

Meeting of:	<b>Standards Committee</b>
Date of Meeting:	<b>Thursday, 17 July 2025</b>
Relevant Scrutiny Committee:	<b>No Relevant Scrutiny Committee</b>
Report Title:	Public Service Ombudsman for Wales – Recent Summary and investigations Findings and Outcomes
Purpose of Report:	To allow Members of the Standards Committee the opportunity to consider recent findings of the Public Service Ombudsman for Wales and determine whether any lessons or messages should be communicated to Members or included in future training.
Report Owner:	Victoria Davidson, Monitoring Officer/Head of Legal and Democratic Services
Responsible Officer:	Amy Rudman, Principal Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	This report does not require consultation to be undertaken
Policy Framework:	This is a decision for the Standards Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>To consider the summary of investigation outcomes concerning alleged breaches of the Members' Code of Conduct as published by the Public Services Ombudsman for Wales (PSOW) on the 'our findings' section of the website.</li> <li>The Committee is invited to consider whether there are any relevant lessons or themes arising from the decision that should be shared with elected and co-opted Members or incorporated into training.</li> </ul>	

## **Recommendations**

1. That the Standards Committee considers the content of the summary of investigation outcomes by the Public Service Ombudsman for Wales concerning alleged breaches of the Members' Code of Conduct, originally published by the PSOW on the website and attached as Appendix 1 to the report.
2. That the Committee determines whether any key learning points or guidance should be shared with Members or included in future Code of Conduct training.

## **Reasons for Recommendations**

1. To ensure the Committee is aware of and reflects on relevant findings by the Public Service Ombudsman for Wales in the context of its duty to promote high standards of conduct.
2. To support the Committee's training and outreach objectives in assisting Members to comply with the Code of Conduct.

## **1. Background**

- 1.1** The Public Services Ombudsman for Wales (PSOW) considers complaints that Members of Local Authorities in Wales have breached the Code.
- 1.2** There are four findings the PSOW can arrive at:
  - (a) that there is no evidence of breach;
  - (b) that no action needs to be taken in respect of the complaint;
  - (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 (the APW) for adjudication by a tribunal.
- 1.3** It should also be noted that occasionally an investigation may be discontinued, where circumstances change during the course of an investigation and it is considered that it would not be in the public interest to continue to investigate.
- 1.4** The 'Our Findings' section on the PSOW website includes a search tool to allow summaries of cases to be accessed by reference to the relevant organisation, matter type, dates, case reference numbers, or outcome.
- 1.5** In terms of matter types, cases are broken down into the following categories:
  - a. Integrity;
  - b. Promotion of Equality and Respect;
  - c. Disclosure or Registration of Interests;
  - d. Duty to Uphold the Law; and

e. Selflessness and Stewardship.

- 1.6** The appendix to this report contains a summary of those cases not previously reported to Committee, originally published in 'Our Findings'.

## **2. Key Issues for Consideration**

- 2.2** The Standards Committee is encouraged to consider the cases and the reasoning applied by the Ombudsman.

- 2.3** Reflecting on the decisions may help inform how the Standards Committee approaches its own role, including the design of training and support provided to Members of the Vale of Glamorgan Council and Town and Community Councils.

- 2.4** The Committee is invited to consider whether the themes in the case should be highlighted in future training, guidance or communications to Members.

- 2.5** Between the 13th January 2025 to 17th June 2025 the following cases can be found in this link [Code of Conduct - Public Services Ombudsman for Wales](#)

- 2.6** There have been the following complaints and decisions:

### **1. Promotion of Equality and Respect - 6**

- Llandudno Town Council-no action necessary
- Tonyrefail Community Council-Discontinued
- Conwy Town Council-no evidence of breach
- Bridgend County Borough Council-Discontinued
- Carmarthenshire County Council-no evidence of a breach
- Carmarthenshire County Council-no action necessary

### **2. Disclosure and Registration of Interest**

- Llanharan Community Council-no action necessary
- Bridgend Town Council-Discontinued
- Llansteffan and Llanybri Community Council-no action necessary

### **3. Selflessness and Stewardship**

- Flintshire County Council-no action necessary

### **4. Duty to uphold the law**

- Monmouthshire County Council-no action necessary

- 2.7** Committee's is invited in particular to consider the following decisions.

