

SUMMARY OF PSOW INVESTIGATION OUTCOMES CONCERNING ALLEGED MEMBERS' CODE OF CONDUCT BREACHES - 1ST NOVEMBER 2022 – 31ST MARCH 2023

Disclosure & register of interest: St Harmon Community Council

Report date - 29/11/2022

Outcome - - Referred to the Adjudication Panel for Wales

The Ombudsman's office received a complaint that a former member of St Harmon Community Council ("the Council") had breached the Code of Conduct. The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

Disclosure & register of interest: Porthcawl Town Council

Report date - 30/11/2022

Outcome - No Action Necessary

The Ombudsman received a complaint that a member ("the Member") of Porthcawl Town Council ("the Town Council") had breached the Code of Conduct for Members.

It was alleged that the Member had failed to declare a personal and prejudicial interest regarding an association with an employee ("the Employee") of a company which the Town Council had contracted for work. It was also alleged that the Member had allowed an inaccurate Internal Audit report to be published on the Town Council's website. The Ombudsman determined that investigation of the allegations concerning interests was appropriate, and the investigation considered whether the Member's conduct may have breached paragraphs 6(1)(a), 7(a), 11(1), 14(1)(a) and 14(1)(b) of the Code of Conduct.

Information was obtained from the Town Council, including relevant minutes and emails. Witnesses, including the complainant, and the Member were also interviewed.

The investigation found that the Member and Employee had had a short relationship in 2020, during which it was likely that the Member had a personal and prejudicial interest which they would have needed to declare and withdraw from relevant meetings where associated matters were discussed, or in approving invoices. The evidence obtained suggested that the Member had not approved invoices whilst the relationship was ongoing, and whilst they had attended several Town Council meetings, which included associated items, only one of these meetings fell within the period of the relationship. The Ombudsman determined that the Member may therefore have breached paragraphs 11(1), 14(1)(a) and 14(1)(b) of the Code of Conduct with regard to the meeting within the relevant period.

It was found that as the Member and Employee's association was neither close or acrimonious after the relationship ended, the interest was no longer personal and prejudicial. The Ombudsman's investigation also found there was insufficient evidence to suggest the Member had used their position improperly or brought their office as a member of the Town Council into disrepute in breach of paragraphs 6(1)(a) or 7(a) of the Code of Conduct.

The Ombudsman considered that in the light of the limited involvement in the Town Council's business during the relationship and the fact that the Member had reflected on their position and that they should have considered their obligations under the Code and sought advice, it was unlikely a sanction would be imposed and it was not in the public interest to take further action in respect of the matter. However, it was recommended that the Member should attend refresher training on the Code of Conduct in respect of the matters investigated.

The Ombudsman found that under Section 69(4)(b) of the Local Government Act 2000 no action needed to be taken in respect of the matters investigated.

Promotion of equality & respect: Radyr and Morganstown Community Council

Report date - 05/12/2022

Outcome - No Evidence of Breach

The Ombudsman received a complaint that a Member ("the Member") of Radyr and Morganstown Community Council ("the Council") had breached the Code of Conduct.

It was alleged that the Member made racist comments to another member of the Council by making a seemingly out of context and negative reference to a political and religious figure to the Complainant who was of the same religion as that figure. The Ombudsman determined that an investigation into the comments was appropriate and considered whether the Member's conduct may have breached paragraphs 4(a), 4(b), 4(c) and 6(1)(a) of the Code of Conduct.

Information was obtained from the Council, including relevant meeting minutes and emails. Witnesses, including the complainant, and the Member were also interviewed.

The investigation found that the Member's comments could reasonably be said to fall within the realms of freedom of expression. The investigation found that the Member's explanation for his comments, the fact that he had posted previously on social media about similar issues and that he said that he did not intend to be disrespectful to the Complainant and her faith suggested that he was entitled to express his views. His comments did not go beyond what was lawful comment and did not amount to gratuitous or personal comment or hate speech. The Ombudsman was not persuaded that the comments amounted to a breach of paragraph 4(a), 4(b), 4(c) or 6(1)(a) of the Code of Conduct.

The Ombudsman found that under Section 69(4)(a) there was no evidence of any failure to comply with the Code of Conduct.

Promotion of equality and respect : Haverfordwest Town Council

Report date - 20/02/2023

Outcome - Referred to Standards Committee

The Ombudsman received a complaint that a Member of Haverfordwest Town Council ("the Council") had breached the Code of Conduct for Members of the Council. The report on the investigation was referred to the Monitoring Officer of Pembrokeshire County Council for consideration by its Standards Committee.

Objectivity and propriety : Powys County Council

Report date - 22/02/2023

Outcome - Referred to Adjudication Panel for Wales

The Ombudsman's office received complaints that a Member of Powys County Council had breached the Code of Conduct. The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.