



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

**COMMITTEE SUMMONS**

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

Meeting Contact: Marc Jones - Council Business Unit (07385 401845)

**YOU ARE SUMMONED** to a virtual meeting of **STANDARDS COMMITTEE** to be held on **FRIDAY, 24TH SEPTEMBER, 2021** at **10.00 AM**.

Non Committee Members and Members of the public may request the facility to address the Committee at their meetings on the business listed although facilitation of this request is at the discretion of the Chair. It is kindly asked that such notification is made to Democratic Services by Wednesday, 22 September 2021 on the contact details listed above, including stipulating whether the address will be in Welsh or English.

**AGENDA**

**Page  
No's**

**1. DECLARATION OF INTEREST**

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

Note:

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

**2. MINUTES**

To approve as an accurate record, the minutes of the meeting held on 19<sup>th</sup> March 2021.

## **REPORT OF THE MONITORING OFFICER**

### **3. STANDARDS COMMITTEE WORK PROGRAMME**

To consider a draft Committee Work Programme for the Municipal Year 2021-2022.

**11 - 20**

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

To provide Members with the Ombudsman's Code of Conduct Casebook (Issue 24) produced by the Public Service Ombudsman for Wales.

**21 - 32**

### **5. PUBLIC SERVICES OMBUDSMAN FOR WALES - SUMMARY OF COMPLAINTS 2020-2021**

To receive a summary of Complaints against Members from the 1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021.

**33 - 48**

### **6. URGENT BUSINESS**

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

## **Service Director of Democratic Services & Communication**

### **Circulation:-**

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

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

**Community Councillor** R.Butler

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

### **Officers:**

Mr A Wilkins, Monitoring Officer

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

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

Minutes of the virtual meeting of the Standards Committee meeting held on Friday, 19 March 2021  
at 10.00 am.

### **Standards Committee Members in attendance:-**

Councillor M Forey    Councillor E Webster  
Mr D. Bowen    Mr J. Thomas  
Community Councillor R. Butler

### **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  
Mr C Hanagan, Service Director of Democratic Services & Communication

### **Others in attendance**

Councillor M Webber  
Councillor P Jarman  
Councillor R Bevan  
Councillor R Lewis

## **12 WELCOME AND APOLOGY**

The Chair welcomed Committee Members, Officers and Observers to the virtual meeting of the Standards Committee and an apology for absence was received from Reserve Community Councillor, C. Willis.

## **13 DECLARATION OF INTEREST**

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

## **14 MINUTES**

It was **RESOLVED** to approve the minutes of the 27<sup>th</sup> November 2020 as an accurate reflection of the meeting.

## **15 Adjudication Panel for Wales Annual Report 2019-2020**

The Monitoring Officer provided the Standards Committee with the Adjudication Panel for Wales' Annual Report 2019-2020. The Annual Report provided details of the membership of the Panel, an analysis of its performance a summary of cases and decisions made by the Panel during the reporting period.

The Chair thanked the Monitoring Officer for the Annual Report and commented that the information was valuable for the Standards Committee, should similar cases occur within RCT.

The Standards Committee **RESOLVED:**

1. To note the contents of the Adjudication Panel for Wales' Annual Report 2019-2020 contained at Appendix 1 to the report.

## **16 ADJUDICATION PANEL FOR WALES - RECENT TRIBUNAL DECISIONS**

The Monitoring Officer provided the Standards Committee with the report, which detailed the recent decisions made by the Adjudication Panel for Wales (APW).

The Standards Committee were referred to the two detailed APW decision notices, which were attached to the report and were asked to consider 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.

Members spoke of the unnecessary use of inflammatory language and misogyny identified within the cases, agreeing that both decisions were justified.

Members were grateful for the opportunity to consider the recent APW decision notices and agreed that there were lessons to be learnt by all Elected Members of the Council, which could be communicated as part of future training for Members on the Code of Conduct. The Service Director, Democratic Services and Communication advised that there was an opportunity to circulate the information to all Elected Members as part of the Code of Conduct Refresher Training and through Social Media training.

In respect of the issues raised concerning social media, the Service Director spoke of a recent 'Coffee Morning', which was held virtually to provide Members with an opportunity to have informal discussions with the Democratic Services Team and other Elected Members. The Standards Committee were informed that during the session and through the Member PDR process, Elected Members had requested further support in respect of social media engagement. On behalf of the Committee, the Chair welcomed the opportunity to attend future 'coffee mornings' to participate in the beneficial discussions.

The Standards Committee **RESOLVED:**

1. To consider the copies of the recent decisions made by the Adjudication Panel for Wales (as appended to the report); and
2. To determine whether there are any possible messages or lessons to be learnt arising out of those decisions that could be communicated as part of future training for Members on the Code of Conduct.

**17 UPDATE ON TOWN & COMMUNITY COUNCIL USE OF THEIR LOCAL RESOLUTION PROTOCOLS**

The Monitoring Officer provided the Standards Committee with an update on Town & Community Council's use of their Local Resolution Protocol.

The Monitoring Officer advised that during the past, Town & Community Council's within Rhondda Cynon Taf had adopted local resolution protocols for dealing with low level member on member complaints that arise. However, prior to their adoption, the Public Services Ombudsman for Wales (PSOW) had been concerned about the growing number of, generally, low level complaints being made under the Code. As such, Members were informed that One Voice Wales had produced a template protocol, which is intended for use where complaints are low level and have been made by an officer (not the clerk) or another Member.

Members were referred to Section 4 of the report, which detailed the use of the Local Resolution Protocol during the period 1st Jan 2020 – 28th Feb 2021 following a survey of all Town & Community Councils.

The Chair thanked the Monitoring Officer for the update and advised that he would be happy to attend any future meetings held with the Clerks to discuss standards and code of conduct issues generally.

One Member noted that Community Councillors were elected to serve the community and that, often, they did not take a political stance. The Member spoke of the difficulties experienced by some Community Councillors, who had felt personally attacked on occasion.

With the agreement of the Chair, Non-Committee Member and Deputy Leader, Councillor M. Webber spoke on the item. The Deputy Leader spoke positively of the Local Resolution Protocol and welcomed the continued engagement and training opportunities for Community Councils. The Deputy Leader advised that the Council welcomed advice on any additional support or guidance needed and commented that the Community Councillors could be the Elected Members of the future.

The Chair thanked Members for their comments and the Standards Committee  
**RESOLVED:**

1. To note the information contained in the report and to determine whether any action is required in response to it.

**18 PUBLIC SERVICES OMBUDSMAN FOR WALES - CONSULTATION ON REVISED CODE OF CONDUCT GUIDANCE FOR MEMBERS OF PRINCIPAL COUNCILS AND COMMUNITY & TOWN COUNCILS**

The Monitoring Officer provided the Standards Committee with details of the consultation initiated by the Public Services Ombudsman for Wales in respect of new draft guidance on the Members' Code of Conduct for both Principal Councils and Community and Town Councils.

The Monitoring Officer explained that the revised draft guidance outlined Members' duties under the Code and included examples drawn from

cases considered by the Ombudsman, local standards committees, and the Adjudication Panel for Wales. It was explained that the separate guidance for Members of Town and Community Councils had been tailored to the different nature of the role that community councillors undertake in their communities.

Members were informed that whilst there were no fundamental changes to the advice on the meaning of the Code of Conduct, the guidance sought to improve wording to aid clarity.

The Monitoring Officer drew Members' attention to the appendices attached to the report and invited Members to provide any comments to be given in response to the consultation.

The Standards Committee endorsed the Ombudsman's revised draft guidance on the Members' Code of Conduct for Members of Principal Councils; and Members of Town and Community Councils. Members were in favour of the new, clear reporting style and commented that the updated examples from real life of where the Code has been breached were an excellent tool to use moving forward.

The Standards Committee **RESOLVED:**

1. To consider the Ombudsman's revised draft guidance on the Members' Code of Conduct for (i) Members of Principal Councils; and (ii) Members of Town and Community Councils (attached as Appendix A and B respectively);
2. To provide comments in response to the consultation; and
3. To request the Monitoring Officer respond to the consultation on behalf of the Committee.

## **19 REVIEW OF THE PROCEDURES FOR DEALING WITH COMPLAINTS REFERRED TO THE COMMITTEE BY THE PSOW**

The Monitoring Officer provided the Standards Committee with an opportunity to review the procedures for dealing with complaints referred to the Committee by the Public Services Ombudsman For Wales (the 'Ombudsman') and to determine whether any amendments are required to be made to those procedures and ensure they remain fit for purpose.

Members were reminded that the Committee adopted a procedure for dealing with complaints referred by the Ombudsman in April 2011, which seeks to comply with:

- a. The Regulations; and
- b. The principles of natural justice.

The Monitoring Officer advised that the procedure had been reviewed and drew the Committee's attention to Appendix A of the report, which detailed a number of recommended changes to reflect current legislative requirements, clarify procedures and ensure they remain fit for purpose.