- Promotion of Equality and Respect: Bridgend County Borough Council-Discontinued

It was alleged that the Member, in making particular remarks to the press, following a decision which the Council's Standards Committee made about his professional conduct, failed to adhere to the Code of Conduct for members of Local Authorities. In particular, it

was alleged that, while the Member was afforded political free speech, he failed to balance his right with the rights of others to be protected from unwarranted comments, which may damage their reputation and ability to carry out their duties without hindrance, and without consideration to the importance of not undermining public confidence in local democracy more widely.

We decided to discontinue our investigation, because it was no longer proportionate or in the public interest to investigate further, in the light of the subsequent recognition and remorse shown by the Member in related proceedings. The Member said he would not do the same again, in the same circumstances.

- Promotion of Equality and Respect: Carmarthenshire County Council-no action necessary

The Ombudsman received a complaint that a Member ("the Member") of Carmarthenshire Council ("the Council") had breached the Code of Conduct ("the Code") during a public election event when he made what was reported as a fascist salute directed toward one of the candidates. The matter was reported in the media and in online articles in the days that followed.

An investigation considered whether the Member's conduct was capable of bringing the Council or the role of member into disrepute to be suggestive of a breach of the Code.

Evidence was obtained from the Council, witnesses at the event, the Member and the publicly available media articles.

Having considered the evidence gathered and explanations provided by the Member for his actions, the Ombudsman determined, on balance, that the Member's actions were serious in nature and had the ability to negatively impact the reputation of the Council and the role of member and were likely to have brought both his office and his authority into disrepute.

However, taking into account the Member's actions immediately after the event and wider circumstances including the public interest, the Ombudsman determined that no further action was necessary.

Under Section 69(4)(b) of the Local Government Act 2000, the Ombudsman determined that no action needs to be taken in respect of the matters investigated.

- Selflessness and Stewardship: Flintshire County Council-no action necessary

The Ombudsman received a complaint alleging that a Member ("the Member") of Flintshire County Council ("the Council") and Saltney Town Council had breached the Code of Conduct by abusing their position and using the resources of their authority improperly when they requested the delivery of sandbags to their close family member's property during a severe flooding event. The investigation considered whether the evidence gathered was suggestive that paragraphs 7(a) and 7(b) of the Code had been breached and based on the gathered evidence, it further considered whether paragraphs 11 or 14 of the Code had also been breached.

The evidence confirmed that the Member had not told Council officers that their reports of flooding or request for the delivery of sandbags related to their close family member's property. It also confirmed that the Member did not attempt to apply pressure to obtain preferential treatment for their requests outside of the Council's established emergency protocol in operation that day or that they were reluctant to follow this process. The

Ombudsman's view was that this did not suggest the Member had breached paragraphs 7(a) or 7(b) of the Code. However, by failing to declare their personal and prejudicial interest in matters which affected their close family member's property, the Ombudsman concluded this was suggestive of some technical breaches of paragraphs 11(2)(a), 11(2)(b), 14(1)(d) and 14(1)(e) of the Code. Based on the evidence, the Ombudsman was not persuaded that the likely breaches of the Code in relation to interests also breached paragraphs 6(1)(a) which relates to disrepute or 7(a) (misuse of position).

It was appreciated that this was a crisis situation and that had the Member declared a personal and prejudicial interest when they contacted the Council, this would have alerted the Council officers to the fact that the requests related to their close family member, and likely have given the perception that they were trying to use their position improperly, and potentially breaching paragraphs 7(a) and/or 7(b) of the Code. The Member was acting in support of the next-door neighbour of the close family member's which was entirely appropriate. On balance, it was determined that any interest breaches were not so serious as they had no detrimental impact on the Complainant or any inappropriate influence on the Council's actions that a referral to the Standards Committee was appropriate in the public interest.

Under Section 64(4)(b) of the Local government Act 2000, the Ombudsman decided that no action needed to be taken in respect of the matters investigated.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives. It is intended that the process adopted within this report will aim to promote that role.

### **4. Climate Change and Nature Implications**

- 4.1** During the period of Coronavirus restrictions Independent Members' observations of TCC meetings were undertaken in the main on a virtual basis. This practice will continue if meetings are undertaken on a virtual basis, reducing both carbon emissions and paper printing however, where meetings are in person only, the Independent Members will be required to attend/travel accordingly.

### **5. Resources and Legal Considerations**

#### **Financial**

- 5.1** Independent Members of the Standards Committee are able to be remunerated for attendance under the allowance scheme agreed by the Independent Remuneration Panel and the Vale of Glamorgan Council's Constitution.

Independent Members are able to claim for a maximum of 15 days per annum as detailed within the Council's Constitution.

