



RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

18 NOVEMBER 2022

**PUBLIC SERVICES OMBUDSMAN FOR WALES – SUMMARY OF COMPLAINTS
AGAINST MEMBERS – 1ST MARCH 2022 – 31ST OCTOBER 2022**

REPORT OF THE MONITORING OFFICER

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with a summary of complaints made against Members and submitted to the Public Services Ombudsman for Wales (the 'Ombudsman') for the period 1st March 2022 – 31st October 2022.

2. RECOMMENDATIONS

- 2.1 To consider the contents of the report and provide any comments/feedback on the complaints received by the Ombudsman during the period 1st March 2022 – 31st October 2022.

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, she 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 during the reporting period 1st March 2022 – 31st October 2022:

Date Complaint Received by the Ombudsman	Body & Cllr	Nature of Complaint	Ombudsman Investigation Yes/No
10/03/22	Taffs Well & Nantgarw Community Council (Community Councillor)	Mr W complained Cllr D had made a vexatious false complaint to the PSOW about Cllr L and had made disrespectful comments and breached data protection legislation. PSOW found complainant had not provided sufficient evidence to substantiate complaint and that original complaint was not vexatious in nature. Data Protection matters were an issue for the Information Commissioner to consider and investigate in the first instance and not the PSOW.	No
22/03/22	Llantwit Fardre Community Council (Community Councillor)	Cllr E complained Cllr S acted in a bullying manner and failed to show respect and consideration at a meeting where councillors were present and behaved in a bullying manner towards the Clerk. As this complaint was considered during the election period and as Cllr S was no longer a Councillor any sanction would have limited scope and it was deemed not in the public interest to continue with the complaint particularly as relationships within the Council had settled.	No
01/04/22	Pontypridd Town Council (Community Councillor)	<p>Mrs A complained Cllr N shared a Facebook post made by Cllr N which contained foul language, made xenophobic comments and negative comments directed to residents. It contained references to Nazism and anti-semitism.</p> <p>The Ombudsman reviewed the Facebook post, the comments generated in response to it and Cllr N's responses to those comments.</p> <p>Where a complaint relates to the conduct of a councillor exercising their Article 10 (Freedom of expression) rights the PSOW must carefully consider whether any investigation and any sanction which may ultimately be imposed would be a proportionate interference with those rights.</p> <p>PSOW found matters alleged did not in fact constitute a breach of the Code. The post and comments fell within the realms of freedom of expression. The comments were not so egregious or offensive as to amount to a breach of the Code. In addition they added criticism of ideas and opinion is part of the democratic debate and does not in itself amount to bullying or failing to treat people equally.</p>	No

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

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REPORT OF THE MONITORING OFFICER

Background Papers: Freestanding matter

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