





Our ref: 202204885

Ask for: Annie Ginwalla

Your ref:

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Date: 30 April 2024

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Ms Laura Griffiths
Group Manager
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Dear Ms Griffiths

Code of Conduct complaint made against Councillor Steven Bletsoe of Bridgend Town Council by Mrs Leanne Edwards

Thank you for passing on Councillor Bletsoe's submissions to us on 26 April 2024, we are grateful to the Committee for providing an opportunity to respond.

We note that Councillor Bletsoe would like to call Councillor Ian Spiller as a witness, and that he also considers it appropriate for the Standards Committee to postpone its scheduled hearing of the matter next week. While this is a decision for the Standards Committee, we have no objections to either proposal if given that the hearing is scheduled next week Councillor Bletsoe may require more time to prepare.

I hope it helps to explain that our Information Governance Team has now responded to Councillor Bletsoe's requests for information including the recent review. While we have provided the information we are able to share with him, we have also sought to explain in recent correspondence our position and we have responded in line with our relevant legislation. We would be happy to share copies of our replies with the Committee if that would be helpful.

We acknowledge that Councillor Bletsoe has indicated his intention to seek a review from the ICO so he can be assured about the information which we have disclosed/been unable to disclose to him. This is of course an option that is open to him.

We know Councillor Bletsoe remains concerned about a former employee's comments on social media. The Ombudsman has, of course, set out to both you and Councillor Bletsoe information in recent correspondence about the staff members who were involved in substantive decision making in regard to the draft and final reports on the matter. In addition, and importantly, the evidential basis upon which the Ombudsman reached her conclusions (that breaches of the Code of Conduct may have occurred), and decision to refer the matter to you, have been fully set out in the report and appendices which have been shared with you and Councillor Bletsoe previously.

The Ombudsman recently explained, among other things, that Ms Cook moved teams as a result of operational needs which were necessitated as a result of the retirement of a team leader from one of our Public Service Complaints Investigation teams. We therefore consider that we have provided a direct answer to Councillor Bletsoe's question about this.

Councillor Bletsoe considers that the guidance and case law referred to at page 6 of the Ombudsman's report was referred to as the "justification" for the investigation, and that the guidance is not relevant to his circumstances. To clarify, this was referenced to provide examples of what the Ombudsman's guidance and case law states in regard to personal and prejudicial interests. It is relevant, among other things, because it sets out when interests may be considered personal, and that a close personal interest includes marriage.

Councillor Bletsoe has mentioned case reference number 202301955. In that case, Sinead Cook made a decision on the Ombudsman's behalf not to investigate because, based on the information the complainant provided, the interest in question did not appear to be prejudicial. The Member was, however, reminded about his obligations in regard to personal interests, and the need to declare these in meetings because it appeared he had failed to do so on this occasion. The member was reminded of the need to ensure that he sought advice from Bridgend County Borough Council's Monitoring Officer should he be unsure about his position in the future. Overall, however, it was not considered that the failure to declare a personal interest on this occasion proportionate or in the public interest to investigate given the particular circumstances of the case. We would be happy to provide more details about this individual case, and why it was considered no prejudicial interests arose, if the Standards Committee would find this helpful.

Councillor Bletsoe considers we have failed to investigate thoroughly. For example, he states that although the Ombudsman concluded there was no evidence that he colluded with Councillor Ian Spiller, she concluded the evidence suggested he sought to influence a decision. He is concerned however that we

did not interview Councillor Spiller to understand if he was influenced by Councillor Bletsoe's comments. As is set out at paragraph 60 of the Ombudsman's report, the issue was not about whether it could be said that Councillor Spiller, or any member, was in fact influenced. For that reason, we did not consider it necessary or proportionate to interview other members. Paragraph 14(1)(c) of the Code is clear that members who have a prejudicial interest must "not seek to influence a decision about that business" and must not make any oral representations (Paragraph 14(1)(e)). For the reasons set out in the Ombudsman's report, the view was that the evidence suggested Councillor Bletsoe had not adhered to these provisions, among others. The Ombudsman did not conclude, as it was not relevant to the provisions of the code, that any member was influenced by the representations he made.

Councillor Bletsoe is concerned we did not ask at interview why he did not seek advice from the Monitoring Officer. In interview (Appendix 12) we asked him whether he sought any advice about declaring an interest. Councillor Bletsoe explained why he felt unable to seek advice from the Clerk, Deputy Clerk and One Voice Wales. He did not mention why he may not have sought advice from the Monitoring Officer. In his representations on the Ombudsman's draft report (Appendix 14) he explained the reason he did not approach the Monitoring Officer was because he had sought advice from the Monitoring Officer on numerous occasions previously and the Monitoring Officer had advised that she was not able to provide advice on Town and Community Council matters.

Councillor Bletsoe suggests the evidence he provided, in the form of WhatsApp messages, confirm that the draft proposed minutes were wrong and that his statement that the minutes were wrong "has proven to be correct" and "that fact has been totally ignored by the PSOW". The report is clear that the Ombudsman did not consider the WhatsApp messages, appended to the report, evidenced what Councillor Bletsoe suggested. Councillor Bletsoe, as we understand, felt a WhatsApp message sent from a member who was present at the meeting was important because this confirmed the member present did not think there was any shouting at the meeting. Councillor Bletsoe felt this message (that there was no shouting) showed that the draft minutes of the meeting, which referenced Councillor Bletsoe's wife's behaviour, were inaccurate. However, the draft minutes, while referring to his wife as being 'irate' for example, did not refer to there being any shouting. The Ombudsman does not agree that Councillor Bletsoe is correct to state that his statement that the minutes were wrong has "proven to be correct" by the WhatsApp message he provided. More importantly however, the Ombudsman did not investigate, and therefore come to any conclusions about, whether Councillor Bletsoe's representations in the meetings, nor whether the draft minutes in question, were in fact accurate. The Ombudsman did not consider this relevant to the issues she was considering in the matter which were whether a) Councillor Bletsoe had a personal and prejudicial interest in the matter and b) whether he was therefore permitted to make any representations/take part in discussions about the matter.

In regard to Councillor Bletsoe's concerns that a dangerous precedent may be created that members cannot challenge matters which they know to be inaccurate, firstly, as stated, whether representations were accurate or not have not been tested in this case and no conclusions have been drawn on this point, so no such precedent can follow. The report seeks to acknowledge that he felt he was in a difficult position, for the reasons referred to in the report, however, the Ombudsman's view, overall, was that he was not able to make representations/take part in discussions as he did.

Finally, should the Committee decide not to postpone its hearing on the matter next week, Katrin Shaw our Director of Investigations, is no longer able to attend the hearing due to another unavoidable commitment. We will of course make sure other staff are made available, and we will inform you which staff members will attend.

Yours sincerely

Annie Ginwalla

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Rheolwr Tîm Cod a Dirprwy Gyngorwr Cyfreithiol/ Code Team Manager & Deputy Legal Adviser