The Chair thanked the Monitoring Officer for the report and noted that a lot of the proposed changes were repetitive and questioned if they were made to reflect that lower level complaints should be passed directly to the Investigating Officer.

It was explained that there were occasions where the Monitoring Officer had an interest or direct involvement with the incident and as such, the Investigating Officer would deal with the matter.

The Monitoring Officer acknowledged that many of the amendments were to provide further clarity and drew the Committee's attention to the following key changes for its consideration:

- An audio recording of the hearing proceedings shall be made by the Council – The Monitoring Officer advised that this had been included to help with future appeal processes and any issues that may arise as a result; and
- The Panel will issue a full written decision, with reasons, within *ten* working days from the end of the hearing – The Monitoring Officer spoke of a complex case in a neighbouring Local Authority, whereby it was difficult to formulate the detailed decision within the 5 working days and as such, the period had been extended.

The Standards Committee **RESOLVED:**

1. To authorise the Monitoring Officer to amend the procedures for dealing with complaints referred to the Committee as shown in Appendix A of the report.

## **20 LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021 AND THE STATUTORY ETHICAL FRAMEWORK**

The Monitoring Officer presented the report, which sought to inform the Committee of changes to the statutory ethical framework, which were being introduced by Part 4 of the Local Government and Elections (Wales) Act 2021.

The Monitoring Officer provided the Standards Committee with background to the report. It was explained that the Local Government and Elections (Wales) Act 2021 ('the Act'), provides for the establishment of a new and reformed legislative framework for local government elections, democracy, performance and governance; and within Part 4 of the Act, changes were made to the statutory ethical framework set under Part III of the Local Government Act 2000. The Committee were informed that the new legislative provisions were not yet in force but were to be brought into effect on specified dates by commencement orders, which would be issued by the Welsh Government.

The Monitoring Officer continued and explained that in light of the changes, there was a need for the Committee to establish arrangements for meeting with Group Leaders to discuss Member conduct issues and ensure Group Leaders have appropriate access to advice and training. It was therefore proposed to amend the Standards Committee's terms of reference, which would require approval by Council.

The Monitoring Officer concluded by assuring the Committee that any further action to be taken by the Committee in relation to the new legislative provisions concerning group leaders will be kept under review and considered under the Committee's Work Programme.

With the agreement of the Chair, Non-Committee Member, County Borough Councillor P. Jarman spoke on the item. Councillor Jarman, as a longstanding Elected Member and Group Leader acknowledged the duty placed upon her and commented that the new requirement for leaders of political groups to take steps to promote and maintain high standards of conduct by members of their groups was a basic expectation.

The Member referred to the White Paper 'Reforming Local Government: Power to Local People', which expressed concern that an overly 'macho' culture in some authorities might be acting as a deterrent to women, in particular, standing for office; and spoke of an incident within the Local Authority.

Prior to concluding, the Member acknowledged that a Standards Committee would have new functions under the Bill to monitor Group Leaders' compliance and questioned how this would be carried out. The Monitoring Officer informed that Member that Welsh Government were due to deliver the relevant guidance, which would be shared with Group Leaders.

With the agreement of the Chair, Non-Committee Member, County Borough Councillor M. Webber spoke on the item. In respect of the overly 'macho' culture, the Deputy Leader agreed that all individuals should be treated equally, irrespective of politics. The Deputy Leader advised that the appropriate procedure was in place for dealing with such behaviour and that refresher training for all Elected Members would be necessary.

The Standards Committee were fully supportive of Bill and the new duties placed upon Members. The Committee acknowledged the Members' comments in relation to the overly 'macho' culture and were of the view that with new legislation, there was a need for a cultural change and supportive environment for better outcomes.

Referring to the above-mentioned incident within the Local Authority, the Chair queried the approach taken to support the Member in question. The Service Director of Democratic Services and Communication assured the Committee that officers had since engaged with the Member to learn from the incident and ensure that no other Member is subjected to a similar experience. The Service Director spoke of the importance of establishing a more positive culture to encourage future candidates to stand for the position. Furthermore, the Service Director spoke of the work being undertaken by the Democratic Services Committee: Diversity in Democracy Working Group, which had been established to increase diversity within democracy at the local Government Elections 2022 and any future election to reduce the barriers to attracting a more diverse pool of candidates.

The Deputy Leader also referred to the Member PDR process and explained that any issues could be discussed confidentially. In addition, the Deputy Leader spoke of the future webcasting provision and benefits of recorded meetings and invited the Standards Committee to view the facility at the Council Chamber at an appropriate time.

The Chair thanked the Members for their contributions and the Standards Committee **RESOLVED:**

1. To note the information set out in the report;
2. To recommend to Council that the Committee's terms of reference be amended as set out in paragraph 4.5, once the new legislation is brought



into force; and

3. To note that Welsh Government is proposing to undertake a review of the Statutory Ethical Framework in Wales ahead of the Local Government Elections in 2022 and information in respect of this review will be presented to Committee as and when it becomes available.

## **21 STANDARDS COMMITTEE ANNUAL REPORT 2019-2020 AND 2020-2021**

The Chair presented the Standards Committee Annual Report for the 2019/20 and 2020/21 Municipal Years. It was explained that the two reports had been combined due to the cancellation of meetings at the start of the Covid-19 pandemic.

The Chair was pleased to announce that, despite the challenges of the pandemic, during both Municipal Years, the Committee had continued to consider the reports of the Monitoring Officer, and those published by the Public Services Ombudsman for Wales and where necessary, action had been taken to ensure that County Borough Councillors, Community/Town Councillors and Officers were reminded of their requirements in relation to the different policies.

The Chair took the opportunity to thank the Members for their continued contribution, which had been invaluable at each meeting. Officers were also thanked for their support during the two years and for their help in ensuring Members had adapted to agile working throughout the pandemic.

One Member endorsed the Annual Report but requested that the formatting be relooked at.

With the agreement of the Chair, Non-Committee Member, Councillor M. Webber spoke on the item. The Deputy Leader took the opportunity to thank the Standards Committee for the pro-active approach undertaken over the years and advised that training opportunities were flexible, and all Elected Members would be provided with support to effectively carry out their duties.

With the agreement of the Chair, Non-Committee Member, Councillor P. Jarman spoke on the item. The Member noted that the Standards Committee consisted of a male dominant Membership and suggested that the Reserve Community Councillor be invited to future meetings and that Reserve Member photos be included within the Annual Report.

In response to the Member, the Monitoring Officer advised that the Community Council Reserve Member was invited to attend the meeting but had sent her apology. The Chair acknowledged the comment on the membership and advised that the interview panel had consisted of an equal gender balance but that it was out of his control which candidates apply. The Chair sought to assure the Member that the Standards Committee would consider all individual cases equally.

The Standards Committee **RESOLVED:**

1. To approve the Standards Committee Annual Report for the 2019-2020 and 2020-2021 Municipal Years.

**This meeting closed at 11.50 am**

**M Jehu  
Chairman**



## RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

### STANDARDS COMMITTEE

24<sup>TH</sup> SEPTEMBER 2021

#### STANDARDS COMMITTEE WORK PROGRAMME

#### REPORT OF THE MONITORING OFFICER

##### 1. PURPOSE OF THE REPORT

The purpose of the report is to review the Committee's Work Programme and agree items for consideration by the Standards Committee during the Municipal Year 2021-2022.

##### 2. RECOMMENDATION

- 2.1 Subject to any amendments Committee Members' may have it is recommended the Work Programme for the Municipal Year 2021-2022, as set out in Appendix 2 to the report, be adopted.

##### 3. BACKGROUND

- 3.1 The Standards Committee's Terms of Reference, as detailed in Appendix 1 to this report, 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.
- 3.2 To enable the Committee to fulfil its role an annual work programme is developed. The Committee is asked to give consideration to standard monitoring reports and any issues arising from the Committee's work in promoting high standards of conduct. The views of this Committee assist in the development of an ongoing work plan.
- 3.3 Attached at Appendix 2 to the report is a draft Work Programme for the Committee for the Municipal Year 2021-2022.
- 3.4 The draft Work Programme reflects ongoing priorities and standard reports and the frequency of reporting. The Committee is invited to review the draft Work Programme taking into account available resources, and add or remove items as necessary.

##### 4. LEGAL IMPLICATIONS

- 4.1 There are no legal implications arising from this report however the Committee is reminded of its statutory role contained in the extract from the

Local Government Act 2000 set out below which should be considered alongside its terms of reference when setting the Work Programme:

*54 Functions of standards committees*

*(1) The general functions of a standards committee of a relevant authority are--*

*(a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and*

*(b) assisting members and co-opted members of the authority to observe the authority's code of conduct.*

*(2) Without prejudice to its general functions, a standards committee of a relevant*

*authority has the following specific functions—*

*(a) advising the authority on the adoption or revision of a code of conduct,*

*(b) monitoring the operation of the authority's code of conduct, and*

*(c) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.*

- 4.2 The Committee has the same statutory functions in relation to Community and Town Councils (and Community and Town Councillors) as it has in relation to this Council and its Councillors (pursuant to section 56(1) of the Local Government Act 2000).

