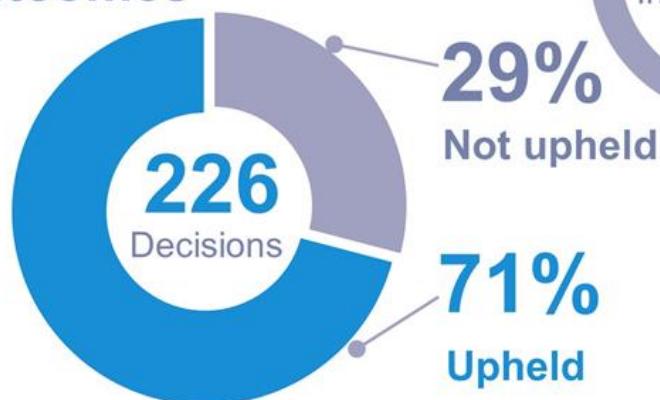
- 212 resolved early with the public body
- 346 out of our jurisdiction
- 658 unable to investigate*
- 471 were made to us prematurely

248

Investigations

Investigation outcomes

- 11 complaints were settled voluntarily.
- 11 investigations were discontinued.



*Reasons 'Unable to investigate': more than 12 months since awareness of hardship or injustice; the complainant has access to alternative legal remedy; there is no evidence of maladministration; unable to achieve the outcome sought; not proportionate; no direct hardship or injustice suffered.

New complaints about Code of Conduct breaches

2020/21



2019/20



Town and Community Council

complaints have increased by 23.7% and County and County Borough Councils complaints by 43.8%. We received 35 complaints about 1 County Council member. Several investigations are ongoing in respect of those complaints.

Promotion of equality and respect	55%		49%
Disclosure and registration of interests	14%		17%
Accountability and openness	4%		11%
Integrity	12%		10%
Duty to uphold the law	8%		7%
Selflessness and stewardship	2%		3%
Objectivity and propriety	5%		2%

Closed complaints about Code of Conduct breaches

10 were withdrawn.

255 closed after initial consideration.

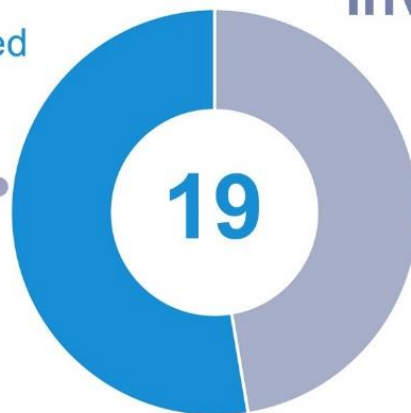


Assessments

5 investigations were discontinued

Investigations

53%
Referred



47%
No action necessary



We intervened in (upheld, settled or resolved early) 20% of complaints about public bodies, the same as last year.

We referred 3% of our code of conduct complaints to local standards committee or the Adjudication Panel for Wales, up from 2% in the previous year.

1045

recommendations issued to public bodies.

£62k

of financial redress recommended.

2

special reports issued.

20%

of our recommendations highlighted retraining or process reviews. This can lead to significant improvement in public services.

85%

compliance with recommendations due during the year.

Here is an example from our casework of the types of recommendations we make to help deliver justice:

The Ombudsman found shortcomings in Betsi Cadwaladr University Health Board's assessment, investigation and diagnosis of Mr D's brainstem stroke, until it was too late for treatment options to be considered. The investigation found that the loss of the opportunity to have potential treatment options discussed was a significant injustice.

The Ombudsman recommended that the Health Board should:

- Apologise to Mr D and Mrs D.
- Make a financial redress payment of £1,500.
- Share the report with the doctors involved in the interests of improving their clinical practice.
- Develop an action plan to address the failings identified in the report within 3 months

We also continued to share our findings through public interest reports, casebooks, thematic reports and annual letters to the bodies in our jurisdiction.

We issued:

8 public interest and special reports

Health



6

Planning



1

Social care



1

1 thematic report

"At Your Service: A Good Practice Guide"



We published our second Equality and Human Rights Casebook



Each year, we send letters on to health boards and local authorities concerning the complaints we have received and considered during. They provide these bodies with information to help them improve both their complaint handling and the services that they provide.



We are proactive, helping the public sector improve during challenging times.