### **Employment**

- 5.2** There are no employment implications in relation to this report.
- 5.3** Independent Members are Members who are not either a Councillor or an Officer of the Vale of Glamorgan Council or the spouse of a Councillor or an Officer of the Vale of Glamorgan Council or any other relevant Authority as defined by legislation, appointed in accordance with the procedure set out in the Standards Committees (Wales Regulations) 2001 (as amended) and the Standards Committees (Wales) (Amendment) Regulations 2006.
- 5.4** Independent Members are appointed for a period of not less than 4 no more than 6 years in accordance with Regulation 18(i) of the Standards Committees (Wales Regulations) 2001 (as amended) as amended by Regulation 28a of the Local Government (Standards Committees Investigations, Dispensations and Referral) (Wales) Amendment Regulations 2016 and may be re-appointed for one further consecutive term not exceeding 4 years.

### **Legal (Including Equalities)**

- 5.5** The Council has a duty to establish and maintain a Standards Committee as defined by legislation as set out in the Standards Committees Rules and Regulations 2001 and the Standards Committee (Wales) Amendment Regulations 2006.

## **6. Background Papers**

**Decision issued under paragraph 69(2)  
of the Local Government Act 2000  
Case Number: 202501835  
Complaint against Councillor Lis Burnett (“the Member”)  
of Vale of Glamorgan Council (“the Council”)**

## **Summary of complaint**

It was alleged that the Member (also Leader of the Council) was acting expressly against the wishes of her constituents by supporting a waterpark in the local area. The Complainant said the Member was refusing to talk to people face to face about the issue, and said that when the Complainant tried to talk to her, the Member was rude, accused the Complainant of lying and then refused to carry on the conversation.

## **How we decide whether to investigate**

To decide whether to investigate a breach of the Code of Conduct (“the Code”), we apply a 2-stage test. First, we consider whether there is evidence to suggest that a breach of the Code may have occurred. Second, we consider whether it is in the public interest to investigate the matters complained about. We take into account a number of public interest factors such as:

- the seriousness of the alleged behaviour
- whether the member misused a position of trust or has sought to gain, for themselves or others, at public expense
- whether an investigation is required to maintain public confidence in elected members
- whether an investigation is proportionate in the circumstances or whether, if proven, a referral to a Standards Committee or the Adjudication Panel for Wales would be appropriate.

## **My Decision**

### **(1) Whether there is evidence to suggest that there may have been breaches of the Code of Conduct.**

Evidence has not been provided to substantiate the complaint, and the Ombudsman will not investigate unless there is reasonably strong evidence to suggest that the member concerned may have breached the Code.

The Complainant did not specify which element of the Code they considered the Member to have breached, and minimal supporting information was provided. The Complainant was given the opportunity to provide any further information to support their complaint, but did not respond.

It appears that the Complainant was concerned about a decision that was made by the Council as a whole (to allow the waterpark). The Complainant did not explain or provide evidence of what specific action the Member had taken personally in relation to the waterpark, including how the Member acted against the will of her constituents.

While the Member may be the Leader of the Council, and thus may have more influence than other councillors, this does not mean that all decisions made by the Council are directly attributable to the Member. The Ombudsman can only consider the actions of members as individuals. Furthermore, the Ombudsman can only consider actions that may have breached the Code. From the information provided, I cannot see how the actions of the Member in relation to the waterpark constitute a breach of the Code.

In supporting the waterpark, the Member may have acted contrary to the wishes of the Complainant. However, the role of a councillor is to act in a manner that they believe will benefit the residents of the area they represent which sometimes involves making decisions on disputed or contentious matters. It is not uncommon for Members to hold a view, or take action that some of their constituents may disagree with. It is not the Ombudsman's role to hold a view on the way that a member carries out their role, including how they vote on contentious issues.



Therefore, whilst the Complainant may disagree with the actions taken by the Member in supporting the waterpark, they have provided no evidence to explain how their actions breached the Code.

In relation to the complaint that the Member was rude, paragraph 4(b) of the Code specifies that members must “show respect and consideration for others.” However, the Code usually only applies when a member of a council is performing functions as a member or seeking in some way to rely upon their status as a member. The Complainant did not specify whether the Member was acting in her capacity as a councillor when they had the exchange, rather than as a private individual. However, as they were discussing Council business, this may be sufficient to consider that the Member was acting in an official capacity.