**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 consultation implications arising from this report subject to the agreed Work Programme being delivered within existing financial resources.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

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

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

**24 SEPTEMBER 2021**

**REPORT OF THE MONITORING OFFICER**

**Background Papers:** Freestanding matter

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

This page is intentionally left blank

## **STANDARDS COMMITTEE - TERMS OF REFERENCE**

### **Composition**

- (a) **Membership.** The Standards Committee is composed of 6 Members. Its membership includes:
  - (i) 3 'independent' Members, who are not either a Councillor or an Officer or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Act, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001;
  - (ii) 2 Councillors other than the Leader and not more than one Member of the Executive; and
  - (iii) 1 Community Council Member
- (b) **Term of Office**
  - (i) Independent Members are appointed for a period of 6 years and may be reappointed for a consecutive term not exceeding 4 years.
  - (ii) Members of local authorities who are members of the Standards Committee will have a term of office of no more than four years or until the next ordinary local government election following their appointment, whichever is the shorter. They may be reappointed for 1 further consecutive term.
- (c) **Quorum.** A meeting of the Standards Committee shall only be quorate when:
  - (i) at least three Members, including the Chairperson, are present, and
  - (ii) at least half the Members present (including the Chairperson) are Independent Members.
- (d) **Voting.** Independent Members and the Community Council Member will be entitled to vote at meetings.
- (e) **Chairing the Committee.**
  - (i) Only an Independent Member of the Standards Committee may be the Chair.
  - (ii) The Chair and Vice Chair will be elected by the Members of the Standards Committee for whichever is the shortest period of (a) not less than 4 years or no more than 6 years, or (b) until the term of office of the Independent Member comes to an end. The Chair and Vice Chair can be appointed for one period only.

## **Role and Function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors, co-opted Members and Church and Parent Governor representatives;
- (b) assisting the Councillors, co-opted Members and Church and Parent Governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors, co-opted Members and Church and Parent Governor representatives on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors, co-opted Members and Church and Parent Governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that Officer by the Public Services Ombudsman For Wales;
- (h) overview of complaints handling and Ombudsman investigations relating to Councillors, co-opted Members and Church and Parent Governor representatives;
- (i) oversight of the Members' protocols adopted by the Council;
- (j) oversight of the register of personal interests maintained under Section 81 of the Local Government Act 2000;
- (k) oversight of the gifts and hospitality register;
- (l) monitor adherence to the Council's Management of Unreasonably Persistent Customers Policy by Group and Service Directors; and
- (m) the Committee will exercise the functions set out in (a) - (h) above in relation to Community Councils and Members of Community Councils.





## STANDARDS COMMITTEE WORK PROGRAMME

**Forward plan of proposed Committee Business for the 2021 - 2022 Municipal Year**

**Specific Period: - September 2021 – April 2022**

***N.B – The work programme is subject to change to take account of any additional / deletion of reports, including any new consultative documents or legislative initiatives from the Welsh Government, which require urgent attention, Public Services Ombudsman For Wales referrals and hearings under the Council's Local Resolution Protocol – Standards of Conduct to be followed by Members***

Key Decision	Brief Outline	Responsible Officer	Open / Exempt Report	Consultation undertaken prior to Decision being made?
--------------	---------------	---------------------	----------------------	---

## SEPTEMBER 2021

24.09.21

Draft Standards Committee Work Programme	To consider a draft Work Programme for the Committee for the Municipal Year 2021 - 2022	Monitoring Officer	Open	Chair of the Committee
Public Services Ombudsman For Wales – Summary of Complaints 2020-2021	Summary of Complaints against Members from the 1 <sup>st</sup> April 2020 – 31 <sup>st</sup> March 2021	Monitoring Officer	Open	None
Public Services Ombudsman For Wales – Code of Conduct Casebooks	To consider the Code of Conduct Casebooks for the months January – December 2020 (Issue 24)	Monitoring Officer	Open	None
Welsh Government (WG) review of the Ethical and Standards Framework in Wales	To receive an oral Update from the Monitoring Officer on the WG review of the Ethical and Standards Framework in Wales	Monitoring Officer	Open	None

\*\*\*

## NOVEMBER 2021

19.11.21

Dispensation Applications	To consider applications for dispensations made in accordance with The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001	Monitoring Officer	Open	None
Public Services Ombudsman For Wales – Annual Report and Letter 2020 - 2021	To provide Members with a summary of Code of Conduct matters as set out in the Ombudsman's Annual Report and Letter to this Council 2020 – 2021	Monitoring Officer	Open	Cabinet / Overview and Scrutiny Committee / Governance & Audit Committee
Review of the Council's Member-Officer Protocol	To consider whether any updates/amendments are required to the Council's Member-Officer Protocol and propose any recommendations to Full Council	Monitoring Officer	Open	Full Council are required to approve any amendments
Public Services Ombudsman For Wales – Code of Conduct Casebooks	To consider the Code of Conduct Casebooks for the relevant period	Monitoring Officer	Open	None

Key Decision	Brief Outline	Responsible Officer	Open / Exempt Report	Consultation undertaken prior to Decision being made?
--------------	---------------	---------------------	----------------------	---

Adjudication Panel Decisions	To provide an information report in respect of any recent Adjudication Panel Decisions not previously reported	Monitoring Officer	Open	None
------------------------------	--	--------------------	------	------

\*\*\*

**MARCH 2022**

**11.03.22**

Standards Committee Annual Report 2021 - 2022	To consider a draft Standards Committee annual report for the Municipal Year 2021 -2022	Monitoring Officer	Open	None
Adjudication Panel For Wales Annual Report 2020-2021	To consider the Adjudication Panel For Wales' Annual Report 2021-2022 following publication	Monitoring Officer	Open	None
Code of Conduct Training	To receive an update on the plans for Code of Conduct Training as part of the induction of new Councillors following the May 22 Local Elections	Monitoring Officer	Open	None
Update on Local Government and Elections (Wales) Act 2021	To receive an update in respect of aspects of the Act relating to the terms of reference of the Standards Committee and associated ethics issues	Monitoring Officer	Open	None

\*\*\*

**MISCELLANEOUS**

(the following items to be considered as and when appropriate / necessary during the Municipal Year)

Public Services Ombudsman For Wales – Code of Conduct Casebook	To provide information in respect of the publication of the Code of Conduct Casebook by the Public Services Ombudsman For Wales	Monitoring Officer	Open	
Dispensation Applications	To consider applications for dispensations made in accordance with The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001	Monitoring Officer	Open	
Local Resolution Protocol – Standards of Conduct To Be Followed By Members	To consider complaints made under Stage 2 of the Local Resolution Protocol	Monitoring Officer	Open	
Public Services Ombudsman For Wales – Members Code of Conduct Complaints	To consider any allegations that a Member has failed or may have failed to comply with the Members Code of Conduct contained in a report of the Public Services	Monitoring Officer	Open	

Key Decision	Brief Outline	Responsible Officer	Open / Exempt Report	Consultation undertaken prior to Decision being made?
	Ombudsman For Wales undertaken under Section 69 of the Local Government Act 2000			
Review of Standards Committee Member's Training Needs	To consider any requirements in respect of Committee Members' training needs	Monitoring Officer	Open	



## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### STANDARDS COMMITTEE

24 SEPTEMBER 2021

#### **PUBLIC SERVICES OMBUDSMAN FOR WALES – CODE OF CONDUCT CASEBOOK REPORT OF THE MONITORING OFFICER**

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

To receive the Ombudsman's Code of Conduct Casebook (Issue 24) produced by the Public Services Ombudsman for Wales.

##### **2. RECOMMENDATION**

- 2.1 To note and consider the contents of the Ombudsman's Code of Conduct Casebook (Issue 24) published by the Public Services Ombudsman for Wales.

##### **3. BACKGROUND**

- 3.1 The Public Services Ombudsman for Wales produces quarterly Code of Conduct casebooks.
- 3.2 Issue 24 of the Code of Conduct Casebook, covers the period January - December 2020, and is attached as Appendix 1 to the report.
- 3.3 Members should note that the Casebooks are able to be accessed via the Ombudsman's Website and the following link:

[Code of Conduct Casebooks](#)

**LOCAL GOVERNMENT ACT 1972**  
**AS AMENDED BY**  
**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**STANDARDS COMMITTEE**  
**24 SEPTEMBER 2021**  
**REPORT OF MONITORING OFFICER**

**BACKGROUND PAPERS**

**Freestanding Matter**

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

## Introduction

The Public Services Ombudsman for Wales considers complaints that members of relevant authorities in Wales have breached the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- a) that there is no evidence that there has been a breach of the authority's code of conduct;
- b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defence put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers January to December 2020.



# The Code of Conduct Casebook

Issue 24 / April 2021

## Contents

No evidence of breach	3
No action necessary	3
Referred to Standards Committee	9
Referred to Adjudication Panel for Wales	10



## Case summaries

### No evidence of breach

There are no summaries in relation to this finding.

