# Public Document Pack Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

Rydym yn croesawu gohebiaeth yn Gymraeg. Rhowch wybod i ni os mai Cymraeg yw eich dewis iaith.

We welcome correspondence in Welsh. Please let us know if your language choice is Welsh.



Annwyl Cynghorydd,

# Gwasanaethau Gweithredol a Phartneriaethol / Operational and Partnership Services

Deialu uniongyrchol / Direct line /: 01656 643148 /

Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref: Eich cyf / Your ref:

Dyddiad/Date: Dydd Iau, 7 Mehefin 2018

#### **PWYLLGOR SAFONNAU**

Cynhelir Cyfarfod Pwyllgor Safonnau yn Ystafelloedd Pwyllgor 2/3 - Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont ar Ogwr CF31 4WB ar **Dydd Iau, 14 Mehefin 2018** am **10:00**.

#### **AGENDA**

Ymddiheuriadau am absenoldeb
 Derbyn ymddiheuriadau am absenoldeb gan Aelodau.

#### 2. Datganiadau o fuddiant

Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008.

3.	Cymeradwyaeth Cofnodion I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 08/03/18	3 - 6
4.	Penodiad i Bwyllgor Safonnau	7 - 8
5.	Cynhadledd Safonnau Cymru 2018	9 - 10
6.	Llyfr Achos Yr Ombwdsmon	11 - 20

#### 7. <u>Materion Brys</u>

I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.

Yn ddiffuant

P A Jolley

Cyfarwyddwr Gwasanaethau Gweithredol a Phartneriaethol

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Cyfnewid testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

#### Dosbarthiad:

Mr P Clarke Cynghorydd MC Clarke Mrs J Kiely Mr C Jones OBE Cynghorydd DRW Lewis Mr J Baker Mr G Walter

# Agenda Item 3

#### **PWYLLGOR SAFONNAU - DYDD IAU, 8 MAWRTH 2018**

COFNODION CYFARFOD Y PWYLLGOR SAFONNAU A GYNHALIWYD YN YSTAFELLOEDD PWYLLGOR 2/3 - SWYDDFEYDD DINESIG, STRYD YR ANGEL, PEN-Y-BONT AR OGWR CF31 4WB DYDD IAU, 8 MAWRTH 2018, AM 10:00

#### Presennol

Mr C Jones OBE - Cadeirydd

Mr P Clarke DRW Lewis Mr J Baker Mr G Walter

Ymddiheuriadau am Absenoldeb

MC Clarke

Swyddogion:

Mark Galvin Uwch Swyddog Gwasanaethau Democrataidd - Pwyllgorau

Laura Griffiths Prif Cyfreithiwr

Andrew Jolley Cyfarwyddwr Corfforaethol Gwasanaethau Gweithredol a

Phartneriaethiol

20. DATGAN BUDDIANNAU

Dim.

21. CYMERADWYO COFNODION

<u>PENDERFYNWYD:</u> Bod cofnodion cyfarfod y Pwyllgor Safonau ar 30 Tachwedd

2017, i'w cymeradwyo fel rhai gwir a chywir, yn amodol ar ddileu'r gair 'Cynghorydd' o deitl y Cadeirydd yn y rhan hwnnw

o'r Cofnodion yn ymwneud â mynychwyr y cyfarfod.

22. POLISI CHWYTHU'R CHWIBAN

Cyflwynodd y Swyddog Monitro adroddiad, a roedd y diweddaraf i Aelodau ar weithredu'r Polisi Chwythu'r Chwiban ar draws yr Awdurdod.

Rhoes yr adroddiad rywfaint o wybodaeth gefndir oedd yn atgoffa Aelodau mai diben y Polisi Chwythu'r Chwiban, oedd annog a sicrhau cyflogeion sydd yn gwirioneddol ac yn rhesymol gredu bod yna bryderon y dylid eu datgelu ganddynt drwy eu galluogi i wneud hynny o fewn fframwaith sy'n sicrhau eu bod wedi eu diogelu rhag dialedd neu erledigaeth.

