

<b>Meeting of:</b>	<b>STANDARDS COMMITTEE</b>
<b>Date of Meeting:</b>	<b>21 JUNE 2024</b>
<b>Report Title:</b>	<b>OMBUDSMAN INVESTIGATION UNDER S69 OF THE LOCAL GOVERNMENT ACT 2000</b>
<b>Report Owner / Corporate Director:</b>	<b>MONITORING OFFICER</b>
<b>Responsible Officer:</b>	<b>LAURA GRIFFITHS GROUP MANAGER LEGAL AND DEMOCRATIC SERVICES</b>
<b>Policy Framework and Procedure Rules:</b>	<b>There is no effect upon the policy framework. The Procedure for the Investigation of Complaints is supplementary to the Procedural Rules applicable to the Standards Committee.</b>
<b>Executive Summary:</b>	<b>To undertake the hearing into the conduct of Cllr Brian Jones of Porthcawl Town Council.</b>

## **1. Purpose of Report**

- 1.1 To undertake the hearing into the conduct of Cllr Brian Jones of Porthcawl Town Council.

## **2. Background**

- 2.1 Under the Local Government Act 2000 all allegations and breaches of the Member Code of Conduct are submitted to the Public Services Ombudsman for Wales (PSOW) for investigation in the first instance.
- 2.2 The Ombudsman may determine a matter be referred to the Authority's Monitoring Officer for investigation or may, as in this case, undertake the investigation and refer the matter to the Monitoring Officer for consideration by the Standards Committee.
- 2.3 The Local Government Investigations (Functions of Monitoring Officers and Standards Committee) (Wales) Regulations 2001, as amended, set out the functions of the Monitoring Officer and the Standards Committee in relation to investigations and determinations.
- 2.4 The Public Services Ombudsman for Wales (the Ombudsman) has investigated complaints against Cllr Brian Jones. The Ombudsman determined that the Member

may have breached the Code of Conduct, in particular, the following paragraphs of the Code: 4(b), 4(c), 6(1)(a) and 6(2) of the Code:

4(b) Members must show respect and consideration for others;

4(c) Members must not use bullying behaviour or harass any person;

6(1)(a) Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute;

6(2) Members must comply with any request of their authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

- 2.5 The Standards Committee determined on 9 April 2024 that the Member should be given the opportunity to make representations either orally or in writing in respect of the findings of the investigation and any allegation that he has failed, or may have failed, to comply with the relevant Members' Code of Conduct.

### **3. Current situation / proposal**

- 3.1 The Monitoring Officer wrote to the Member on 11 April 2024 providing information on the determination of the Standards Committee and providing a copy of the adopted procedure and requesting him to provide information within 14 days in readiness for the hearing. On 22 April 2024 he confirmed in writing that he would be attending the hearing and calling three witnesses and provided written representations attached as **Appendix 1**.
- 3.2 The Monitoring Officer subsequently wrote to the Ombudsman confirming that the matter would proceed by way of hearing and providing the written submissions received from the Member. The response from the Ombudsman is attached as **Appendix 2**. Officers from the Ombudsman's Office will be in attendance at the hearing to make representations to the Committee.
- 3.3 The adopted procedure is appended to this report (**Appendix 3**). The Monitoring Officer will advise the Committee as to process. The Committee has previously considered the confidential report of the Ombudsman (**Appendix 4**) and the Appendices Files (**Appendix 5**) and is to undertake the hearing at its meeting on 21 June 2024.
- 3.4 Standards hearings are held in public unless the Committee is satisfied that it is appropriate to exclude the public for the discussion of exempt information under the Schedule 12A of the Local Government Act 1972. The categories of exempt information for these purposes includes information about an individual, provided the Committee is satisfied that the public interest in exempting the information outweighs the public interest in disclosing it. This means that the Committee will firstly be required to decide whether the hearing (or any part of it) should be conducted in public or private. It should be noted that the Committee is required to produce a report on the outcome of the investigation, which is to be published by the Monitoring Officer after the conclusion of the matter in accordance with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001.
- 3.5 The Committee will need to consider Stage 1 – Findings of Fact and consider whether there are any significant disagreements as to the facts contained within

the PSOW investigation report. Having made your finding of fact (or if there is no disagreement on the facts) the Committee will then need to consider whether the Member has breached the Code of Conduct. Should the Committee decide that, on the evidence, there is a breach of the Code then the Committee will need to consider the appropriate sanction. Attached as **Appendix 6** is the Adjudication Panel of Wales Sanction Guidance. Should the Committee decide that, on the evidence, there is no breach of the Code then that will be the end of the adjudication.

- 3.6 After making its final determination, the Committee is required to give notice of its determination to the Member concerned and the Ombudsman and to produce and publish a report on the outcome of the investigation. If the Committee finds a breach of the Code, the Member may apply to the Adjudication Panel for Wales within 21 days from receiving notice of the Committee's determination for permission to appeal. If permission to appeal is granted, the Adjudication Panel for Wales may either uphold the Committee's determination, recommend a different sanction to the Committee for reconsideration or overturn the Committee's determination.

#### **4. Equality implications (including Socio-economic Duty and Welsh Language)**

- 4.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

#### **5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives**

- 5.1 The well-being goals identified in the Act were considered in the preparation of this report. 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. This report also assists in the achievement of the following well-being objective under the Well-being of Future Generations (Wales) Act 2015:-

A county borough where people feel valued, heard and part of their community.

- 5.2 The Standards Committee is responsible for promoting and maintaining high standards of conduct by members and co-opted members. Standards are an implicit requirement in the successful implementation of the corporate well-being objectives.

#### **6. Climate Change Implications**

- 6.1 There are no climate change implications.

#### **7. Safeguarding and Corporate Parent Implications**

- 7.1 There are no safeguarding and corporate parent implications.

#### **8. Financial Implications**

8.1 There are no financial implications arising from this report.

**9. Recommendation**

9.1 It is recommended that the Committee continue with the hearing, relying on the information in the Ombudsman investigation report and in accordance with the adopted procedure.

**Background documents:**

None