### No action necessary

#### **Wrexham County Borough Council – Duty to uphold the law Case Number: 201804590 – Report issued in January 2020**

The Ombudsman received a complaint about a Member of Wrexham Council. It was alleged that the Members' conduct and behaviour had brought the Council into disrepute in breach of the Code of Conduct. The Ombudsman investigated the matters complained about. Information was provided by relevant parties including the Council. After careful consideration of the evidence obtained during the investigation the Ombudsman determined that it would not be in the public interest to pursue matters further and that no action should be taken in respect of the matters investigated.

#### **Pembrey & Burry Port Town Council – Promotion of equality and respect Case Number: 201906707 - Report issued in March 2020**

The Ombudsman received a complaint that a Member ("the Member") of Pembrey & Burry Port Town Council ("the Council") had breached the Code of Conduct. It was alleged that the Member did not show respect and consideration for others, used bullying behaviour, and behaved in a manner which could reasonably be regarded as bringing the Council into disrepute. During the early stages of the investigation, the Member provided an account. He said that he believed his actions to have been justified and offered an apology if his assertiveness had been perceived differently by the Complainant. The Ombudsman considered the Member's response and his offer of an apology to be sufficient to resolve the complaint. The Ombudsman, therefore, considered that no action needed to be taken in respect of the matters investigated.

#### **St Donats Community Council – Disclosure and registration of interests Case Number: 201905525 – Report issued in March 2020**

The Ombudsman received a complaint that a Member ("the Member") of St Donats Community Council ("the Community Council") had breached the Code of Conduct. It was alleged that the Member failed to declare a personal and prejudicial interest when she sat on the Interview Panel during an interview for the role of Co-opted Member of the Community Council. The Ombudsman found that the Member had a personal interest in the interview by virtue of her relationship with the applicant's estranged brother and admittance that there was tension between them. It was the Ombudsman's view that a member of the public, with knowledge of the circumstances, would regard the Member's interest as so significant as to prejudice her judgement of the public interest. The investigation established that the Member was advised by the Clerk that she was not required to declare an interest in the interview. Whilst a decision

to declare an interest is the responsibility of each individual member, it was not unreasonable for the Member to have acted upon the Clerk's advice. The investigation considered whether the Member's failure to declare a personal and prejudicial interest caused any harm and whether it affected the decision to appoint to the role of Co-opted Member. There was no documentary evidence or written record of the interviews. Therefore, the Ombudsman's decision was guided by the fact that the decision to appoint the successful applicant was taken unanimously by the Interview Panel. On the basis of the information available it was not considered that the applicant's application was adversely affected by the Member's presence and involvement in the interview process. In view of these factors it was concluded that the Ombudsman did not need to take further action in the public interest. However, he recommended to the Clerk of the Council that training on members interests and their obligations under the Code of Conduct is provided to the Council.

## **St Harmon Community Council – Disclosure and registration of interests** **Case Number: 201903933 – Report issued in March 2020**

The Ombudsman received a complaint that a member ("the Member") of St Harmon Community Council had breached the Code of Conduct for members ("the Code"). It was alleged that the Member had failed to show respect and consideration to others, and that he had failed to take appropriate action in respect of a personal and prejudicial interest he had in a co-option process the Council undertook.

During the course of the investigation, information was sought from the Council as well as from a number of witnesses. The evidence gathered did not substantiate that the Member's behaviour had demonstrated a failure to show respect and consideration to others such that could be considered a breach of the Code.

The evidence suggested that the Member had failed to take appropriate action in relation to a personal and prejudicial interest he had in the co-option process. However, the Member did not influence the decision taken on co-option in any way, he had already acknowledged, accepted and apologised for his actions and he had taken steps to seek training on his obligations under the Code.

Therefore, the Ombudsman determined that no action needed to be taken in respect of the matters investigated.

## **Carmarthenshire County Council – Integrity** **Case Number: 201900874 – Report issued in March 2020**

The Ombudsman received a complaint that a Member ("the Member") of Carmarthenshire County Council ("the Council") had breached the Code of Conduct. It was alleged that the Member had failed to treat members of staff at the Council with respect and consideration, had breached confidentiality, and had brought the office of Councillor into disrepute in relation to 2 incidents which occurred during the selection process for the Council's new Chief Executive. The first incident was that the Member had deliberately informed the unsuccessful candidate for the post that they had not been successful, thus circumventing the Human Resources ("HR") procedures in place. The second incident was that the Member had ignored a clear instruction that Councillors should not publicise the identity of the successful candidate for 30 minutes.

The Ombudsman interviewed a number of witnesses and found that the evidence suggested the Member had accidentally informed the unsuccessful candidate that they had not been successful and had not intended to circumvent HR procedures. The Ombudsman accepted that the Member had shown remorse and had apologised. The Ombudsman determined that no breaches of the Code had occurred as this had been a genuine error by the Member.

The Ombudsman determined that there was evidence that the Member had ignored a clear instruction not to publicise the identity of the successful candidate, and that this may have amounted to a breach of the Code. The Member had not considered the impact on the candidates, their wider friends and families, or the staff employed by the Council with due respect when publishing the result. Further, the information had been confidential until the proper procedures to publicise it had been completed, which the Member had pre-empted. The Ombudsman determined that these actions were capable of bringing the office of Councillor into disrepute.

However, the Ombudsman was not persuaded that it would be proportionate and in the public interest to make a referral to the Standards Committee, due to the short period of time the information was disclosed before the official announcement and taking into account the opinions of the candidates that the effect on them was limited; however, he considered that it had been appropriate for the matter to be referred to him. The Ombudsman found that no action needed to be taken in respect of the matters investigated.

## **Llantwit Fardre Community Council – Promotion of equality and respect** **Case Number: 201904216 - Report issued in May 2020**

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

It was alleged that the Member made several accusations against serving Community Councillors during a Community Council meeting on 24 September 2019. It was further alleged that the Member then shared a written copy of his address, in which he accused Community Councillors of bullying the former Clerk of the Community Council, with members of the press and public.

The investigation considered the following paragraphs of the Code:

- Paragraph 5(a) – disclosing confidential information.
- Paragraph 6(1)(a) – disrepute.
- Paragraph 6(1)(c) – reporting breaches of the Code to the Monitoring Officer.
- Paragraph 6(1)(d) – vexatious, frivolous or malicious complaints.
- Paragraph 8(a) – having regard to the advice of the authority's officers.

The investigation established that the Member addressed the Community Council at its meeting on 24 September 2019, where members of the press and public were present. There was no evidence to suggest that the Member disclosed confidential information during the meeting.

# The Code of Conduct Casebook

Issue 24 / April 2021

The investigation found that during his address, the Member made several accusations against other members of the Council. Rather than airing his concerns in public the Member should have raised his concerns through the proper processes available for doing so. Raising accusations in such a public forum when those being accused did not have a fair opportunity to respond could amount to a breach of paragraph 6(1)(a) of the Code of Conduct. The investigation found that the Member disregarded advice from the Clerk of the Council and that his actions were in breach of paragraph 8(a) of the Code.

When deciding whether to take further action in relation to these possible breaches of the Code of Conduct, the Ombudsman carefully considered whether it was in the public interest for him to do so. The Ombudsman considered recent steps taken by Rhondda Cynon Taf's Monitoring Officer and the Chair of the Council's Standards Committee to meet with the majority of the members of the Council in February to encourage better working relationships within the Council. It was understood that a collective agreement was reached on taking a fresh approach on how to deal with situations where disagreement had previously escalated into personal attacks. The Member was present at this meeting. As the events which were considered as part of this investigation took place some months before the meeting with the Monitoring Officer and Chair of the Standards Committee, it was not in the public interest to pursue this investigation further.

## **Torfaen County Borough Council – Promotion of equality and respect Case Number: 202000681 & 202000667 - Report issued in July 2020**

The Ombudsman received complaints that an elected Member ("the Member") of Torfaen County Borough Council ("the Council") had breached the Council's Code of Conduct for Members ("the Code").

Two Police Community Support Officers ("PCSOs") complained that, on 7 June 2020, the Member approached them at Cwmbran Boating Lake ("the Lake") in an aggressive manner. They said that the Member was shouting and demanding that they dealt with people who were angling at the Lake whilst it was the closed season. They said that the Member did not accept that it was not a policing matter and identified himself as a Councillor to try and use his position to intimidate them.

The Ombudsman received an account from the Member, obtained a witness account from another Councillor who was present at the Lake, and obtained information from Gwent Police. On the balance of probabilities, the evidence indicated that the Member may have breached paragraph 4(b) of the Code by speaking to the PCSOs in a raised voice.

The investigation found that there was no dispute that the Member identified himself as a Councillor. The Member explained that he had done so to explain his knowledge of angling legislation. The Ombudsman found that the Member did contact Gwent Police to seek clarification regarding the enforcement of angling legislation and to raise a concern that the PCSOs had not spoken to, or provided advice, to the anglers as they had informed him.