Cadarnhaodd y Swyddog Monitro bod y Polisi Chwythu'r Chwiban bellach wedi ei adolygu, a bod copi o'r polisi diwygiedig wedi ei atodi fel Atodiad 1. Ychwanegodd fod monitro a gweithrediad y Polisi Chwythu'r Chwiban yn un o'r swyddogaethau oedd wedi eu dirprwyo i'r Pwyllgor.

Amserlenwyd y polisi i'w gyflwyno i'r Cabinet i'w gymeradwyo, wedi hynny byddai'n cael ei gyhoeddi ar wefan y Cyngor.

Cynghorodd y Swyddog Monitro nad oedd unrhyw gwynion chwythu'r chwiban yn bod ar hyn o bryd, ac eithrio un a oedd dan ymchwiliad, a oedd yn profi i raddau helaeth , fod y Polisi yn gweithio'n effeithiol.

#### **PWYLLGOR SAFONNAU - DYDD IAU, 8 MAWRTH 2018**

Holodd Aelod pa ddiwygiad(au) a wnaed i'r Polisi Chwythu'r Chwiban fel rhan o'i adolygiad.

Dywedodd y Swyddog Monitro mai yn bennaf, y dylai unrhyw bryder chwythu'r chwiban gael ei adrodd iddo ef yn rhinwedd ei swydd fel Swyddog Monitro, a'i fod yntau yn rhannu hyn gydag aelodau eraill y Bwrdd Rheoli Corfforaethol (BRhC), cyn penderfynu pa gamau (os o gwbl) i'w cymryd parthed y mater a godwyd.

<u>PENDERFYNWYD:</u> Nododd yr Aelod yr adroddiad.

#### 23. ADRODDIAD MONITRO – CWYNION, RHYDDID GWYBODAETH A DIOGELU DATA

Cyflwynodd y Swyddog Monitro adroddiad, a amlinellai berfformiad yr Awdurdod yn prosesu Cwynion Corfforaethol, ceisiadau Rhyddid Gwybodaeth, a cheisiadau gwybodaeth cysylltiedig o'r math.

Cadarnhaodd yr adroddiad bod gofyniad deddfwriaethol er mwyn ymateb i geisiadau rhyddid gwybodaeth o fewn cyfnod o 20 diwrnod gwaith, ac ymateb i geisiadau gwrthrych am wybodaeth a wnaed dan y Ddeddf Diogelu Data 1998 mewn 40 diwrnod calendr.

Dywedodd hefyd nad oes dyddiad cau statudol i ymateb i geisiadau gan gyrff cyhoeddus, fodd bynnag, byddai'r tîm yn ymdrechu i ymateb i'r ceisiadau hyn cyn gynted ag y bo'n rhesymol ymarferol. Ychwanegodd yn unol â'r Polisi Cwynion Corfforaethol, dylai'r Awdurdod ymateb i gŵyn ffurfiol o fewn 20 diwrnod gwaith.

Wedi ei atodi i'r adroddiad yn Atodiad A roedd Adroddiad Monitro ar gyfer y cyfnod 1 Ionawr – 31 Rhagfyr 2017.

Er budd Aelodau, rhoes y Swyddog Monitro grynodeb o'r elfennau allweddol a oedd wedi eu cynnwys yn yr Atodiad A atodedig, yn enwedig parthed:-

- Y gwahaniaeth rhwng camau Cwynion ffurfiol ac Anffurfiol;
- Roedd nifer y cwynion a dderbyniwyd yn y flwyddyn galendr 2017, gan gynnwys rhannu'r rhain fesul Cyfarwyddiaeth a faint oedd wedi eu halinio i bob gwasanaeth yn yr Awdurdod a phob Ward Cyngor Bwrdeistref Sirol.
- Cwynion a wnaed i Ombwdsmon Gwasanaethau Cyhoeddus Cymru;
- Cwynion Cod Ymddygiad;
- Ceisiadau Rhyddid Gwybodaeth;
- Ceisiadau Gwrthrych am Wybodaeth
- Ceisiadau Gwybodaeth gan Gyrff Cyhoeddus

