



RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

22nd APRIL 2024

**PUBLIC SERVICES OMBUDSMAN FOR WALES – SUMMARY OF COMPLAINTS
AGAINST MEMBERS – 23rd JANUARY 2024 – 31ST MARCH 2024 AND
INVESTIGATION OUTCOME**

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 23rd January 2024 – 31st March 2024 and the result of an investigation completed by the Ombudsman in relation to an alleged breach 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 23rd January 2024 – 31st March 2024; and
- 2.2 To consider the summary of an investigation completed by the Ombudsman in relation to an alleged breach of the Code of Conduct, attached at Appendix 1 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 an anonymised complaint made against a Member and reported by the Ombudsman during the period 23rd January 2024 – 31st March 2024:

Date Notification Received by the Ombudsman	Body & Cllr	Nature of Complaint	Ombudsman Investigation Yes/No
27/01/24	Rhondda Cynon Taf County Borough Council (County Borough Councillor)	<p>It was alleged by a member of the public ("the Complainant") that the Member misused their position when objecting to a planning application. The Complainant said that the Member had not spoken to the applicant or requested a site visit and that they therefore misused their position for the advantage of a resident over the applicant.</p> <p>PSOW Decision</p> <p>1) Whether there is evidence to suggest that there have been breaches of the Code</p> <p>The matters complained about are unlikely to amount to a breach of the Code. It is for individual members to determine what cause/s they wish to support. This applies to planning applications within a member's ward. The Member is entitled to form their own view as to whether to support or object to a planning application.</p> <p>The Member is not a member of the Council's Planning Committee, nor was evidence provided that they had a personal or prejudicial interest in this planning application. The decision to refuse the application was made by the Council's officers. The Member was not directly involved in the decision made.</p> <p>The Ombudsman noted the Complainant's disappointment that the Member raised concerns about the application and did not seek the applicant's views or arrange a site visit, however, this is not in itself evidence of a breach of the Code, nor is it evidence of an improper use of their position. Any dissatisfaction with the representation or lack of support the application received from the Member is a matter for the ballot box as opposed to the Code.</p> <p>2) Whether an investigation is required in the public interest</p> <p>The conduct complained about did not meet the first stage of the test, therefore, there is no need to consider the second stage of the test.</p> <p>Outcome</p> <p>The complaint should not be investigated.</p>	No

3.3 Attached at Appendix 1 to this report Members will find a summary of an investigation completed by the Ombudsman in relation to an alleged breach of the Code of Conduct by a member of Rhondda Cynon Taf CBC. This complaint related to an alleged failure to disclose relevant interests. Based on the circumstances of the 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 complaint. The Ombudsman did however remind the Member of the need to carefully consider their interests in future, and whether they needed to be declared because a failure to declare prejudicial interests appropriately can undermine the public's confidence in elected officials and their authorities.

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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22 APRIL 2024

REPORT OF THE MONITORING OFFICER

Background Papers: Freestanding matter

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