The Ombudsman did not find sufficient evidence that the Member had displayed bullying and/or harassing behaviour, or that he had brought the authority into disrepute.

# The Code of Conduct Casebook

Issue 24 / April 2021

The Ombudsman found that, whilst the evidence suggested that the Member may have breached paragraph 4(b) of the Code, it was not in the public interest to pursue matters further.

The Ombudsman asked the Member to be mindful of how his conduct may be perceived when acting in his role as a Councillor and suggested that he complete refresher training on the Code.

## **Glynneath Town Council – Promotion of equality and respect** **Case Number: 201904472 - Report issued in July 2020**

The Ombudsman received a complaint that a Member ("the Member") of Glynneath Town Council ("the Council") had breached the Council's Code of Conduct ("the Code").

A member of the public complained that when the Member entered Glynneath Town Hall ("the Hall") on 20 September 2019 she had been aggressive and shouted at them, and that the Member had threatened to "put paid" to their Hall Hire Agreement with the Council.

The Ombudsman obtained conflicting witness statements from 3 members of the public, as well as the complainant and the Member. On balance, the evidence obtained suggested that the Member may have breached paragraph 4(b) of the Code by shouting at the member of the public.

The Ombudsman did not find sufficient evidence that the Member had displayed bullying behaviour, or that they had brought their authority into disrepute. Furthermore, there was no supporting evidence that the Member had threatened the complainant's future hire of the Hall, nor had the Member acted on such a threat.

The Ombudsman found that, whilst the evidence suggested that the Member may have breached paragraph 4(b) of the Code, it was not in the public interest to pursue further enquiries into the matter, given the conflicting nature of the evidence obtained.

The Ombudsman recommended to the Council that it should arrange training on the Code for its Members as soon as is practicable.

## **Tywyn Town Council – Promotion of equality and respect** **Case Number: 201900952 - Report issued in September 2020**

An officer of Tywyn Town Council ("the Council") complained that a member had written a disrespectful letter to a third party.

The Ombudsman's investigation considered whether the content of the letter may have breached paragraphs 4(b) and 6(1)(a) of the Code of Conduct for members ("the Code").

The member asserted that they were not acting in their capacity as member when writing the letter. However, the Ombudsman found that, as the letter referred to Council business, it was reasonable to conclude that the member gave the impression they were acting in their capacity as a member of the Council when they wrote the letter. The Ombudsman found that the majority of the comments made by the member were political in nature.



# The Code of Conduct Casebook

Issue 24 / April 2021

However, the member's comments to the third party recipient of the letter were considered to be disrespectful. Whilst the Ombudsman considered that those comments were suggestive of a breach of paragraph 4(b) of the Code, having taken into consideration the information provided by the recipient and the wider evidence available, he did not consider it would be proportionate or in the public interest for any further action to be taken.

The Ombudsman did not consider that there was evidence to suggest that the content of the letter sent by the member was suggestive of a breach of paragraph 6(1)(a) of the Code.

## **Mumbles Community Council – Duty to uphold the law** **Case Number: 201904820 - Report issued in November 2020**

The Ombudsman received a self-referred Code of Conduct ("the Code") complaint from a Member ("the Member") of a Community Council in Wales ("the Council") because they had been named in a Welsh Audit Office ("Audit Wales") Report concerning unauthorised Council expenditure. The Ombudsman considered whether the Member may have breached paragraph 7 (b) (i), (ii), (iii) of the Code for use of Council resources which was imprudent, in breach of the authority's requirements and unlawful.

The Ombudsman's investigation found that a Planning Consultancy had billed the Council for work which had not been agreed, and the Planning Consultancy said it had been instructed by the Member. The Member said at the time of the events he was new to the Council and he thought the work undertaken for the Council by the Planning Consultancy had been part of a previously agreed arrangement with the Council. The Member said he had not worked with planning consultants before and he had not realised that his specific communications with them would incur additional costs. The Ombudsman's investigation found that the Member had a responsibility to fully understand the terms of the Council's arrangements with the Planning Consultancy, and the Member's actions and failure to do so, could reasonably be considered as a potential breach of paragraph 7(b) (i), (ii), (iii) of the Code.

However, the Ombudsman also found that whilst the Clerk had suggested the Member should contact the Planning Consultancy, the Member had not been provided with clear guidance on the implications of doing so, and that the Member's communications had a limited impact on the overall expenditure. In addition, Audit Wales had not engaged with the Member or the Planning Consultancy to establish what instruction it attributed to the Member.

Please Note: Summaries are prepared for all reports issued by the Ombudsman. This summary may be displayed on the Ombudsman's website and may be included in publications issued by the Ombudsman and/or in other media. If you wish to discuss the use of this summary please contact the Ombudsman's office.

Having taken into consideration the evidence available and the information provided by the Member, the Ombudsman did not consider it would be proportionate or in the public interest for any further action to be taken.

## **Referred to Standards Committee**

### **Denbighshire County Council – Objectivity and propriety**

#### **Case Number: 201806601 - Report issued in September 2020**

The Ombudsman received a complaint that a Member (“the Member”) of Denbighshire County Council (“the Council”) failed to observe the Code of Conduct for members of the Council. It was alleged that the member abused his position by visiting a member of the public’s place of work and complaining to her employer about a private altercation between her and a constituent in a local store car park.

The Ombudsman determined that there was evidence to suggest that the Member had conducted himself in a bullying and harassing manner, and that his actions sought to create a disadvantage for the member of the public in the eyes of her employer. The evidence also suggested that such conduct was capable of damaging the reputation of the Council and bringing it into disrepute. The Ombudsman determined that the member had failed to abide by paragraphs 4(c), 6(1)(a) and 7(a) of the Council’s Code of Conduct.

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

### **Laleston Community Council – Duty to uphold the law**

#### **Case Number: 201807411 - Report issued in November 2020**

The Ombudsman received a complaint that a Former Member (“the Former Member”) of Laleston Community Council (“the Council”) had failed to observe the Code of Conduct for Members of the Council. It was alleged that the Former Member had misused Council funds via unauthorised cashpoint withdrawals and debit card transactions between November 2018 and January 2019.

A police investigation took place, and the Former Member subsequently resigned from the Council. The Ombudsman’s investigation established that at the time of the events the Former Member had taken on extra duties and been paid agreed allowances by the Council. It was found that the Former Member then took charge of the Council’s debit card and used it for purchases and cash withdrawals which were in excess of what he already received and could not be accounted for. The Former Member said he had accessed the Council’s finances in this way because he felt he was entitled to the funds; however, he did not provide any further information to suggest his transactions were for the benefit of the Council.

The Ombudsman determined that the Former Member may have breached the Council’s Code of conduct, in particular, paragraphs 7(a) and 7(b) i), ii), iii), iv) and vi) as he has sought to gain a personal and financial advantage via unauthorised access to Council finances, and misused Council funds. The Ombudsman also found that the Former Member’s actions and conviction could reasonably be regarded as behaviour which might bring the office of member or the Council into disrepute and a potential breach of paragraph (6(1)(a) of the Code of Conduct.

The Ombudsman referred his investigation report to the Monitoring Officer of Bridgend County Borough Council for consideration by its Standards Committee.

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

### **Sully and Lavernock Community Council – Integrity Case Number: 201901994 - Report issued in September 2020**

The Ombudsman received a complaint that a member (“the Member”) of Sully and Lavernock Community Council (“the Council”) failed to observe the Code of Conduct for elected members. It was alleged that the Member made a series of public posts, on the social media platform Facebook, which could have the potential to damage the reputation of the Council.

The Ombudsman found that 3 public posts, dated between 10 January and 11 March 2019, which made reference to high profile female politicians, were gratuitously offensive and could reasonably be regarded as bringing the Councillor’s Office or Authority into disrepute which was suggestive of a breach of paragraph of 6(1)(a) of the Code of Conduct. The Ombudsman considered that the language used went beyond political expression and was so egregious that, should a breach of the Code of Conduct be found and a sanction imposed, it would be a proportionate interference with the Councillor’s right to freedom of expression.

The Ombudsman also found that the Councillor had failed to supply evidence he claimed to hold in respect of the privacy of the posts and that, in refusing to provide information, he had failed to comply with a request in connection with the investigation which was suggestive of a breach of paragraph 6(2) of the Code of Conduct.

The Ombudsman referred his investigation report to the Adjudication Panel for Wales for its consideration.





## **RHONDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **STANDARDS COMMITTEE**

**24 SEPTEMBER 2021**

#### **PUBLIC SERVICES OMBUDSMAN FOR WALES – SUMMARY OF COMPLAINTS AGAINST MEMBERS – 1<sup>ST</sup> APRIL 2020 – 31<sup>ST</sup> MARCH 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 1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021.

##### **2. RECOMMENDATIONS**

- 2.1 To note the contents of the report.

