

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2015/2016**

**STANDARDS COMMITTEE  
10JULY 2015**

**REPORT OF THE MONITORING  
OFFICER**

<b>AGENDA ITEM NO.6</b>	
<b>ANNUAL REPORT OF THE PUBLIC SERVICES OMBUDSMAN FOR WALES 2014/15 – CODE OF CONDUCT COMPLAINTS</b>	

**1. Purpose of Report**

The purpose of the report is to highlight figures relating to Code of Conduct Complaints to the Public Services Ombudsman for Wales during 2014/15 as reported in his Annual Report for the year.

**2. Recommendation**

To note the information contained in the report.

**3. Background**

3.1 The Public Services Ombudsman investigates complaints that allege that members of local authorities have broken the Code of Conduct under the provisions of Part III of the Local Government Act 2000 and also relevant orders made by the National Assembly for Wales under that Act.

3.2 In circumstances where the Ombudsman decides that a complaint should be investigated, under legislation there are four findings that he can arrive at:

- (a) that there is no evidence that there has been a breach of the Authority's Code of Conduct
- (b) that no action needs to be taken in respect of the matters that were subject to investigation
- (c) that the matter be referred to the Authority's Monitoring Officer for consideration by the Standards Committee
- (d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases)

- 3.3 In the circumstances of (c) and (d) above, the Ombudsman is required to submit his investigation report to the Standards Committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found together with any defence put forward by the Member concerned. Further, it is for them to determine whether a breach has occurred and if so what penalty, if any, should be imposed.
- 3.4 In 2014/15, 231 Code of Conduct complaint cases were received by the Ombudsman's Office in 2014/15 compared to 228 in 2013/14. 125 complaints were made against County Councillors (13% increase) and 106 complaints were against Community Councillors (8% increase). 34 cases were taken to investigation with the following outcomes:
- 17 - No evidence of a breach of the Code of Conduct
  - 8 - No action needed
  - 8 – Referred to a Standards Committee
  - 1 – Referred to the Adjudication Panel
- 3.5 As regards the nature of Code of Conduct complaints, the following table shows the areas of the Code that Members were alleged to have breached:

<b>Nature of Complaint</b>	<b>%</b>
Promotion of equality and respect	35%
Selflessness and stewardship	0%
Disclosure and registration of interests	22%
Accountability and openness	10%
Integrity	16%
Duty to uphold the law	9%
Objectivity and propriety	8%

- 3.6 Of the 239 Code of Conduct cases closed by the Ombudsman in 2014/15, the majority (178) were closed under the category shown below as "Closed after initial consideration". This includes decisions such as:
- there was no 'prima facie' evidence of a breach of the Code
  - the alleged breach was insufficiently serious to warrant an investigation (and unlikely to attract a sanction)
  - the incident complained about happened before the Member was elected (before they were found by the Code)

	<b>2014/15</b>	<b>2013/14</b>
Closed after initial consideration	178	176
Complaint withdrawn	7	12
Investigation discontinued	20	8
Investigation completed: No evidence of breach	17	10
Investigation completed: No action necessary	8	17
Investigation completed: Refer to Standards Committee	8	5
Investigation completed: Refer to Adjudication Panel	1	1
<b>Total Outcomes – Code of Conduct complaints</b>	<b>239</b>	<b>229</b>

**(Note:** 10 complaints were submitted to the Ombudsman’s Office during 2014/15 alleging breaches of the Code by Members of Rhondda Cynon Taf County Borough – 7 were closed after initial consideration, 1 no evidence of breach and 2 were referred to the Standards Committee.

1 complaint was submitted regarding a Llanharan Community Councillor and this was closed after initial consideration).

- 3.7 If a County Borough Councillor wishes to make a complaint about another County Borough Councillor within their own authority then the Ombudsman expects them to first of all make their complaint to that Authority’s Monitoring Officer as it may be possible to resolve the matter locally without his involvement. However, the Ombudsman continues to receive ‘low level’ complaints of this type, e.g. could be allegations of failures to show respect and consideration of others under paragraph 4(b) of the Code. The Ombudsman has reviewed his practice in dealing with the complaints of this type and will be taking a firmer position in the future in referring these ‘low level’ complaints back to Monitoring Officers to be dealt with locally.
- 3.8 The time targets set by the Ombudsman for Code of Conduct complaints are:
- At least 90% of all complainants to be informed within 4 weeks whether the Ombudsman will take up their complaint (from the date that sufficient information is received)
  - To conclude all cases within 12 months from the point that a decision is made to take up a complaint (i.e. to commence investigation of a complaint)
- 3.9 During 2014/15, 79% of all complainants were informed within 4 weeks of whether the Ombudsman would take up their complaint which is lower than the target set of 90%. The Ombudsman points out that Members may (and often do) comment on the complaint against them when they have been informed of the complaint. Whilst it can take longer to decide whether to commence an investigation, the Ombudsman considers it is fairer for him to take into consideration what a Member has to say before taking a decision. This is because the commencement of a formal investigation against a Member is a stressful and a serious matter for the

Member being complained about. Nevertheless, the Ombudsman will work during the year to ensure that both the complainant and the accused Member are advised promptly as to whether he will take the matter to investigation or not.

- 3.10 With regard to the second target, the Ombudsman is pleased to achieve a 100% success rate for completion of Code of Conduct investigations within 12 months.

**Local Government Act 1972**

**As Amended by**

**The Local Government (Access to Information) Act 1985**

**Standards Committee**

**10 July 2015**

**Report of Monitoring Officer**

**BACKGROUND PAPERS**

<p><b>ANNUAL REPORT OF THE PUBLIC SERVICES OMBUDSMAN FOR WALES 2014/15 – CODE OF CONDUCT COMPLAINTS</b></p>	<p>Mr.P.Lucas Monitoring Officer  Te: 01443 424105</p>
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**Freestanding Matter**

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