We made large strides in launching our new proactive powers to drive systemic improvement



We issued our Model Complaints Handling Policy and guidance to Local Authorities and Health Boards



We continued the development of standardised data reporting for Public Bodies in Wales.



We provided 90 virtual training sessions to public bodies across Wales



We started four extended own initiative investigations, one of which has been concluded



We re-launched our first own initiative investigation at the Chartered Institute of Housing TAI Cymru conference



We embrace learning and welcome feedback

205 review cases were closed

9%

of the reviews identified we could do more, often as a result of new evidence provided by complainant

32 complaints about us were closed.

22%

of these were upheld or partially upheld.

51% of all complainants questioned were satisfied with our customer service...

...rising to **99%** amongst those satisfied with the outcome of their complaint.



We strive to ensure and promote accessibility, equality and diversity

87% of our customers questioned found it easy to contact us.

3

Sounding boards were run to understand the needs of our stakeholders.



We now comply with most of the Welsh Language Standards



We adopted a Race and Ethnicity at Work Charter



We appointed an Autistic Champion to raise awareness of neurodiverse issues.



We maintained the silver FairPlay Employer level for gender equality.



We pull together and support each other



We provided a range of wellbeing activities to support staff during the pandemic

77%

of staff completed 28 or more hours of continuing professional development.

We saw the average percentage of working days lost through staff sickness drop to

1.1%



We reduced our median Gender Pay Gap from 21% in 2019 to 5% in 2021.



We are accountable and transparent about our performance and use of resources

Our budget of **£5.1m** comprised of...

£4.1m from the Senedd

£974k from a Pension Fund surplus repayment

Our unit cost per case was **£674**

91% of our budgeted funding for new powers (£330k) was spent on implementation



We attended two scrutiny sessions with the Senedd.



We reduced our energy usage by 31%.



We maintained close links with colleagues in the UK, Europe and around the world.



We reduced our office waste by 85%.

182kg of CO₂ emissions were avoided.

Ask for: Communications

 01656 641150

Date: September 2021

 communications@ombudsman.wales

Cllr. Andrew Morgan
Rhondda Cynon Taf County Borough Council

By Email only: andrew.morgan2@rctcbc.gov.uk

Annual Letter 2020/21

Dear Councillor Morgan

I am pleased to provide you with the Annual letter (2020/21) for Rhondda Cynon Taf County Borough Council.

This letter discusses information from a year unlike any other in recent memory, and as such may not be useful for establishing trends or patterns. Information received during this remarkable year will, however, bring insights on how public services reacted in the face of unprecedented demand and the most difficult of circumstances.

During the past financial year, we have intervened in (upheld, settled or resolved at an early stage) the same proportion of complaints about public bodies, 20%, compared with 2019/20.

Regarding new complaints received relating to Local Authorities, the overall number decreased by 12.5% compared with last year. This reflects the reduction in complaints being reported by Local Authorities during the Covid-19 pandemic. My office intervened in a similar proportion of the cases closed as in the previous year (13%).

However, we referred a higher proportion of Code of Conduct complaints to a Standards Committee or the Adjudication Panel for Wales: 3.4% compared to 2% in the previous year. This higher referral rate was also accompanied by a sharp increase in the number of Code of Conduct complaints received.

During 2020/21, despite challenges caused by the pandemic, my office made great strides in progressing work related to Complaints Standards and Own Initiative Investigations. The theme and consultation period of the first wider Own

Page 1 of 9

Initiative Investigation – into Local Authority Homelessness Assessments - was launched in September 2020 and the report is due in the coming months. We also commenced 4 extended Own Initiative Investigations, where we extended the scope of our work on a complaint already under investigation.

Last year, my office also pushed ahead with two new publications – ‘Our Findings’ and our first Equality Report.

‘Our Findings’ will be accessed via the PSOW website and replaces the quarterly casebooks. Our Findings will be updated more frequently and will be a more useful tool in sharing the outcomes of investigations. Our first Equality Report highlights the work done to improve equality and diversity, and to ensure that our service is available to people from all parts of society.

Local Authorities in Wales continued to submit data about the complaints they handled to the Complaints Standards Authority (CSA) during 2020/21, as well as receiving a model complaints procedure and accessing 76 virtual training sessions.