Roedd Aelodau o'r farn bod adroddiadau'r dyfodol i'r Pwyllgor Safonau ar y pwnc yma yn cynnwys dadansoddiad pellach ar wybodaeth, er enghraifft, o le roedd y cwynion yn deillio, natur y rhain, y nifer a wnaed gan Gynghorau Tref/Cymuned, ac os oedd unrhyw rai gan Gynghorydd yn erbyn cyd Gynghorydd, ayb. Roedd yr aelodau hefyd yn teimlo y dylid cymharu'r wybodaeth â'r flwyddyn flaenorol er mwyn gweld a oedd cwynion ac unrhyw geisiadau eraill yn dilyn unrhyw fath o batrwm, yn enwedig parthed nifer y cwynion a gaiff eu derbyn o flwyddyn i flwyddyn.

Cytunodd y Swyddog Monitro â'r cais, gan ychwanegu yn ddibynnol ar hyd a lled y wybodaeth ehangach yma, efallai y byddai'n angenrheidiol i'r Pwyllgor ystyried adroddiadau o'r fath yn y dyfodol mewn sesiwn gaeedig, os oeddent yn cynnwys gwybodaeth o natur y dylid ei eithrio.

#### **PWYLLGOR SAFONNAU - DYDD IAU, 8 MAWRTH 2018**

PENDERFYNWYD: Nododd yr Aelod yr adroddiad.

#### 24. ACHOSION YR OMBWSMON

Adroddodd y Swyddog Monitro i'r Pwyllgor er mwyn rhoi crynodeb i Aelodau o achosion y mae Swyddfa'r Ombwdsmon wedi mynd i'r afael â nhw.

Fel gwybodaeth gefndir, cadarnhaodd bod Achosion yr Ombwdsmon i'w cyhoeddi'n chwarterol ac yn cynnwys crynodebau o'r holl adroddiadau a gyhoeddwyd yn y chwarter, yn ogystal â detholiad o grynodebau yn ymwneud ag 'atebion sydyn' a setliadau gwirfoddol.

Roedd rhestr achosion Ionawr 2018 wedi ei atodi ar Atodiad 1 yr adroddiad, gan ddangos yr achosion a gaewyd rhwng Hydref a Rhagfyr 2017.

Nododd y Cadeirydd o'r Rhestr Achosion na dderbyniwyd nifer sylweddol o'r cwynion a oedd wedi eu cynnwys, a bod cyfran go lew o'r rhain wedi eu gwneud yn erbyn amrywiol Fyrddau lechyd.

Roedd yn bleser gan Aelodau nodi hefyd nad oedd unrhyw gwynion wedi eu gwneud yn erbyn Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr.

<u>PENDERFYNWYD:</u> Nododd yr Aelod yr adroddiad.

#### 25. EITEMAU BRYS

Dim.

Daeth y cyfarfod i ben am 10:45



#### **BRIDGEND COUNTY BOROUGH COUNCIL**

#### REPORT TO STANDARDS COMMITTEE

#### 14 JUNE 2018

#### REPORT OF THE MONITORING OFFICER

#### APPOINTMENT TO THE STANDARDS COMMITTEE

#### 1. Purpose of Report

- 1.1 Members will be aware that there is a vacancy for a Town and Community Councillor on the Standards Committee. It is therefore necessary for an appointment to be made to fill this vacancy.
- 2. Connection to Corporate Improvement Objectives/Other Corporate Priorities
- 2.1 The Standards Committee functions directly support the Corporate Priorities.