##### **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 1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021:

Date Complaint Received by the Ombudsman	Body & Cllr	Nature of Complaint	Ombudsman Investigation Yes/No
9/4/20	Rhondda Cynon Taf CBC (Councillor)	<p>Mrs H complained Cllr F made comments in response to a post and discussion on her personal Facebook account in April 2020. They were unhappy that Cllr F made personal reference to their political viewpoint and personality traits and therefore failed to show her respect. They were concerned that the comments could be misinterpreted and may have a negative impact on relationships with friends and business colleagues where they were based and also Cllr F had not acted with cultural sensitivity. In particular the comments amounted to a breach of the following paragraphs of the Code:-</p> <ul style="list-style-type: none"> <li>• 4(b) – [Members] must show respect and consideration for others</li> <li>• 4(c) – [Members] must not use bullying behaviour or harass any person including other councillors, council officers or members of the public.</li> <li>• 6(1)(a) – [Members] must not conduct oneself in a manner which could reasonable be regarded as bringing the office of member or [the council] into disrepute at any time.</li> </ul> <p>Ombudsman confirmed that when assessing complaints of this nature it is necessary to consider the specific nature of the complaints made against the member complained about in the context of the duties and obligations placed on him/her by the Code.</p> <p>Ombudsman stated 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.</p> <p>It was concluded that having considered the information provided, it appears that at the time of the conduct Cllr F was not acting as a councillor but as a private individual. 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. The officer did not consider that Paragraphs 4(b) and 4(c) were applicable in relation to the social media posts. Within the exchange Cllr F was asked whether they were acting in an official capacity. Cllr F responded by stating that all posts on their personal account are their personal views. There was therefore no information to suggest that they were acting, or purporting to act, in an official capacity on that occasion.</p> <p>The Code of Conduct only applies when a councillor is acting as a private individual in very specific</p>	No

		<p>circumstances however Paragraph 6 of the Code applies at all times and in all capacities. Mrs H alleged that Cllr F had conducted themselves in a manner which has brought their office and the Council into disrepute and that their conduct and behaviour was likely to constitute a breach of Paragraph 6(1)(a) of the Code of Conduct. Mrs H further said that they had not displayed the council values of tolerance and respect, equality and fairness and appreciation of cultural difference. The comments made by Cllr F may be disputed, factually incorrect and/or based on assumption or opinion, but their comments were not in the Ombudsman's view capable of breaching any aspect of the Code. However, even if Cllr F's comments were capable of amounting to a breach of the Code they were not sufficiently serious to warrant investigation as the Ombudsman did not consider that a sanction would be likely. Accordingly, the second, public interest, stage was not met and therefore it would not be proportionate to investigate.</p> <p>Based on the information provided Ombudsman concluded that an investigation of the complaint against Cllr F was not proportionate or justified in the circumstances described.</p>	
22/4/20	Rhondda Cynon Taf CBC (Councillor)	<p>Mrs S complained Cllr D had breached the Code because of the nature of Facebook posts they had made relating to the closure of a local park due to the coronavirus pandemic. They stated that Cllr D had posted a video on Facebook indicating that they had travelled out of the County Borough to visit a park in another Local Authority area. They stated that this was against the 'lockdown' rules <i>[in place at that time]</i>.</p> <p>The Ombudsman found the complainant provided no evidence to substantiate their complaint and confirmed they will not investigate unless there is reasonably strong evidence to suggest that the member concerned has breached the Code of Conduct.</p> <p>In a separate complaint received by the Ombudsman concerning Cllr D which dealt with the same issue that complainant had provided some evidence.</p> <p>Ombudsman confirmed it appeared that at the time of the conduct being complained of Cllr D was not acting in their role as a councillor but as a private individual. 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. The Code of Conduct only applies to a councillor's actions as a private individual in very specific circumstances, that is, where the conduct alleged is of such a nature as to bring the Council or the office of councillor into disrepute. In the view of the Ombudsman this did not appear to be the case in this instance.</p>	No

		<p>In addition, the substance of the complaint was that Cllr D posted on Facebook about visiting the relevant Park, thereby breaking lockdown legislation. Ombudsman confirmed this would be a matter for the Police to investigate and enforce using their enforcement powers under the relevant legislation.</p> <p>Ombudsman found that there was not enough evidence to substantiate that a breach of the Code had occurred.</p>	
23/4/20	Rhondda Cynon Taf CBC (Councillor)	<p>Mr L complained Cllr D had breached the Code because of the nature of Facebook posts they had made relating to the closure of a local park due to the coronavirus pandemic. They stated that the tone of the posts was inappropriate and caused unnecessary additional stress to members of the public particularly so at that time. They felt that this demonstrated that Cllr D did not respect the views and opinions of others as they should as a councillor. They were also concerned that Cllr D had posted on Facebook that they had travelled out of area to visit a park in another local authority area. They stated that this was against the 'lockdown' rules <i>[in place at that time]</i>.</p> <p>The complainant provided screenshots of Facebook posts which Cllr D made and the Ombudsman considered the content and tone of those posts.</p> <p>The complainant did not specify which paragraph of the Code of Conduct they considered Cllr D to have breached, though referred to a failure to respect the views and opinions of others and those a councillor represents.</p> <p>Ombudsman determined that Cllr D was not acting in his role as a councillor in making the Facebook posts, but as a private individual. The Code 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. That does not appear to be the case there as they were not posting on Facebook as Cllr D, nor did they refer to their status as councillor in the posts in question. The Code only applies to a councillor's actions as a private individual in very specific circumstances, that is, where the conduct alleged is of such a nature as to bring the Council or the office of councillor into disrepute. Taking into account previous cases considered by the Adjudication Panel for Wales, this does not appear to apply to the Facebook posts that were provided with the complaint. The content and language of the posts was not sufficient to indicate a breach of the Code.</p> <p>In addition, the substance of the complaint was that Cllr D posted on Facebook about visiting the relevant Park, thereby breaking lockdown legislation. Ombudsman confirmed this would be a matter for the Police to investigate and enforce using their enforcement powers under the relevant legislation.</p>	No

		Ombudsman found that there was not enough evidence to substantiate that a breach of the Code had occurred.	
23/4/20	Rhondda Cynon Taf CBC (Councillor)	<p>Mrs F complained Cllr D had breached the Code because of the nature of Facebook posts they had made relating to the closure of a local park due to the coronavirus pandemic. They felt that their comments were inappropriate, aggressive and not representative of those they were representing. They stated that Cllr D had posted a video on Facebook indicating that they had travelled out of the County Borough to visit a park in another Local Authority area. They stated that this was against the 'lockdown' rules <i>[in place at that time]</i>.</p> <p>The Ombudsman found the complainant provided no evidence to substantiate their complaint and confirmed they will not investigate unless there is reasonably strong evidence to suggest that the member concerned has breached the Code of Conduct.</p> <p>In a separate complaint received by the Ombudsman concerning Cllr D which dealt with the same issue that complainant had provided some evidence.</p> <p>The complainant did not specify which paragraph of the Code of Conduct they considered Cllr D to have breached, though they have referred to Cllr D potentially bringing the Council into disrepute.</p> <p>Ombudsman determined that Cllr D was not acting in his role as a councillor in making the Facebook posts, but as a private individual. The Code 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. That does not appear to be the case there as they were not posting on Facebook as Cllr D, nor did they refer to their status as councillor in the posts in question. The Code only applies to a councillor's actions as a private individual in very specific circumstances, that is, where the conduct alleged is of such a nature as to bring the Council or the office of councillor into disrepute. Taking into account previous cases considered by the Adjudication Panel for Wales, this does not appear to apply to the Facebook posts that were provided with the complaint. The content and language of the posts was not sufficient to indicate a breach of the Code.</p> <p>Ombudsman stated that the Code of Conduct only applies to a councillor's actions as a private individual in very specific circumstances, that is, as the complainant referred to in their complaint, where the conduct alleged is of such a nature as to bring the Council or the office of councillor into disrepute (paragraph 6(1)(a)). Taking into account previous cases considered by the Adjudication Panel for Wales, the tone and content of the Facebook posts were not of a nature to suggest a breach of paragraph 6(1)(a).</p> <p>In addition, the substance of the complaint was that Cllr</p>	No