The data submitted for 2020/2021 shows:

- Nearly 12,000 complaints were recorded by Local Authorities
- This equates to 3.77 for every 1000 residents.
- Nearly half (44%) of those complaints were upheld.
- About 75% were investigated within 20 working days.
- About 9% of all complaints closed were referred to PSOW.

The CSA will publish data to the PSOW website for the first time in the coming year, marking a key achievement in the progress of this work. Training sessions have been delivered to almost all Local Authorities in Wales, and our offer of training remains open ended and will be delivered free of charge.

A summary of the complaints of maladministration/service failure received relating to your Council is attached.


Also attached is a summary of the Code of Conduct complaints relating to members of the Council and to the Town & Community Councils in your area.

I ask that the Council takes the following actions:

- Present my Annual Letter to the Cabinet to assist members in their scrutiny of the Council’s complaints performance and any actions to be taken as a result.
- Engage with my Complaints Standards work, accessing training for your staff and providing complaints data.
- Inform me of the outcome of the Council’s considerations and proposed actions on the above matters by 15 November.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a stylized flourish at the end.

Nick Bennett
Ombudsman

cc.Chris Bradshaw, Chief Executive, Rhondda Cynon Taf County Borough
Council
By Email only: christopher.d.bradshaw@rctcbc.gov.uk

Factsheet

Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
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Bridgend County Borough Council	31	0.21
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Cardiff Council*	96	0.26
Carmarthenshire County Council	27	0.14
Ceredigion County Council	32	0.44
Conwy County Borough Council	32	0.27
Denbighshire County Council	32	0.33
Flintshire County Council	59	0.38
Gwynedd Council	30	0.24
Isle of Anglesey County Council	18	0.26
Merthyr Tydfil County Borough Council	15	0.25
Monmouthshire County Council	20	0.21
Neath Port Talbot Council	19	0.13
Newport City Council	31	0.20
Pembrokeshire County Council	28	0.22
Powys County Council	38	0.29
Rhondda Cynon Taf County Borough Council	40	0.17
Swansea Council	73	0.30
Torfaen County Borough Council	12	0.13
Vale of Glamorgan Council	39	0.29
Wrexham County Borough Council	43	0.32
Total	776	0.25

* inc 2 Rent Smart Wales

Appendix B - Received by Subject

Rhondda Cynon Taf County Borough Council	Complaints Received	% Share
Adult Social Services	6	15%
Benefits Administration	1	3%
Children's Social Services	8	20%
Community Facilities, Recreation and Leisure	1	3%
Complaints Handling	5	13%
Covid19	1	3%
Education	2	5%
Environment and Environmental Health	1	3%
Finance and Taxation	1	3%
Housing	5	13%
Licensing	1	3%
Planning and Building Control	4	10%
Roads and Transport	2	5%
Various Other	2	5%
Total	40	

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Appendix C - Complaint Outcomes
 (* denotes intervention)

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/voluntary settlement*	Discontinued	Other Reports- Not Upheld	Other Reports Upheld*	Public Interest Report*	Total
Rhondda Cynon Taf County Borough Council	12	11	16	2	1	1	0	0	43
% Share	28%	26%	37%	5%	2%	2%	0%	0%	

Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	1	17	6%
Bridgend County Borough Council	2	30	7%
Caerphilly County Borough Council	3	45	7%
Cardiff Council	26	100	26%
Cardiff Council - Rent Smart Wales	0	2	0%
Carmarthenshire County Council	6	29	21%
Ceredigion County Council	4	31	13%
Conwy County Borough Council	5	31	16%
Denbighshire County Council	2	31	6%
Flintshire County Council	11	62	18%
Gwynedd Council	5	27	19%
Isle of Anglesey County Council	1	17	6%
Merthyr Tydfil County Borough Council	0	14	0%
Monmouthshire County Council	1	19	5%
Neath Port Talbot Council	1	17	6%
Newport City Council	5	29	17%
Pembrokeshire County Council	3	26	12%
Powys County Council	4	47	9%
Rhondda Cynon Taf County Borough Council	2	43	5%
Swansea Council	9	67	13%
Torfaen County Borough Council	0	11	0%
Vale of Glamorgan Council	5	38	13%
Wrexham County Borough Council	6	48	13%
Total	102	781	13%

