



**RHONDA CYNON TAF COUNTY BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

**23 NOVEMBER 2018**

**PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT AND LETTER 2017-2018**

**REPORT OF THE MONITORING OFFICER**

**1. PURPOSE OF THE REPORT**

To provide Members with a summary of matters pertaining to standards of conduct of County, Town and Community Councillors as set out in the Public Services Ombudsman for Wales' ('PSOW') Annual Report and Annual Letter to this Council for 2017-2018.

**2. RECOMMENDATION**

- 2.1 That the Committee notes the matters relating to Code of Conduct Complaints reported in the Public Services Ombudsman for Wales' Annual Report and Annual Letter to this Council 2017-2018.

**3. BACKGROUND**

- 3.1 The PSOW has published his Annual Report for 2017-2018 ('AR') pursuant to Paragraph 14 of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005. The AR has been combined with the annual accounts for the PSOW as it was last year. The purpose of the AR is to report on the performance of the PSOW's office over the year, provide an update on developments and to deliver any key messages arising from their work carried out during the year.

- 3.2 The AR can be accessed via the PSOW website and the following link:

<https://www.ombudsman.wales/wp-content/uploads/2018/07/PSOW-Annual-Report-and-Accounts-2017-2018.pdf>

- 3.3 The PSOW also issues an Annual Letter (AL) to each Local Authority in Wales with a summary of complaints received by his office that relate specifically to that Local Authority. At the time of publication of the Agenda for this meeting the AL had not been published on the PSOW website and is therefore attached as Appendix 1 to this report.

- 3.4 The AR sets out the workload that has been dealt with by the PSOW during 2017-2018. It breaks the workload down into the number of enquiries received

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

- 3.5 The number of CCCs has risen by 14% since 2016-17. The total number of complaints for the year 2016-17 was 236 and for 2017-18, 270. 42% of the complaints related to the promotion of equality and respect; 19% related to the failure to disclose or register interests; 16% related to integrity; 8% related to accountability and openness; and 7% related to failure to be objective or act with propriety. Of those complaints, 247 were closed (one less than last year) and 30 were investigated (down 32% on last year).
- 3.6 The 14% increase in CCCs is wholly due to an increase in complaints regarding Town and Community Councillors, which have risen 33% on last year.
- 3.7 Further statistical data is contained at pages 11 to 13 of the AR and detailed data at pages 21 to 23 of the AR. However, in general terms the nature of the complaints were weighted towards those around equality and respect, followed by failure to register or declare interests and then issues related to integrity, which mirrors the position last year.
- 3.8 The most common outcome of the complaints were that they were 'Closed after initial consideration.' Of the 247 complaints in 2017-18, the majority (213) were closed under this outcome. These include decisions where there is no 'prima facie' evidence of a breach of the Code and it is not in the public interest to investigate.
- 3.9 Fewer complaints were closed after full investigation in 2017-18 (26) than in 2016-17 (34). The AR states that this is because the PSOW continued to apply a public interest test when deciding whether to investigate CCCs and the PSOW will only investigate the more serious complaints where an investigation is required in the public interest.
- 3.10 In 2017-18 the PSOW received nine complaints which raised potential whistleblowing concerns about alleged breaches of the Code of Conduct. These complainants either did not provide 'prime facie' evidence of a breach of the code or did not warrant investigation in the public interest.
- 3.11 Of the cases the PSOW investigated and closed this year, three cases were referred to the Adjudication Panel for Wales. Two of these cases were considered by the Panel during the year and in both cases serious breaches of the Code were found on the basis of the PSOW's investigations and reports. Both cases involved Councillors making derogatory remarks and unfounded allegations against staff and engaging in bullying, harassment, intimidation and malicious behaviour. As a result, a former member of Flintshire County Council was disqualified from holding office for 14 months and a former member of Conwy County Borough Council was disqualified from holding office for 18 months. A detailed breakdown of the outcomes of CCCs is provided at Annex B to the AR.

**4. LEGAL IMPLICATIONS**

4.1 There are no legal implications arising from this report.

**5. CONSULTATION**

5.1 There are no consultation implications arising from this report.

**6. EQUALITY AND DIVERSITY IMPLICATIONS**

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

**7. FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 There are no financial implications arising from this report.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

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

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**Background Papers:** Freestanding matter

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