

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

23 November 2018

REPORT OF THE HEAD OF LEGAL SERVICES – MR C GRIFFITHS

Matter for Information

Wards Affected: All

Summary of cases undertaken by the Public Service Ombudsman for Wales

Purpose of the Report

1. To provide Members with a summary of cases that have been undertaken by the Public Service Ombudsman for Wales (“the Ombudsman”).

Background

2. The Ombudsman publishes a Code of Conduct Casebook quarterly which contains the summaries of all reports issued under section 69(4) of the Local Government Act 2000 relating to breaches of the Members Code of Conduct to which all elected members of County Borough Councils and Town and Community Councils must comply.
3. Members will note that where the Ombudsman decides that a complaint against a County Borough Councillor or Town and Community Councillor should be investigated, there are four findings to 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).

4. 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.
5. 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 Casebooks cover the period of January to March 2018 and April to June 2018

Financial Impact

6. There are no financial impacts associated with this Report.

Equality Impact Assessment

7. There are no equality impacts associated with this Report

Workforce Impacts

8. There are no workforce impacts associated with this Report

Legal Impacts

9. The ethical framework of Members is as derived from the Local Government Act 2000 and the Members Code of Conduct is as set out in the Constitution of Neath Port Talbot County Borough Council ("the Council") as created by the Conduct of Members (Model Code of Conduct) (Wales) Order 2001. The powers of the Public Services Ombudsman for Wales are as defined in the Local Government Act 2000 and the Public Service (Ombudsman) Wales Act 2005 (as amended)

Consultation

10. There is no requirement under the Constitution for external consultation on this item.

Recommendations

11. That Members note the findings in the Public Service Ombudsman for Wales Code of Conduct Casebook

Appendices

12. Appendix 1 – Public Service Ombudsman for Wales Code of Conduct Casebooks 16 and 17

List of Background Papers

13. The Constitution of Neath Port Talbot County Borough Council incorporating the Members Code of Conduct

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