Appendix E - Code of Conduct Complaints

County/County Borough Councils	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Rhondda Cynon Taf County Borough Council	1	6	0	0	0	1	8

Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Llantwit Fardre Community Council	2	0	1	0	0	0	3
Pontypridd Town Council	0	1	0	0	0	0	1
Taff's Well and Nantgarw Community Council	6	1	0	1	0	0	8
Ynysybwl & Coed-y-cwm Community Council	0	2	0	0	0	0	2

Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2020/2021. These complaints are contextualised by the number of people each health board reportedly serves.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2020/2021. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2020/2021. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2020/2021. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

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. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

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RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

19 NOVEMBER 2021

PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT AND LETTER 2020–2021

REPORT OF THE MONITORING OFFICER

1. PURPOSE OF THE REPORT

To provide Members with 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 this Council for 2020-2021.

2. RECOMMENDATION

- 2.1 That the Committee notes the matters relating to Code of Conduct Complaints reported in the Public Services Ombudsman for Wales' Annual Report and Annual Letter to this Council 2020-2021.

3. BACKGROUND

- 3.1 The PSOW has published his Annual Report for 2020-2021 ('AR') pursuant to Paragraph 14 of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005. The AR has been combined with the annual accounts for the PSOW as it was last year. The purpose of the AR is to report on the performance of the PSOW's office over the year, provide an update on developments and to deliver any key messages arising from their work carried out during the year.

- 3.2 The AR Executive Summary is attached at Appendix 1. The full report can be accessed via the following link on the PSOW website:

<https://www.ombudsman.wales/wp-content/uploads/2021/07/Annual-Report-and-Accounts-2020-21-Delivering-Justice-FINAL.pdf>

- 3.3 The PSOW also issues an Annual Letter (AL) to each Local Authority in Wales with a summary of complaints received by his office that relate specifically to that Local Authority. The AL is attached as Appendix 2 to this report.

- 3.4 The AR sets out the workload that has been dealt with by the PSOW during 2020-2021. It breaks the workload down into the number of enquiries received and the number of complaints received, and also breaks down the complaints

into those received about services (public body complaints) and those received in relation to Code of Conduct Complaints (CCCs). This report will highlight the data relating to CCCs only (issues arising from public services or the annual accounts section of the AR are beyond the scope of this report).

- 3.5 The number of CCCs increased by 47% during 2020-2021 with the PSOW receiving 535 new CCCs with 308 taken forward for investigation. The total number of complaints for the year 2018-19 was 282 and for 2019-20, 231. Of those 308 complaints 167 related to Town and Community Councils, 138 to Local Authorities, 2 to National Park authorities and 1 to a Fire Authority.
- 3.6 Whilst complaints about members of National Parks and Fire Authorities have remained low, Town and Community Council complaints have increased by 23.7% and County and County Borough Council complaints have increased by 43.8%. The PSOW has stated the latter is of particular concern. It should be noted however that there were 35 complaints made about 1 individual County Council member with several investigations ongoing in respect of those complaints.
- 3.7 Within a small number of Town and Community Councils the PSOW has stated he is still seeing complaints which appear to border on frivolity or are motivated by political rivalry or clashes of personalities rather than being true Code of Conduct issues. Where his offices receives 'tit for tat' complaints they will engage with the Council and the Monitoring Officer of the principal authority to remind its members of their obligations under the Code and their democratic responsibilities to the communities they serve.
- 3.8 As in previous years the majority of CCCs (55%) related to matters of the promotion of equality and respect; 14% related to the failure to disclose or register interests; 12% related to integrity; 4% related to accountability and openness; 5% related to failure to be objective or act with propriety; 8% related to the duty to uphold the law and 2% related to selflessness and stewardship.
- 3.9 As in previous years therefore the majority of CCCs received during 2020/2021 related to matters of 'promotion of equality and respect' (55%) and 'disclosure and registration of interests' (14%). The PSOW has noted there is an annual increase in the number of complaints where bullying behaviour is being alleged.
- 3.10 The PSOW has highlighted once again the important of Code of Conduct training to become a 'good councillor'. From his investigations he has gained an impression that many members of Town and Community Councils often do not take up training opportunities offered on the Code of Conduct. Whilst there is no statutory obligation for Members to complete training currently it is strongly advised they should do so.
- 3.11 In 2020-2021 the PSOW closed 289 cases. The most common outcome of the complaints were that they were 'closed after initial consideration'. The majority (255) were closed under this outcome. These include decisions where there is no 'prima facie' evidence of a breach of the Code and it is not in the public interest to investigate.
- 3.12 24 complaints were taken forward for investigation in 2020-21 with the PSOW again directing investigative resources towards the more serious complaints

