

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO COUNCIL

17 JUNE 2015

### REPORT OF THE MONITORING OFFICER

#### THE NEW CODE OF CONDUCT GUIDANCE FOR LOCAL AUTHORITY MEMBERS

#### 1. Purpose of Report

- 1.1 The purpose of the report is to inform Council of the Ombudsman's new Code of Conduct Guidance.

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

- 2.1 There are no direct links to the Corporate Improvement Plan / Other Corporate Priority.

#### 3. Background

- 3.1 On 16<sup>th</sup> January 2015 the Standards Committee received a report informing them of proposals made by the Ombudsman to revise the Guidance on the Code of Conduct for Local Authority Members. The Ombudsman had proposed that a further public interest test be considered when deciding whether to investigate a complaint or whether to continue an investigation of a breach of the Code to the stage of referring the matter to the Adjudication Panel for Wales.

#### 4. Current situation / proposal

- 4.1 The Ombudsman's Office has now issued a new test which has changed as a result of comments received from Monitoring Officers in Wales.
- 4.2 It is the role of the Public Services Ombudsman for Wales to independently investigate serious complaints that members of local authorities in Wales have breached the Code of Conduct. In determining whether to investigate a complaint or whether to continue an investigation of a breach of the Code, a two stage test will be applied. At the first stage, the Ombudsman will aim to establish whether there is direct evidence that a breach actually took place. The level of proof that is required is on the balance of probabilities. If that evidential test is met, at the second stage, consideration will be given as to whether an investigation or a referral to a standards committee or the Adjudication Panel for Wales is required in the public interest.
- 4.3 Some of the public interest factors that the Ombudsman will consider are set out within the new Code of Conduct Guidance attached as **Appendix 1**. The factors are not exhaustive, and the weight to be attached to each will vary according to the facts and merits of each case.

4.4 The Ombudsman has also determined that if it is felt that no sanction is likely, he will not refer cases to the Monitoring Officer.

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

5.1 There is no impact on the Policy Framework and Procedure Rules.

#### **6. Equality Impact Assessment**

6.1 There are no equality implications.

#### **7. Financial Implications**

7.1 There are no financial implications.

#### **8. Recommendation**

8.1 It is recommended that Council note the report and the new Code of Conduct Guidance attached as Appendix 1.

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#### **Background Documents**

None