



**RHONDA CYNON TAF COUNTY BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

**5 SEPTEMBER 2023**

**PUBLIC SERVICES OMBUDSMAN FOR WALES – SUMMARY OF COMPLAINTS  
AGAINST MEMBERS – 1<sup>ST</sup> APRIL 2023 – 29<sup>TH</sup> AUGUST 2023 AND  
INVESTIGATION OUTCOMES**

**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 2023 – 29<sup>th</sup> August 2023 and the results of two investigations completed by the Ombudsman in relation to alleged breaches of the Code of Conduct.

**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 1<sup>st</sup> April 2023 – 29<sup>th</sup> August 2023; and
- 2.2 To consider the summary of two investigations completed by the Ombudsman in relation to alleged breaches of the Code of Conduct, attached at appendices 1 and 2 to 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, 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 1<sup>st</sup> April 2023 – 29<sup>th</sup> August 2023:

Date Notification Received by the Ombudsman	Body & Cllr	Nature of Complaint	Ombudsman Investigation Yes/No
04/08/23	Rhondda Cynon Taf County Borough Council (County Borough Councillor)	<p>It was alleged that the Member deliberately applied to be a local authority governor in a distant ward, standing against the complainant, so as to affect the appointment process. It was alleged the Member applied late and already had many other governor positions. It was alleged the Councillors declarations of personal interests were not accurate, had been falsely backdated and confidential information had been shared with others.</p> <p><b>PSOW Decision</b></p> <p><b>(1) Whether there is evidence to suggest that there have been breaches of the Code of Conduct.</b></p> <p>Evidence was not provided to show there had been breaches of the Code of Conduct, The PSOW will not investigate unless there is reasonably strong evidence to suggest the Member concerned had breached the Code. No evidence was provided of regulations which would stop prospective governors from applying outside of their own area. If there was the decision to appoint out of area would be a matter for the Authority and not within the control of the Member. No breach of the Code arises therefore from the Councillor allegedly having done this.</p> <p>The complainant also alleged the Councillor’s declarations of interests were inaccurate and had been backdated. In respect of the alleged inaccuracy the Ombudsman did not consider it to be of sufficient seriousness to warrant an investigation. There was no evidence to show any declaration was backdated. An allegation was made that confidential information had been shared inappropriately with the Council’s Legal Team but no evidence was provided to show that this was the case, and no evidence provided that the Councillor deleted information contrary to information laws.</p> <p><b>(2) Whether an investigation is required in the public interest</b></p> <p>The conduct complained about did not meet the first stage of the Ombudsman’s test, therefore, there was no need to consider the second stage of the test (public</p>	No

		interest).	
04/08/23	Rhondda Cynon Taf County Borough Council (County Borough Councillor)	<p>It was alleged that the Member has user their position improperly by making sure they did not have to re-apply to become a school governor. It was also alleged that the Member made an incorrect declaration of interests and falsified documentation.</p> <p><b>PSOW Decision</b></p> <p><b>(1) Whether there is evidence to suggest that there have been breaches of the Code of Conduct.</b></p> <p>The Councillor’s original term as local authority governor expired in 2024. The Councillor was appointed as a local authority governor at the same school in 2022, which would take their term to 2026. The complainant says there was no advertisement for this position in 2022 and that the Councillor abused their position to extend their original term without going through due process. The complainant sys the Councillor resigned and then re-applied. While the complainant suspected there had been an abuse of power, no evidence had been provided to show this had occurred. The relevant published minutes show the Councillor was duly appointed in 2022. The Ombudsman stated the advertising of governor positions is a matter for the LA not for individual governors. No evidence was provided the Councillor’s declaration of interests were backdated.</p> <p><b>(2) Whether an investigation is required in the public interest</b></p> <p>The conduct complained about did not meet the first stage of the Ombudsman’s test, therefore, there was no need to consider the second stage of the test (public interest).</p>	No

3.3 Attached at Appendices 1 and 2 to this report Members will find a summary of two investigations completed by the Ombudsman in relation to alleged breaches of the Code of Conduct by a member of Ynysybwl & Coed-Y-Cwm Community Council. Based on the circumstances of each complaint and PSOW findings it was determined not to be in the public interest for any further action to be taken in relation to the complaints.

#### 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**

**5 SEPTEMBER 2023**

**REPORT OF THE MONITORING OFFICER**

**Background Papers:** Freestanding matter

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