where an investigation is required in the public interest. In 14 cases an investigation was discontinued (5 cases), no evidence of breach was found or no further action was necessary (9 cases) and there were 10 referrals (to either Standards Committees or the Adjudication Panel for Wales) – a 50% increase from 2019-2020.

- 3.13 As regards investigating complaints the Ombudsman notes the following in his report:

“All the Code of Conduct complaints received by our office are assessed against our two-stage test. We consider whether:

- a complaint is supported by direct evidence that is suggestive that a breach has taken place*
- it is in the public interest to investigate that matter.*

Public interest can be described as “something which is of serious concern and benefit to the public

During the life cycle of an investigation, we review the evidence gathered to assess whether it remains in the public interest to continue. Where it appears that investigating a matter is no longer in the public interest, we will make the decision to discontinue that investigation. Also, sometimes when we investigate we find no evidence of a breach. Finally, when an investigation is concluded, we can determine that ‘no action needs to be taken’ in respect of the matters investigated. This will often be the case if the member has acknowledged the behaviour (which may be suggestive of a breach of the Code) and has expressed remorse or taken corrective or reparatory action to minimise the impact of it on the individual, the public or the authority concerned.”

- 3.14 The above happened in 58% (14 cases) of the investigations undertaken during the period (i.e. no evidence of breach was found or investigation discontinued), a significant decrease on the previous year, where this outcome happened in 85% of cases. The PSOW has stated that whilst fewer cases are being referred to investigation, of those that are, he is finding evidence suggestive of a breach of the Code of Conduct in more cases.
- 3.15 The subjects of the Code of Conduct complaints that were closed largely mirrored the subjects of the new complaints received. The majority related to ‘disclosure and registration of interests’ and ‘promotion of equality and respect.
- 3.16 There were 6 referrals to the Standards Committees this year. At the time of writing 5 are yet to be concluded. The matter which has already been considered related to a former member of Laleston Community Council who used Council funds for personal items. The Standards Committee issued a censure, the only sanction available to it as the member had resigned. A Standards Committee also considered 2 cases which were referred to it in the previous year, relating to 2 members of Conwy Town Council who had failed to disclose an interest in business relating to a member of staff who had made a bullying complaint against them which had not been resolved at the time of the events. Both members were suspended for 1 month.

- 3.17 There were 4 referrals to the Adjudication Panel for Wales. 2 have already been considered and were previously reported to the Committee. The first concerned the conduct and behaviour of a member in relation to their failure to disclose their personal and prejudicial interests and their actions towards a member of staff. In this case the member of Merthyr Tydfil County Borough Council was suspended for 7 months. The second related to Facebook posts made by a member of Sully and Lavernock Community Council, which contained extreme and gratuitous violent references about female politicians. The member was disqualified for 15 months.
- 3.18 In 20/21 the Adjudication Panel for Wales and the Standards Committees upheld and found breaches in 100% of PSOW referrals.
- 3.19 The PSOW had stated that the increase in the number of complaints referred for further consideration in respect of potentially serious breaches of the code last year, is of concern and suggests there has been some decline in member conduct. Of the complaints referred for hearing which are yet to be determined, it is concerning that the complaints suggest disreputable conduct and that some members may have misused their positions as members.
- 3.20 Nevertheless the investigations and the outcomes of these case referrals demonstrate the importance of standards of conduct in public life and provide a helpful indication to members of all authorities as to the behaviours expected of them.
- 3.21 The PSOW is currently trialling a change in process which they anticipate will reduce the time taken to decide whether a complaint should be investigated and improve overall investigation times. Where appropriate, they also want to give members the opportunity to account for their own actions, even when we they do not refer a case for hearing because it does not meet the PSOW public interest test.
- 3.22 In 2020/21 the PSOW received 36 Code of Conduct complaints that would potentially meet the statutory definition of disclosure from employees or former employees of a council. The disclosures mostly related to allegations that the members concerned had 'failed to promote equality and respect'. Eleven complaints were investigated. Investigation is continuing into 10 complaints and 1 was discontinued as the investigation was no longer in the public interest. The 2 complaints ongoing from 2019/20 were concluded. One was referred to the Standards Committee. The former Member received a censure for misusing funds. The second was referred to the Adjudication Panel for Wales. The Member was suspended for failing to declare an interest and poor behaviour towards a member of staff.

