

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

**Minutes** of the special meeting of the Standards Committee held at The Pavilions, Cambrian Park, Clydach Vale on Tuesday, 20 January 2015 at 10 a.m.

**PRESENT**

**Independent Members**

Mr.G.Smith (Chair)  
Mrs.A.Jones  
Mr.M.Jehu

**County Borough Councillors**

C.Davies  
G.Stacey

**Community Councillor**

R.Butler

**Officers in Attendance**

Mr.C.B.Jones – Deputy Monitoring Officer  
Mr.A.Wilkins – Head of Legal - Democratic and Corporate

**Ombudsman's Representative**

Mr.E.Pritchard

**Other County Borough Councillors in Attendance**

M.J.Powell  
P.Wasley

**17 DECLARATIONS OF INTEREST**

In accordance with the Code of Conduct, the following declarations of personal interests were received from:

- (1) County Borough Councillor G.Stacey in respect of Agenda Item No.3 – Initial Determination of a Report referred to the Council's Monitoring Officer by the Public Service Ombudsman for Wales under Section 71(2)(c) of the Local Government Act 2000 (Ref: 201304901) – "I am a member of the Development Control Committee".

- (2) County Borough Councillor C.Davies in respect of Agenda Item No.3 – Initial Determination of a Report referred to the Council’s Monitoring Officer by the Public Service Ombudsman for Wales under Section 71(2)(c) of the Local Government Act 2000 (Ref: 201304901) – “I have known Councillor McDonald for a number of years and was present at each of the meetings referred to”.
- (3) Community Councillor R.Butler in respect of Agenda Item No.3 – Initial Determination of a Report referred to the Council’s Monitoring Officer by the Public Service Ombudsman for Wales under Section 71(2)(c) of the Local Government Act 2000 (Ref: 201304901) – “Councillor McDonald has been known to me for many years and I served as a Rhondda Cynon Taf Councillor alongside him for four years”.

**18 EXCLUSION OF THE PRESS AND PUBLIC**

The Committee was asked to consider passing the recommended resolution to exclude the press and public from the meeting.

Following a discussion, it was **RESOLVED** not to exclude the press and public from the meeting so that they could observe the proceedings but that the report of the Monitoring Officer remains exempt from publication.

At this point in the proceedings, the Committee was made aware that there were members of the public who wished to observe the proceedings and they were invited into the meeting.

**REPORT OF THE MONITORING OFFICER CONTAINING EXEMPT INFORMATION**

**19 CONSIDERATION OF REPRESENTATIONS AND FINAL DETERMINATION OF A REPORT PREPARED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES UNDER SECTION 71(2)(C) OF THE LOCAL GOVERNMENT ACT 2000 (REF 201304901)**

Pursuant to Minute No.16 (Standards Committee, 27 November 2014) the Standards Committee met to consider the written representations of County Borough Councillor R.B.McDonald in respect of the findings of the investigation and any allegation that he had failed or may have failed to comply with the Code of Conduct as contained in the report of the Public Services Ombudsman for Wales undertaken under Section 69 of the Local Government Act 2000 and to make a final determination in relation to the matter.

The Deputy Monitoring Officer firstly, outlined the background to the matter and the procedures to be followed at the meeting.

The Deputy Monitoring Officer then stated that the Standards Committee had to decide whether or not County Borough Councillor McDonald, who did not wish to be present or represented at today's meeting and had submitted his written representations in response to the Ombudsman's findings, had failed to comply with the Council's Code of Conduct. If the Committee decided that there was evidence of failure to comply, the sanctions that could be considered were listed in the report of the Monitoring Officer.

The Committee Members were informed that arising from his investigation the Ombudsman had found that breaches may have occurred under paragraphs 6(1)(a), 8(a), 11(a), 14(1)(a), 14(1)(c) and 14(1)(e) of the Members' Code of Conduct and the Ombudsman's representative was present at the meeting to respond to any questions put to him regarding the investigation undertaken.