		<p>D posted on Facebook about visiting the relevant Park, thereby breaking lockdown legislation. Ombudsman confirmed this would be a matter for the Police to investigate and enforce using their enforcement powers under the relevant legislation.</p> <p>Ombudsman found that there was not enough evidence to substantiate that a breach of the Code had occurred.</p>	
26/5/20	Rhondda Cynon Taf CBC (Councillor)	<p>Mr V complained Cllr J had breached the Code because they failed to follow Government guidelines to keep green spaces open during the Covid-19 pandemic when it was decided that a Park within the County Borough would remain closed. They also complained Cllr J's comments implied that residents who lived within walking distance of the Park were somehow less respectful of others and less capable of adhering to social distancing rules. They considered that Cllr J had breached the Code.</p> <p>The Ombudsman confirmed that matters of public health, and health in general, are both devolved matters and the Welsh Government has extensive powers, and is responsible, to assess the extent and impact of the spread of the coronavirus in Wales and to take decisions accordingly; this is provided by legislation and guidance issued by the Welsh Government in Wales. The Department of Local Government and Public Services oversees local government in Wales and at that time it gave local authorities freedom on how to choose to act as regards parks in their areas, and whether or not they should remain open. Therefore, whilst the Covid-19 regulations did not require the closure of local parks, the Welsh Government considered the relevant local authority would possess the local knowledge to understand where a closure is necessary. Therefore, no matter what the UK Government says, decisions about parks and public spaces remain with the relevant Council for that area.</p> <p>The Park in question had been closed to clear and repair damage caused by Storm Dennis. The Council explained on its website, due to the Covid-19 pandemic, Council staff resources had been redirected to support primary Council Services and as a result some of the works to safely re-open the Park had not been completed. It was confirmed that the Park would remain closed to the public for a further 2 weeks for the repair works to be completed. Also that data had displayed that "...RCT had one of the highest number of confirmed cases per 100,000 of the population in Wales..." and therefore the Park should not re-open prior to the Bank Holiday weekend "...to minimise the risk of transmission" of the virus. The Park was then reopened with restricted hours, which was usual in the situation at that time.</p> <p>In the Ombudsman's view the evidence provided did not substantiate the complaint, and the matters alleged did not in fact constitute a breach of the Code.</p>	No

		Complaints about a Council decision is considered a complaint about the Council as a whole, as a body corporate, rather than a Code complaint against an individual member.	
29/7/20	Rhondda Cynon Taf CBC (Councillor)	<p>Ms B complained Cllr Y had breached the Code because they made an unannounced visit to their father's property. During the visit they alleged Cllr Y was accompanied by another Councillor and that when her father approached the Councillors to ask them the purpose of the visit Cllr Y replied "what [had it] to do with [him]" and asked Ms B's father to produce his title deeds to the property. Ms B also alleged they called her father an "ignorant and arrogant man", "proceeded to mimic" him and did not respect the "2m Covid 19 government rule". Further later that day, Cllr Y returned to the area to ask several neighbours "what they thought of [her] dad as a person".</p> <p>Ombudsman considered whether Cllr Y's behaviour and comments were contrary to paragraphs 4(b) – failing to show respect and consideration for others and 6(1)(a)– not to conduct oneself in a manner which could reasonably be regarded as bringing the office or authority into disrepute.</p> <p>Ombudsman stated it was not clear in what capacity Cllr Y was acting when they visited father's property. They did not make an official appointment, state the nature of the visit or disclose whether they were acting on council business. 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. However, paragraph 6(1)(a) could still apply to the situation described.</p> <p>Either way Ombudsman was not satisfied as to the first part of the Ombudsman's test. Councillors have a wide freedom of expression in both their professional and personal capacity. Article 10 of the Convention (and common law), afforded Cllr Y the right to free speech, means that they can say certain things which, even if they may be shocking or offensive to some people, they nevertheless had the right to express them.</p> <p>Whilst the Ombudsman did not condone the comments or the way in which it was alleged Cllr Y conducted themselves on that day and consider that they may have personally brought themselves into disrepute with this alleged behaviour they did not consider on the evidence that their conduct would be considered as sufficiently offensive to amount to a breach of the Code.</p>	No
25/8/20	Rhondda Cynon Taf CBC (Councillor)	Mr P complained Cllr T had not responded to a number of telephone messages left for them in February 2020. As a result he considered that Cllr T's actions breached the Code. In particular, they considered that their actions amounted to a breach of Principle 9 – Accountability.	No

		<p>The Principle to which was referred does not form part of the Code however they form part of the Guidance as to how the Code should be followed by members.</p> <p>Having considered the information provided the Ombudsman found that a failure to respond was in any way a breach of the Code. Whilst any failure to respond to correspondence may amount to an administrative shortcoming or, at worst, something of a discourtesy they did not consider that it can reasonably be said to engage any paragraphs of the Code. It therefore appears to the Ombudsman that the matters which have been alleged, namely the failure to return telephone calls, did not in fact constitute a breach of the Code.</p> <p>Even if the Councillors failure to respond was capable of amounting to a breach of the Code (for example, if the failure to return your telephone call was capable of amounting to a failure to show respect), it is not sufficiently serious to warrant investigation. Accordingly, the second, public interest, stage was not met based on the information provided.</p>	
22/9/20	Rhondda Cynon Taf CBC (Former Councillor)	<p>The Ombudsman received a complaint that a Former Member of Rhondda Cynon Taf County Borough Council and a Community Council had breached the Code in using the term "Pikies" during a community WhatsApp group discussion.</p> <p>The Ombudsman investigated whether the Former Member's conduct may have breached paragraphs 4(a), 4(b) and 6(1)(a) of the Code.</p> <p>During the investigation the Member resigned from both the Council and Community Council. The Ombudsman's investigation found that the community WhatsApp group was comprised of members of a village hall committee and at the time of the exchange the Former Member was not a Council or Community Council representative on the committee or WhatsApp group. The Ombudsman found the Former Member was not acting in their public role during the exchange and therefore paragraphs 4(a) and 4(b) of the Code were not engaged when they made the post in their private capacity, and these provisions of the Code were not engaged when the Former Member made their comment on WhatsApp.</p> <p>The Ombudsman considered that had the Former Member been a Council or Community Council representative, his conduct could be suggestive of a breach of paragraph 6(1)(a) of the Code. However, the Ombudsman was not persuaded there was a sufficient link to the Former Member's role to suggest the comment would affect the reputation of the Former Member's office or authority. This being the case, the Ombudsman did not consider that the conduct was suggestive of a breach of paragraph 6(1)(a) of the Code.</p>	<b>Yes</b>



5/1/21	Rhondda Cynon Taf CBC (Councillor)	<p>Ms F complained Cllr L had made an unnecessary and rude comment about her after she had presented her views at a Committee meeting of the Council where members of the public were exercising a right to speak. Ombudsman considered this to be an allegation that Cllr L had breached paragraph 4(a) (show respect for others) of the Code.</p> <p>No evidence was provided to support the allegation and the Ombudsman will not investigate unless there is reasonably strong evidence to suggest that the member concerned has breached the Code of Conduct. The complainant had not provided the date that the meeting had occurred but the Ombudsman located the minutes on the Council's website. Having read the recorded minutes for the meeting, there is no indication of the Cllr L's alleged comments or any intervention from the Chair of the meeting. Ombudsman was of the view that there was insufficient evidence to support the allegation as there appears to be no independent information available to confirm it.</p>	No
14/5/20	Taff's Well & Nantgarw Community Council (Community Cllr)	<p>Com Cllr A complained that at a Community Council meeting Com Cllr S was coughing/sneezing in the direction of another member who was particularly vulnerable to infection. They also complained that Com Cllr S failed to prevent the Chair from departing from Standing Orders and that that Com Cllr S closed the meeting prematurely.</p> <p>Having considered the information submitted the Ombudsman did not consider that the conduct described was likely to amount to a breach of the Code.</p> <p>The Ombudsman was already investigating a complaint against a member of the Community Council and the events at the meeting referred to in this complaint as they were linked they were not persuaded that there was merit in considering them separately.</p>	No
22/4 + 4/5/20	Taff's Well & Nantgarw Community Council (Community Cllr)	<p>Com Cllr K complained that Com Cllr E was bullying and harassing them in relation to expenses claims, and medical condition(s). They also complained about issues relating to the management of - and events at - recent meetings (both during and after), including in respect of Standing Orders, threatening behaviour and comments made to/about Com Cllr K.</p> <p>The conduct being complained about was very closely linked to events already under investigation in relation to a complaint against Com Cllr K.</p> <p>Ombudsman was not persuaded that Com Cllr K provided evidence which suggested that Com Cllr E's conduct warranted investigation. From the information provided the Ombudsman did not consider that the language used (either in emails or, as reported, verbally) was capable of amounting to a breach of the Code which justifies investigation.</p>	No