4. LEGAL IMPLICATIONS

- 4.1 There are no legal implications arising from this report.

5. CONSULTATION

- 5.1 There are no consultation implications arising from this report.

6. EQUALITY AND DIVERSITY IMPLICATIONS

6.1 There are no equality and diversity implications arising from this report.

7. **FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 There are no financial implications arising from this report.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

19 NOVEMBER 2021

REPORT OF THE MONITORING OFFICER

Background Papers: Public Services Ombudsman for Wales' Annual Report
2020-2021
Public Services Ombudsman for Wales' Annual Letter –
RCT CBC 2020-2021

Contact: Mr. Andy Wilkins (Director of Legal Services & Monitoring Officer)



RHONDDA CYNON TAF

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

19 NOVEMBER 2021

MEMORANDUM OF UNDERSTANDING

REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION.

1. PURPOSE OF REPORT

The purpose of the report is to provide Members with a draft Memorandum of Understanding for Members comment and feedback to the Democratic Services Committee before its presentation to full Council.

2. RECOMMENDATIONS

2.1 It is recommended that Members:

- (i) Consider and comment on the draft 'Memorandum of Understanding' attached as appendix A and to agree for this to be reported back to the Democratic Services Committee, before endorsement by full Council.

3. BACKGROUND

- 3.1 The statutory framework for the conduct of Members is set under Part 3 of the Local Government Act 2000. Under powers granted in the Act, the National Assembly for Wales (now Senedd Cymru) made an order specifying principles governing the conduct of Members ('the Principles of Conduct' SI 2001/2276); and issued a model code regarding the conduct expected of Members, reflecting the Principles of Conduct. The model statutory code has been adopted by Rhondda Cynon Taf County Borough Council, without variation, and is enshrined, as the Members' Code of Conduct, within the Council's Constitution. Members must comply with the duties set out in the Members' Code of Conduct. Sanctions may be imposed on any Member found to be in breach of the Code.
- 3.2 The Democratic Services Committee have proactively been undertaking work to promote and encourage diversity in democracy through the Diversity in Democracy Working Group.

- 3.3 At the meeting of the Democratic Services Committee on the [10th May](#) Members received and supported the interim report of the Diversity in Democracy working group and its resulting recommendations.
- 3.4 Due to the importance of the work of the group and its links with the work of the WLGA in respect of 'Council's Diversity Pledges' the interim report was presented to Council for further endorsement and to raise the profile of the work undertaken.
- 3.5 Members of the Council endorsed the 16 recommendations outlined by the working group and also committed to becoming a Diverse Council.

4 MEMORANDUM OF UNDERSTANDING

- 4.1 Within its interim report, the working group took forward a recommendation in respect of the creation of a 'Memorandum of Understanding'
"To consider introducing a 'statement of understanding' for Members outlining their duties as a Councillor including the need to have mutual respect within the Council Chamber."
- 4.2 The intended outcome of the statement would be a demonstration of mutual respect to other people with varying political opinions and a show of working together for the benefit of its communities.
- 4.3 A draft Memorandum was presented to the Democratic Services Committee on the 27th September, to which Members agreed for its presentation to the Council's Standards Committee for further comment and feedback.
- 4.4 The Draft Memorandum is attached at appendix A for Committee Members' comments. The Memorandum would provide an opportunity for Members to publicly commit to using their term of office to work for the Council, the County Borough and its citizens, and to commit to the standards of conduct expected by the Council. Its considered its adoption would strengthen standards and ethical arrangements within the Council and would support and sit alongside the Council's Code of Conduct for Members, the Standards of Conduct Expected By Members Local Resolution Policy and Member-Officer Protocol.
- 4.5 Following comments from the Standards Committee the draft will be presented back to the Democratic Services Committee for final consideration before presentation to Council.

