



## **STANDARDS COMMITTEE – 23<sup>RD</sup> FEBRUARY 2024**

**SUBJECT: REFERRAL OF AN INVESTIGATION REPORT BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES**

**REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER**

### **1. PURPOSE OF REPORT**

To deal with the investigation report of the Public Services Ombudsman for Wales ('the Ombudsman') of a complaint that an elected member has breached the code of conduct for members.

### **2. SUMMARY**

After investigating the complaint, the Ombudsman is of the view that the councillor's actions are suggestive of a breach of paragraph 6(1)(a) of the code of conduct. The Ombudsman has referred the report to the Standards Committee to conclude the matter. The Standards Committee met on 19<sup>th</sup> January 2024 and in accordance with its procedure decided that there was a case to answer. The Standards Committee must now decide whether, on the facts, there has been a breach of the code of conduct and if so, the appropriate sanction.

### **3. RECOMMENDATIONS**

To decide whether there has been a breach of the code of conduct and if so, to determine the appropriate sanction for the breach.

### **4. REASONS FOR THE RECOMMENDATIONS**

To comply with the terms of reference and statutory obligations on the Standards Committee.

### **5. THE REPORT**

- 5.1 The Standards Committee met on 19<sup>th</sup> January 2024 and in accordance with its procedure for dealing with complaints of breaches of the code of conduct decided that there was a case to answer. Following this decision, a second committee hearing has been arranged. The elected member and the Ombudsman's representative can make

representations to the Standards Committee at this hearing. The Ombudsman's representative will present the investigating report and/or explain any matters in it and assist the Standards Committee as the committee considers appropriate.

- 5.2 The procedure says that the Standards Committee will conduct the proceedings as informally as possible but will ensure that the member is given a fair hearing in accordance with the rules of natural justice. It is expected that the committee hearing will be held in public. In the unlikely event that either party will call witnesses, no cross examination of witnesses will be allowed by the parties but questions can be directed through the Chair.
- 5.3 In summary, the procedure that will be followed is:
- a) To resolve any disputes of fact identified in the report. This is identified at paragraph 58 of the investigating officer's report.
  - b) On the accepted facts, the Standards Committee will decide whether there has been a breach of the code of conduct for members.
  - c) If the Standards Committee decides that there has been a breach of the code of conduct, what the appropriate sanction should be for the breach.
- 5.4 At each stage the Standards Committee may hear representations from the Ombudsman's representative and the elected member.
- 5.5 The Chair of the Standards Committee will announce the decision at the conclusion of the meeting. A written decision of the committee will be prepared and sent to the parties in due course.

## 5.6 **Conclusion**

The above process will bring an end to the matter unless the member appeals to the Adjudication Panel for Wales.

## 6. **ASSUMPTIONS**

None.

## 7. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 The report does not include an Integrated Impact Assessment (IIA) as the relevant procedure of the Standards Committee already takes into account relevant aspects of the IIA.

## 8. **FINANCIAL IMPLICATIONS**

- 8.1 The payment of the allowances to the co-opted members of the Standards Committee, in accordance with the recommendations of the Independent Remuneration Panel for Wales.
- 8.2 If the Standards Committee decides to suspend the member, the member will not be

paid their allowance for the duration of the suspension.

## **9. PERSONNEL IMPLICATIONS**

9.1 None.

## **10. CONSULTATIONS**

10.1 Any responses will be included in the report.

## **11. STATUTORY POWER**

11.1 Local Government Act 2000

Author: Mr. R.J. Tranter, Head of Legal Services and Monitoring Officer  
tranrtj@caerphilly.gov.uk

Consultees: The Leaders of the Political Groups –  
Councillor S. Morgan - morgas@caerphilly.gov.uk  
Councillor L. Whittle -whittleg@caerphilly.gov.uk  
Councillor N. Dix – dixn1@caerphilly.gov.uk  
Councillor N. George - Cabinet Member for Corporate Services Property  
and Highways - georgn@caerphilly.gov.uk  
Mr P. Brunt – Chair of the Standards Committee

Background Papers:

Exempt Report to the Standards Committee of 19<sup>th</sup> January 2024

Appendices:

Appendix 1 - Procedure For Dealing With Complaints Of Breaches Of The Members Code  
Of Conduct