#### 3. Background

- 3.1 The Standards Committees (Wales) Regulations 2001 provide for the membership of Standards Committees. The Standards Committee of this Council has a current membership of seven members comprised as follows:
  - Cllr M Clarke (County Borough Councillor)
  - Cllr D Lewis (County Borough Councillor)
  - Mr J Baker (Independent Member)
  - Mrs J Keily (Independent Member)
  - Mr C Jones (Chair, Independent Member)
  - Mr P Clarke (Independent Member)
  - Cllr G Walters (Town/Community Councillor)

#### 4. Current situation / Proposal

- 4.1 At the Annual Meeting of Council on 16<sup>th</sup> May 2018, Council delegated authority to the Monitoring Officer to oversee a recruitment process and appointment and to report to Council any successful appointment.
- 4.2 For the vacancy of Town and Community Councillor, the Monitoring Officer will contact all Town & Community Councils within the administrative area of the County Borough and seek expressions of interest.
- 4.3 The following criteria will be adopted for the appointment:
  - Understanding of the Model Code of Conduct.
  - Understanding / experience of undertaking investigative hearings.
  - Understanding of Local Government and the role of Members.
  - Acceptance of the values required within public office.
- 4.4 The expressions of interest received will then be reported back to the Committee for

shortlisting.

#### 5. Effect upon Policy Framework & Procedure Rules

- 5.1 There is no effect upon the Policy Framework and Procedure Rules; however the Standards Committee contributes to the maintenance of probity in the Authority.
- 6. Equality Impact Assessment
- 6.1 None.
- 7. Financial Implications
- 7.1 None.
- 8. Wellbeing of Future Generations (Wales) Act 2015
- 8.1 The well-being goals identified in the Act were considered in the preparation of this report. As the report is for noting only it is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.
- 9. Recommendation
- 9.1 It is recommended that the Committee note the report.

Contact Officer: P.A.Jolley, Corporate Director Occupational and Partnership Services

and Monitoring Officer.

**Telephone:** 01656 643106

**E-mail:** andrew.jolley@bridgend.gov.uk

Postal Address Civic Centre Angel Street, Bridgend, CF31 4WB

Background documents: None

#### **BRIDGEND COUNTY BOROUGH COUNCIL**

#### REPORT TO STANDARDS COMMITTEE

#### 14 JUNE 2018

#### REPORT OF THE MONITORING OFFICER

#### **STANDARDS CONFERENCE WALES 2018**

#### 1. Purpose of Report

1.1 The purpose of this report is to inform Members of the forthcoming Standards Conference in September 2018.

#### 2. Connection to Corporate Improvement Plan / Other Corporate Priority

2.1 Standards are an implicit requirement in the successful implementation of the Corporate Themes.

#### 3. Background

3.1 The Monitoring Officer has been advised that the 2018 Standards Conference Wales will be held on Friday 14<sup>th</sup> September 2018 at Aberystwyth University.

#### 4. Current Situation / Proposal

- 4.1 Full details of the conference have not yet been received, but the Monitoring Officer is aware that the key speaker is to be Mr N Bennett, the Public Services Ombudsman for Wales.
- 4.2 The conference is an opportunity for all those in promoting high standards of conduct in welsh authorities to come together and discuss current issues and share best practices. The conference will also provide an opportunity to hear directly from senior officials involved in the adjudication of the Code of Conduct, to question them on matters of concern and to enable delegates to debate current issues on the Code of Conduct.
- 4.3 It is anticipated that up to three places will be offered to each Local Authority within Wales however, further details in regard to this will be provided when known. It is recommended that the Chair of the Committee and one County Borough Councillor Member attend the Conference with the Monitoring Officer.

#### 5. Effect upon Policy Framework& Procedure Rules

5.1 There is no effect upon the Policy Framework and Procedure Rules.

#### 6. Equality Impact Assessment

6.1 None.

#### 7. Financial Implications

- 7.1 The cost of the event is yet to be confirmed but will be met from existing budgets.
- 8 Wellbeing of Future Generations (Wales) Act 2015 Implications
- 8.1 The well-being goals identified in the Act were considered in the preparation of this report. As the report is for noting only it is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