5 EQUALITY AND DIVERSITY IMPLICATIONS / SOCIO-ECONOMIC DUTY

- 5.1 The work of the Democratic Services Committee Diversity working group looks to improve the equality and diversity across the County Borough and within the local democracy setting. The more representative of society and diverse our Councillors are the better understanding they will have of the needs of the local community and therefore are better equipped at carrying out their duties and responsibilities

8 WELSH LANGUAGE IMPLICATIONS

- 8.1 Encouraging diversity within democracy includes promotion of all languages. The Council has positively promoted and supported bilingual engagement at Council meetings and provision of Committee materials.

9 CONSULTATION

- 9.1 Diversity in Democracy Working Group.
- 9.2 Democratic Services Committee – 27th September 2021

10. FINANCIAL IMPLICATION(S)

- 10.1 None

9. LEGAL IMPLICATIONS

- 9.1 The Local Government and Elections (Wales) Act 2021 outlines a number of duties placed on Local Authorities in respect of the diversity agenda.

10. LINKS TO CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.

- 10.1 The work of a Councillor is fundamental to the Council's Corporate plan, as Councillors are the mouthpiece for the communities that they serve.
- 10.2 Ensuring that there are greater opportunities for a more diverse democracy across RCT links to the Wellbeing of Future Generations goals of a more equal Wales and a Wales of cohesive communities

11 CONCLUSION

- 11.1 Trying to achieve a diverse culture is challenging and the Democratic Services Committee working group have, in a short period of time, already identified potential barriers that may dissuade members of the public to stand as a candidate for election.
- 11.2 As a Council we need to ensure that any perceived barriers are eradicated and instead celebrate and promote the rewarding experiences of becoming a Councillor.
- 11.3 Ensuring Members have a clear understanding of their roles and behaviour in and outside of the Council Chamber is paramount to ensuring a safe and inclusive working environment for all.

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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES &
COMMUNICATION**

MEMORANDUM OF UNDERSTANDING

Democratic Services Working Group – 27th September 2021

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding should be considered in conjunction with the Members' Code of Conduct and forms part of the ethical code which binds all Members of Rhondda Cynon Taf County Borough Council.

As an Elected Member of Rhondda Cynon Taf Council I agree to:

1. Represent the people of Rhondda Cynon Taf equally and without discrimination. I will show respect at all times and consideration for others and not use bullyingⁱ language or behaviour towards others.
2. Acknowledge all issues that are brought to my attention by residents of the County Borough and act appropriately and timely following receipt of such information, ensuring I act in the best interests of the residents and the Council as a whole.
3. Ensure that the Council's resources are used both lawfully and prudently, when discharging my duties and responsibilities.
4. Undertake my role in a professional manner whether in a physical or virtual setting when representing the Council and the residents that I serve.
5. Undertake my role and the duties aligned in a safe manner, ensuring the safety of myself, colleagues and residents whether through a physical or virtual setting.
6. Promote civility online through any digital engagement and social media platforms that I utilise, providing a clear statement of intent as to engagement through a civil and open manner.
7. Abide by the Council's Constitution, Rules of Procedure and Council policies and procedures as advised upon during my term of office.
8. Have regard to the contributions made by colleagues, officers and public speakers during Council meetings, demonstrating mutual respect regardless of political opinions and positively demonstrating a show of working together for the benefit of the communities within the County Borough.
9. Safeguard and promote the life chances of children looked after by the Council and diligently discharge my responsibilities as Corporate parent of those children, Safeguarding both Vulnerable Children and Adults.
10. Act according to the highest standards of probity in carrying out my various duties as a Councillor
11. Adhere to and respect the Members' Code of Conduct and have proper regard to the advice and guidance issued by the Council's Standards Committee, including adherence to the provisions of any Local Resolution Protocol proposed by the Council's Standards Committee.

12. Support and promote the conduct of the Council's business being carried out in an open and transparent manner and ensure that information provided to me in a confidential setting is not disclosed and made available in the public domain.
13. Promote and support these commitments by leadership and by example and act in a way that secures or preserves public confidence
14. Proactively take forward the training opportunities provided to me, including all training which has been identified as mandatory in the Member Development Programme, or equivalent, to equip me to carry out my duties as a Councillor.

ⁱ Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health. This can be contrasted with the legitimate challenges which a member can make in questioning policy or scrutinising performance.