The Committee Members noted that in his written representations dated 1<sup>st</sup> December 2014, County Borough Councillor McDonald had indicated he deeply regretted his inconsistent declarations of interests in respect of the planning applications in question and had offered his sincere apologies for his breaches of the Code of Conduct.

The Ombudsman's representative was asked why this particular case had been referred to the Council's Monitoring Officer and not been referred to the Adjudication Panel for Wales for determination. In response, the Standards Committee was informed that in October 2014, the Ombudsman had provided Councillor McDonald with a draft report in respect of his investigation. At that time, Councillor McDonald informed the Ombudsman of his intention, for personal reasons, to stand down as Chair of the Development Control Committee and also, not to stand for re-election in the 2017 Local Government Elections. In the circumstances, the Ombudsman took the view that the matters which were the subject of the investigation should be referred to the Monitoring Officer for determination and not the Adjudication Panel for Wales.

The Ombudsman's representative was asked how Councillor McDonald had conducted himself throughout the investigation process and he informed the Standards Committee that Councillor McDonald had been both polite and helpful but had not accepted that there were any problems concerning his declarations of interests in respect of the planning applications in question.

The Monitoring Officer had, in his report, provided the Standards Committee Members with the Adjudication Panel for Wales' Sanction Guidelines that could be used as a reference if they decided that Councillor McDonald had breached the Code of Conduct. The Committee also asked the Ombudsman's representative for guidance and in response, he circulated a couple of examples of recent sanctions issued by other local authorities' Standards Committees in circumstances where breaches of the Code had occurred.

At this point in the proceedings, the Chairman enquired whether any Committee Member wished to ask questions of the complainant, County Borough Councillor Paul Wasley, who was present at the meeting.

A Standards Committee Member then asked County Borough Councillor Wasley if he was content with the investigative process to date. In response, County Borough Councillor Wasley stated he was 100% content with the way in which the Ombudsman had dealt with his complaint.

At this point in the proceedings (10.30 a.m.), the Standards Committee Members agreed that they had sufficient evidence to come to a conclusion in this matter.

In accordance with adopted procedures, the Standards Committee Members then retired into private session to deliberate and come to a conclusion on whether County Borough Councillor McDonald had failed to comply with the Code of Conduct.

At 10.55 a.m. the meeting reconvened and the Chairman announced:

“That having carefully considered the report and guidance of the Investigating Officer and the letter issued by Councillor McDonald on 1<sup>st</sup> December 2014, the Committee re-affirms the conclusions set out in paragraph 43 of the Ombudsman's Report that Councillor McDonald has breached the Code of Conduct as follows:-

- 6(1)(a) – By bringing his office into disrepute through his actions;
- 7(a) – By contributing to discussions at the meeting on 21<sup>st</sup> March 2013 despite his personal interest;
- 11(a) – By failing to declare a personal interest at the meetings on 12<sup>th</sup> May 2011, 18<sup>th</sup> October 2012 and 21<sup>st</sup> March 2013;

- 14(1)(a) – By failing to withdraw from meetings when having a prejudicial interest on 25<sup>th</sup> November 2010, 14<sup>th</sup> April 2011, 12<sup>th</sup> May 2011, 18<sup>th</sup> October 2012 and 21<sup>st</sup> March 2013;
- 14(1)(c) – By seeking to influence decisions when having a prejudicial interest on 21<sup>st</sup> March 2013;
- 14(1)(e) – By making oral representations when having a prejudicial interest on 21<sup>st</sup> March 2013.

When considering sanction, the Committee has been mindful of the guidance provided by the Investigating Officer, Mr.Pritchard and the apology made by Councillor McDonald in his letter dated 1<sup>st</sup> December 2014. The Committee also notes Councillor McDonald's dedicated service as a Councillor and Chairman of the Planning Committee over many years.

However, the Standards Committee of Rhondda Cynon Taf County Borough Council has **resolved** that due to the seriousness of the breach of the Members' Code of Conduct that Councillor McDonald be suspended for a period of six months."

The Chairman then thanked everyone for their attendance and closed the meeting.

**G.SMITH  
CHAIRMAN**

The meeting terminated at 11 a.m.