#### 9. Recommendation

9.1 It is recommended that the Committee note the report.

**Contact Officer:** P A Jolley

**Corporate Director – Operational and Partnership Services** 

**Telephone:** (01656) 643136

**E-mail:** andrew.jolley@bridgend.gov.uk

Postal Address Level 2 Civic Offices

Angel Street Bridgend CF31 4WB

#### **Background documents**

None

#### **BRIDGEND COUNTY BOROUGH COUNCIL**

#### REPORT TO THE STANDARDS COMMITTEE

#### 14 JUNE 2018

#### REPORT OF THE MONITORING OFFICER

#### OMBUDSMAN CODE OF CONDUCT CASEBOOK

#### 1. Purpose of Report

1.1 To provide Members with a summary of cases that have been undertaken by the Ombudsman's Office.

#### 2. Connection to Corporate Improvement Plan / Other Corporate Priority

2.1 Standards are an implicit requirement in the successful implementation of the Corporate Themes.

#### 3. Background

- 3.1 The Code of Conduct Casebook is published quarterly and contains the summaries of all reports issued under section 69(4) of the Local Government Act 2000.
- 3.2 Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Act, which the Ombudsman 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 the 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). In the circumstances of (c) and (d) above, the Ombudsman is required to submit the 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 by the Ombudsman, together with any defence put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

#### 4. Current situation / proposal

4.1 The Code of Conduct Casebook (attached as **Appendix 1**) contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. The Casebook covers October to December 2017.

- 5. Effect upon Policy Framework& Procedure Rules
- 5.1 None.
- 6. Equality Impact Assessment
- 6.1 None.
- 7. Financial Implications
- 7.1 None.
- 8 Wellbeing of Future Generations (Wales) Act 2015 Implications
- 8.1 The well-being goals identified in the Act were considered in the preparation of this report. As the report is for noting only it is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.
- 9. Recommendation
- 9.1 The Committee is recommended to note the report.

**Contact Officer:** P A Jolley

Corporate Director - Operational & Partnership Services and

**Monitoring Officer** 

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Civic Offices, Angel Street, Bridgend CF31 4WB

**Background Documents: None** 



# The Code of Conduct Casebook

Issue 15 January 2018

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# Introduction

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

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman 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 the 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).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the 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 by the Ombudsman, together with any defence put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what



penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers October to December 2017.



# Case summaries

#### No evidence of breach

Cardiff Council – Promotion of equality and respect
Case Number 201606695 – Report issued in October 2017

A complaint was made that a member ("the Councillor") of Cardiff Council ("the Council") breached the Authority's Code of Conduct for elected members when he allegedly made comments to a former Councillor on two occasions about a local religious association.

The complaint was investigated on the basis that the member may have breached paragraphs 4(a), 4(b), 4(d) and 6(1)(a), relating to equality, respect, impartiality and bringing their office or authority into disrepute.

The investigation found that there were no witnesses to either of the conversations the member had with the former Councillor. The member also strongly denied the allegations. Therefore, under section 69(4) (a) of the Local Government Act 2000, the Ombudsman's finding was that there was no evidence that the member failed to comply with the Code of Conduct.

Merthyr Tydfil County Borough Council - Integrity Case Number 201700102 – Report issued in October 2017

A complaint was made that a member ("the Councillor") of Merthyr Tydfil County Borough Council ("the Council") breached the Authority's Code of Conduct for elected members when she made comments about a member of the public in a Facebook messenger group chat.

The complaint was investigated on the basis that the Councillor may have breached paragraph 6(1)(a) of the Code, by bringing her office or authority into disrepute.

The Ombudsman considered that the Councillor's comments were made in extremely bad taste. However, he took into account that the Facebook messenger group in which the Councillor posted her comments only consisted of three members. It was clear that the Councillor deeply regretted her actions and when she realised that the subject of her comments had become aware of what she had posted, she provided a fulsome apology.

The investigation found that, whilst the Councillor's actions may have brought herself into disrepute, for the reasons outlined above, she had not brought her office or authority into disrepute. Therefore, under section 69(4)(a) of the Local Government Act 2000, the Ombudsman's finding was that there was no evidence that the Councillor failed to comply with the Code of Conduct. However, the Councillor was advised of her responsibility to take care when expressing her personal opinions.