When acting as an elected member and expressing political views or conducting Council business, a member’s freedom of expression is afforded enhanced protection, more so than an ordinary member of the public. Further, members are likely to be afforded protection even where the language used or views expressed by them may be inflammatory, provided the focus of it is political or it relates to Council business.

As the Complainant did not respond when given the opportunity to clarify exactly what the Member said, I was unable to determine whether it was political expression, which therefore attracted this enhanced protection, or whether her behaviour was so egregious as to indicate a potential breach of the Code, and warrant investigation by this office.

## **(2) Whether an investigation is required in the public interest**

The conduct complained about does not meet the first stage of the test, as set out above, therefore, there is no need to consider the second stage of the test.

## **Outcome**

The complaint should not be investigated.

## **Penderfyniad y Tîm Cod / Code Team Decision**

a gymerwyd ar ran / taken on behalf of

## **Michelle Morris**

Ombwdsmon Gwasanaethau Cyhoeddus / Public Services Ombudsman

4 July 2025

**Decision issued under paragraph 69(2)  
of the Local Government Act 2000  
Case Number: 202501833  
Complaint against Councillor Lis Burnett (“the Member”)  
of Vale of Glamorgan Council**

## **Summary of complaint**

It was alleged that the Member, in her capacity as Leader of the Council, was neglecting her duty to protect wildlife by allowing a waterpark to be located in a Site of Special Scientific Interest within the county. The Complainant said this was ignoring the Member’s responsibilities under the Future Generations and Wellbeing Act and was against the will of the people the council represents.

## **How we decide whether to investigate**

To decide whether to investigate a breach of the Code of Conduct (“the Code”), we apply a 2-stage test. First, we consider whether there is evidence to suggest that a breach of the Code may have occurred. Second, we consider whether it is in the public interest to investigate the matters complained about. We take into account a number of public interest factors such as:

- the seriousness of the alleged behaviour
- whether the member misused a position of trust or has sought to gain, for themselves or others, at public expense
- whether an investigation is required to maintain public confidence in elected members
- whether an investigation is proportionate in the circumstances or whether, if proven, a referral to a Standards Committee or the Adjudication Panel for Wales would be appropriate.

## **My Decision**

### **(1) Whether there is evidence to suggest that there may have been breaches of the Code of Conduct.**

Evidence has not been provided to substantiate the complaint, and the Ombudsman will not investigate unless there is reasonably strong evidence to suggest that the member concerned may have breached the Code.

The Complainant did not specify which element of the Code they considered the Member to have breached, and minimal supporting information was provided. The Complainant was given the opportunity to provide any further information to support their complaint but did not respond.

It appears that the Complainant was concerned about a decision that was made by the Council as a whole (to allow the waterpark). The Complainant did not explain what specific action the Member had taken personally in relation to the waterpark.

When notified that a complaint had been made against her, the Member responded to the Ombudsman, providing evidence that the decision to agree to a pilot scheme for the waterpark was a properly made decision by the Cabinet of the Council, after following all due process, including consideration by the Environment and Regulation Scrutiny committee.

While the Member may be the Leader of the Council, and thus may have more influence than other councillors, this does not mean that all decisions made by the Council are directly attributable to the Member. The Ombudsman can only consider the actions of members as individuals. Furthermore, the Ombudsman can only consider actions that may have breached the Code. From the information provided, I cannot see how the actions of the Member in relation to the waterpark constitute a breach of the Code.

The Complainant did not explain how the Member acted contrary to the expectations within the Act. Similarly, while the Complainant stated that the Member acted against the will of the people the Council represented, they did not provide evidence of this.

In supporting the waterpark, the Member may have acted contrary to the wishes of the Complainant. However, the role of a councillor is to act in a manner that they believe will benefit the residents of the area they represent which sometimes involves making decisions on disputed or contentious matters. It is not uncommon for Members to hold a view, or take action that some of their constituents may disagree with. It is not the Ombudsman's role to hold a view on the way that a member carries out their role, including how they vote on contentious issues.

Therefore, whilst the Complainant may disagree with the actions taken by the Member in relation to the waterpark, they have provided no evidence to explain why her actions breached the Code.

## **(2) Whether an investigation is required in the public interest**

The conduct complained about does not meet the first stage of the test, as set out above, therefore, there is no need to consider the second stage of the test.

## **Outcome**

The complaint should not be investigated.

## **Penderfyniad y Tîm Cod / Code Team Decision**

a gymerwyd ar ran / taken on behalf of

**Michelle Morris**

Ombwdsmon Gwasanaethau Cyhoeddus / Public Services Ombudsman

4 July 2025