

STANDARDS COMMITTEE

Date of Meeting	Monday, 30 September 2024
Report Subject	Hearing into an alleged breach of the Code of Conduct for Members
Report Author	Legal Services Manager

EXECUTIVE SUMMARY

The Council's Legal Services Manager received from the Public Services Ombudsman for Wales ("the Ombudsman") a report of an investigation carried out by the Ombudsman under section 69 of the Local Government Act 2000, relating to a complaint which alleged that a member of a town council ("the Subject Member") had failed to comply with the Council's Code of Conduct for members.

The Standards Committee considered the Ombudsman's report and decided that the Subject Member should be invited to make representations, either orally or in writing, in respect of the findings of the investigation and of the allegations that he has failed to comply with the Code of Conduct. The Subject Member confirmed that his preference was to make representations orally at a hearing of the Standards Committee.

The Standards Committee therefore needs to hold a hearing and has agreed to do this on 30 September 2024.

RECOMMENDATIONS

1	<p>That the Standards Committee determines whether the Subject Member breached the Code of Conduct for members and, if so what action to take. The findings which the Standards Committee may make are:</p> <p style="margin-left: 40px;">a) that there is no evidence of any failure to comply with the code of conduct of the relevant authority and that therefore no action needs to be taken in respect of the matters which are the subject of the investigation;</p>
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	<p>b) that the Subject Member has failed to comply with the relevant authority's code of conduct but that no action needs to be taken in respect of that failure;</p> <p>c) that the Subject Member has failed to comply with the authority's code of conduct and should be censured, or</p> <p>d) that the Subject Member has failed to comply with the authority's code of conduct and should be suspended or partially suspended from being a member or co-opted member of that authority for a period not exceeding six months or, if shorter, for the remainder of the Subject Member's person's term of office.</p>
2	That the Standards Committee decides whether to make any recommendations to Flintshire County Council or to the town council of which the councillor who is the subject of the allegations is a member.

REPORT DETAILS

1.00	HEARING INTO AN ALLEGATION OF BREACH OF THE CODE OF CONDUCT FOR MEMBERS
1.01	The Council's Legal Services Manager received from the Public Services Ombudsman for Wales ("the Ombudsman") a report of an investigation carried out by the Ombudsman under section 69 of the Local Government Act 2000, relating to a complaint which alleged that a member of a town council had failed to comply with the Council's Code of Conduct for members.
1.02	The Standards Committee considered the Ombudsman's report and decided that the councillor should be invited to make representations, either orally or in writing, in respect of the findings of the investigation and of the allegations that he has failed to comply with the Code of Conduct. The councillor confirmed that his preference was to make representations orally at a hearing of the Standards Committee.
1.03	The Standards Committee has conducted a pre-hearing review and the Legal Services Manager has liaised with the councillor and the Ombudsman's staff over arrangements for the hearing.
1.04	The Standards Committee now needs to hold a hearing and has agreed to do this on 30 September 2024.
1.04	The Council has prepared a bundle of evidence for the hearing, which includes the Ombudsman's report and evidence provided by the Councillor who was the subject of the allegation ("the Subject Member"). Members of the Standards Committee, the parties and their representatives have been sent this separately. This bundle is not made public at this stage, in accordance with the provisions of the Standards Committee (Wales) Regulations 2001.

1.05	<p>The running order for the hearing will be in accordance with the procedure for dealing with reports referred by the Ombudsman, which was adopted by the Standards Committee at its meeting on 4 December 2023. This will provide for the following stages:</p> <ul style="list-style-type: none"> • Any preliminary Matters • Determining the facts • Determining whether the facts demonstrate a breach of the Code of Conduct • If the Standards Committee decides that there has been a breach of the Code of Conduct, deciding whether a sanction should be applied.
1.05	<p>The Standards Committee needs to consider the evidence and reach decisions as to whether the Subject Member breached the Code of Conduct for members and, if so what action to take. The potential findings that the Standards Committee may make are set out at Recommendation 1 in this report.</p>
1.06	<p>The Standards Committee should also consider whether it wishes to make any recommendations to Flintshire County Council or to the town council of which the Subject Member is a member.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>Flintshire County Council has made premises available for the hearing of the Standards Committee and provided officer support and external legal support. There are no additional resource implications.</p>

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	<p>None.</p>

4.00	RISK MANAGEMENT
4.01	<p>No risk management requirements arising directly from this report.</p>

5.00	APPENDICES
5.01	<p>None.</p>

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Contact Officer: Matt Powell, Legal Services Manager Telephone: 01352 702354 E-mail: matthew.powell@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Code of Conduct for Members – The code of conduct that local authorities are required by the Local Government Act 2000 to adopt to govern the conduct of their members.</p> <p>Public Services Ombudsman for Wales – the person who holds the office of Public Services Ombudsman for Wales, established under the Public Services Ombudsman (Wales) Act 2019 and has power under the Local Government Act 2000 to investigate allegations that a member or co-opted member or former member or co-opted member has breached the Code of Conduct for members</p>