Tywyn Town Council and Gwynedd Council – Promotion of Equality and Respect Case Number 201607353 & 201607357 – Report issued in November 2017

Councillor X complained that a member ("Councillor Y") of Tywyn Town Council and Gwynedd Council breached the Code of Conduct for elected members by making personal allegations about her. Councillor



X provided evidence that Councillor Y made comments about her in various emails, which he had sent to members of Tywyn Town Council and Gwynedd Council.

The complaint was investigated on the basis that Councillor Y may have breached paragraphs 4(b) (failure to show respect and consideration), 4(c) (bullying and harassment), and 6(1)(a) (bringing his office or authority into disrepute).

The Ombudsman did not consider that the comments made by Councillor Y were so offensive as to amount to a breach of paragraph 4(b) of the Code of Conduct. Neither did he consider that his actions were sufficiently serious to amount to a breach of paragraph 4(c) of the Code.

In relation to paragraph 6(1)(a) of the Code, there was no evidence to suggest that Councillor Y had shared emails with members of the public. He had sent one email to a member of the press, and whilst the Ombudsman considered it was unwise for him to do so, it did not appear that the email was acted upon or shared further. That being so, the Ombudsman did not consider that the consequences of his actions were sufficiently serious to have brought his office or authority into disrepute.

Whilst the Ombudsman's finding was that there was no evidence that Councillor Y had failed to comply with the Code of Conduct, he was advised of his responsibility to be mindful of how his comments are perceived by others in future.

#### Llansannan Community Council – Promotion of Equality and Respect Case Number 201700953 – Report issued in November 2017

Mr X complained that a member ("the Councillor") of Llansannan Community Council ("the Community Council"), breached the Code of Conduct for members when he asked Mr X to leave a meeting of the Community Council and used the words "for your own safety," which Mr X considered to be a threat.

The complaint was investigated on the basis that there may have been a failure to comply with the following paragraph of the Code of Conduct for elected members:

- 4(b) you must show respect and consideration for others; and
- 4(c) you must not use bullying behaviour or harass any person.

There was no evidence to suggest that the Councillor's behaviour towards Mr X was in any way threatening and the Ombudsman was satisfied that his actions were reasonable under the circumstances.

Under Section 69(4)(a) of the Local Government Act 2000, the Ombudsman's finding was that there was no evidence that the Councillor failed to comply with the Code of Conduct.



### No action necessary

Conwy County Borough Council - Disclosure and registration of interests Case Number 201702250 - Report issued in October 2017

The Ombudsman received a complaint that a member of Conwy County Borough Council ("the Councillor") had breached the Code of Conduct when he submitted a written objection, in an official capacity, to a planning application which the complainants had made to the Council. The Councillor lives near the application site, and could be personally affected by it.

The Ombudsman concluded that it was likely that the Councillor had breached the Code given the proximity of the development site to his home and the fact his objections were sent from his Council email address and signed off "Councillor [Name]". However, the Ombudsman decided to take no action in this case on the basis that the Councillor had shown remorse and apologised, his explanation that he had accidentally selected his Council email address from a drop down box when writing his email was plausible, he had acted swiftly to withdraw his objection when concerns were raised, and his actions did not adversely affect the planning application, which was granted permission.



## Referred to Standards Committee

There are no summaries in relation to this finding



# Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding



#### More information

We value any comments or feedback you may have regarding The Code of Conduct Casebook. We would also be happy to answer any queries you may have regarding its contents. Any such correspondence can be emailed to <a href="Matthew.Aplin@ombudsman-wales.org.uk">Matthew.Aplin@ombudsman-wales.org.uk</a> or sent to the following address:

Public Services Ombudsman for Wales 1 Ffordd yr Hen Gae Pencoed CF35 5LJ

Tel: 0300 790 0203 Fax: 01656 641199

e-mail: <a href="mailto:ask@ombudsman-wales.org.uk">ask@ombudsman-wales.org.uk</a> (general enquiries)

Follow us on Twitter: @OmbudsmanWales

Further information about the service offered by the Public Services Ombudsman for Wales can also be found at <a href="https://www.ombudsman-wales.org.uk">www.ombudsman-wales.org.uk</a>