		<p>Whilst the language may have been intemperate, having considered the exchanges as a whole the Ombudsman did not consider that the threshold for starting an investigation had been met. In respect of the concerns raised about Standing Orders and expenses claims, these are largely matters of corporate governance and the Ombudsman was not persuaded he would be justified in investigating them in isolation under the provisions of the Code.</p>	
14/5/20	Taff's Well & Nantgarw Community Council (Community Cllr)	<p>Mr W complained Com Cllr Q failed to properly control the meeting, including by not asking a councillor who was coughing and sneezing to either move away from other members or to leave the meeting room. They also complained that Com Cllr Q was threatening towards them in the car park after the meeting had concluded.</p> <p>The Ombudsman considered the information submitted and did not consider that the conduct described was likely to amount to a breach of the Code.</p>	No
18/6/20	Taff's Well & Nantgarw Community Council (Community Cllr)	<p>Com Cllr Z complained Com Cllr G said at a council meeting that they "are not a Christian as you are not born again". Com Cllr Z believes Com Cllr G breached the following paragraphs of the Code:</p> <ul style="list-style-type: none"> <li>- Paragraph 4 (a)</li> <li>- Paragraph 7</li> </ul> <p>Paragraph 4 (a) of the Code, requires that Councillors must carry out their duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.</p> <p>"Paragraph 7 of the Code states that, you must not – "(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantages; (b) use, or authorise others to use, the resources of your authority – (i) imprudently; (ii) in breach of your authority's requirements; (iii) unlawfully (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed; (v) improperly for political purposes; or (vi) improperly for private purposes."</p> <p>The Ombudsman stated having considered the information available he did not consider sufficient evidence had been provided to substantiate the above alleged breaches of the Code, and the Ombudsman will not investigate a matter unless there is reasonably strong evidence to suggest that a member has breached the Code.</p> <p>Even if the conduct of which was complain amounted to a breach of the Code, and the alleged breach were to be proven, an investigation would not be in the public interest concluded the Ombudsman.</p>	No

		<p>While the Ombudsman does not condone discourteous or unnecessarily adversarial conduct on the part of councillors, the Ombudsman generally regards this sort of behaviour in a council meeting as a matter for the Chair of that meeting to address. On the basis of the information provided, even if the comment was capable of amounting to a breach of the Code, on the basis of the assessment of the severity of the breach alleged and experience of previous cases, the Ombudsman was not persuaded that a sanction would follow were the case to be referred to a standards committee. Accordingly, the second limb of the Ombudsman's two-stage test was not met</p>	
22/1/21	Com Cllr Council Not Disclosed (to protect identity of complainant)	<p>Ms G complained Com Cllr V had used a bullying tone towards them in emails and that their behaviour towards other Councillors and third parties negatively affected the Council.</p> <p>Given the information provided the Ombudsman considered that the following paragraphs of the Code were relevant:</p> <ul style="list-style-type: none"> <li>• 4(b) – [Members] must show respect and consideration for others.</li> <li>4(c) – [Members] must not use bullying behaviour or harass any person.</li> <li>• 6(1)(a) – [Members] must not conduct [themselves] in a manner which could reasonably be regarded as bringing [their] office or authority into disrepute.</li> </ul> <p>A number of emails were provided in evidence. Com Cllr V emails clearly related to Council business. When making such comments, Com Cllr V was entitled to some level of protection by both common law and Article 10 of the European Convention on Human Rights ("the ECHR"), incorporated into domestic law by the Human Rights Act 1998 ("the HRA").</p> <p>A Councillor's criticism of a Clerk's performance attracts a level of enhanced protection as political comment under Article 10 of the ECHR. However, the right to enhanced protection afforded to Councillors making political comment does not extend to gratuitous or offensive personal comment, nor to any discriminatory comments. The Ombudsman also takes into account the impact of caselaw on complaints of disrespectful conduct by members. The High Court case cited held that if a member is expressing political views, they are entitled to an enhanced level of protection.</p> <p>The Ombudsman was not persuaded that the content of Com Cllr V's emails could reasonably be considered as gratuitous or offensive personal comment, and there is no evidence to suggest that they used discriminatory language in their emails.</p> <p>Ms G said that Com Cllr V considers that further hours are required for them to complete their work. Ombudsman stated Com Cllr V was entitled to their view and their email in response to minutes of a particular meeting indicated that they had requested</p>	No

		<p>discussion on working hours to be included in a Council meeting agenda, which appears to be the appropriate way to raise their concerns/opinions.</p> <p>They also made their views on the Council's website/Facebook strongly, but Ombudsman did not consider that, in doing so, they had made any personal comment about/to Ms G. Again, they found they were entitled to their views and could not see that their emails in this regard were gratuitous or offensive.</p> <p>The Ombudsman was of the view that Com Cllr V was disrespectful when, in response to an email stating Ms G was taking "well deserved leave", they responded to say "Agree, except your reference to Well [sic] deserved leave". This was an unnecessary comment and the Ombudsman noted how this made Ms G feel. Whilst this may amount to a breach of paragraph 4(b) of the Code, given that it is disrespectful to Ms G, they did not consider that this comment alone was sufficiently serious to warrant investigation.</p> <p>The Ombudsman also noted concerns about Com Cllr V's reference to a recent judgment against Barnard Castle Town Council ("the judgment"), in which it was found to have unfairly dismissed its Deputy Town Clerk. The wider context of Com Cllr V's email relates to Council minutes, and they expressly agreed with the Chairperson's comments in thanking Ms G for their continued support. Com Cllr V's reference to the judgment is therefore incongruous and the Ombudsman understood Ms. G's interpretation of it.</p> <p>Taking into account the wider context of Com Cllr V's email, and as they appear to make a wider political point that the Council needs to be transparent, it was unclear why they chose that as an example. They did not consider that it could be reasonably argued, having considered the email in full, that Com Cllr V was stating that Ms. G acted in a similar way to the judgment's Deputy Town Clerk or that their comment could be considered a legitimate threat to Ms G's job. The Ombudsman was not persuaded that an investigation by his office solely to understand why Com Cllr V included reference to the judgment would be proportionate.</p> <p>However it was noted Com Cllr V should be mindful of how their comments are perceived by others. Furthermore, Com Cllr V should ensure that any concerns they had about Ms. G's performance should be raised respectfully and in accordance with the Council's protocols. Com Cllr V should also ensure that any correspondence with Ms. G was respectful in tone and language.</p> <p>Concerns were also raised about the way in which Com Cllr V communicated with, and makes comment on, County Councillor X. It was not uncommon for members to say things about political opponents which others</p>	
--	--	---	--

		<p>may consider to be rude or offensive. However, it was not the purpose of the Code to inhibit free speech and the robust expression of political differences. Furthermore, as per the case law cited previously, elected members are expected to have a “thicker skin”. Indeed, Councillor X responses to Com Cllr V demonstrated a robust exchange of views.</p> <p>Having considered the emails the Ombudsman was not persuaded that Com Cllr V used any gratuitous language and they did not consider there to be evidence that Com Cllr V has breached the Code in relation to their comments about/correspondence with Councillor X.</p> <p>In regard to Com Cllr V’s actions in contacting the County Council to discuss whether an Officer was legitimately ill after declining to attend a meeting, the Ombudsman agreed that this appeared to be inappropriate and may amount to a breach of paragraph 6(1)(a) of the Code. However as the officer was a Senior Officers of a local authority they are expected to have a thicker skin and, this being the case the Ombudsman did not consider that it would be proportionate to further consider this matter as the actions complained about are unlikely to attract a sanction from a Standards Committee or the Adjudication Panel for Wales, given the case law cited. However Com Cllr V was warned they should reflect on their actions and be mindful regarding further conduct of this nature.</p> <p>Ombudsman concluded by saying that having taken into account the HRA, ECHR, and public interest test and having had regard to the sorts of conduct which are likely to attract a sanction from a Standards Committee or the Adjudication Panel for Wales they did not consider that, on the basis of the information provided, it would be proportionate to investigate Ms. G’s complaint.</p>	
23/3/21	Ynysybwll Community Council (Community Cllr)	<p>Com Cllr Y complained Com Cllr O wrote to a local Rugby Club without the consent of the Community Council. They contended that the content of Com Cllr O’s letter brought the Council into disrepute. Given the complaint made the Ombudsman considered the following paragraph of the Code to be relevant:</p> <ul style="list-style-type: none"> <li>• 6(1)(a) – [Members] must not conduct [themselves] in a manner which could reasonably be regarded as bringing [their] office or authority into disrepute.</li> </ul> <p>It appeared to the Ombudsman that the matters which are being alleged do not in fact constitute a breach of the Code. Com Cllr O’s letter to the Rugby Club did not state that they were writing on behalf of the Council. The letter referred to the minutes of a Council meeting. Com Cllr O enclosed a “draft letter” for use by the Rugby Club “in case there is a window of opportunity” for it.</p> <p>The draft letter referred to an underspend by the</p>	No

		<p>Council and requested a meeting between the Council and the Rugby Club to work towards “a mutually beneficial situation”. Com Cllr Y did not allege or provide any evidence that the information regarding the Council’s budget was confidential and not for disclosure to members of the public. The Ombudsman considered that referring to an underspend by the Council would amount to a breach of the Code.</p> <p>It appeared to the Ombudsman that Com Cllr O was attempting to assist the Rugby Club in obtaining funds and/or working more closely with the Council. They explicitly stated that they would declare an interest in the matter at Council meetings. Whilst the Rugby Club may not have appreciated the draft letter they wrote the Ombudsman could not see that in drafting a letter for the Rugby Club’s consideration/use that Com Cllr O breached the Code.</p>	
--	--	--	--

#### **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**  
**24 SEPTEMBER 2021**  
**REPORT OF THE MONITORING OFFICER**

**Background Papers:**      Freestanding matter

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

This page is intentionally left blank