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WEDNESDAY, 19 OCTOBER 2022

TO: ALL MEMBERS OF THE STANDARDS COMMITTEE

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE STANDARDS COMMITTEE WHICH WILL BE HELD IN THE CHAMBER - COUNTY HALL, CARMARTHEN. SA31 1JP AND REMOTELY AT 2.30 PM ON WEDNESDAY, 26TH OCTOBER, 2022 FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Wendy Walters

CHIEF EXECUTIVE

Democratic Officer:	Michelle Evans Thomas
Telephone (direct line):	01267 224470
E-Mail:	MEEvansThomas@carmarthenshire.gov.uk
This is a multi-location meeting. Committee members can attend in person at the venue detailed above or remotely via the Zoom link which is provided separately.	
The meeting can be viewed on the Authority's website via the following link:- https://carmarthenshire.public-i.tv/core/portal/home	

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

STANDARDS COMMITTEE

MEMBERSHIP: 9 MEMBERS

Independent Members (5)

1. Mrs Mary Dodd
2. Ms Caryl Davies
3. Mrs Daphne Evans
4. Mrs Julie James
5. Mr Frank Phillips

Community Committee Member (1)

1. Town Councillor Phillip Rogers

Elected Members of the County Council (3)

1. Councillor Betsan Jones
2. Councillor Rob James
3. Councillor Gareth Thomas

A G E N D A

- 1. APOLOGIES FOR ABSENCE.**
- 2. DECLARATIONS OF PERSONAL INTEREST.**
- 3. FINAL HEARING IN RESPECT OF REPORT ISSUED BY THE
PUBLIC SERVICES OMBUDSMAN FOR WALES REGARDING
TOWN COUNCILLOR LOUISE WRIDE** 5 - 124
- 4. ANY OTHER ITEMS OF BUSINESS THAT BY REASON OF
SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE
CONSIDERED AS A MATTER OF URGENCY PURSUANT TO
SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT 1972.**

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STANDARDS COMMITTEE 26/10/2022

FINAL HEARING IN RESPECT OF REPORT ISSUED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES REGARDING TOWN COUNCILLOR LOUISE WRIDE

Recommendations / key decisions required:

To determine whether Councillor Wride has breached the Members Code of Conduct for Llandovery Town Council.

Reasons:

The Public Services Ombudsman for Wales has referred the case to the committee for determination.

Relevant scrutiny committee to be consulted: Not Applicable

Cabinet Decision Required: Not Applicable

Council Decision Required: Not Applicable

Cabinet Member Portfolio Member: Not Applicable

Directorate:

Name of Head of Service:

Linda Rees-Jones

Report Author:

Robert Edgecombe

Designations:

Head of Administration
and Law

Legal Services Manager

Tel / Email address:

01267 224018

rjedgeco@carmarthenshire.gov.uk

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
26/10/2022**

**FINAL HEARING IN RESPECT OF REPORT ISSUED BY THE
PUBLIC SERVICES OMBUDSMAN FOR WALES REGARDING
TOWN COUNCILLOR LOUISE WRIDE**

On the 25th July 2022 the Council's Monitoring Officer received a report from the Public Services Ombudsman for Wales setting out the results of their investigation into allegations that Councillor Wride had breached the members code of conduct. A copy of the Ombudsman's report is attached.

In accordance with the procedures adopted by the Committee, it conducted an initial consideration of the report on the 25th August 2022 and concluded that the report did disclose evidence to suggest that Councillor Wride had breached the Members Code of Conduct. The case then proceeded to the next stage and Councillor Wride was invited to make representations regarding the further progress of the case.

The Committee now needs to consider the case in full and determine whether Councillor Wride's conduct breached the code adopted by Llandovery Town Council as suggested in the attached report.

The Committee needs to determine whether Councillor Wride's conduct brought her office as a town councillor and/or her council into disrepute. The conduct in question being Councillor Wride's conviction for a criminal offence, as set out in the Ombudsman's report.

If the Committee does determine that Councillor Wride's conduct breached the code, it will then need to consider what sanction (if any) that it wishes to impose. The maximum sanction that it can impose is suspension from office for up to 6 months. Sanctions guidance issued by the Adjudication Panel for Wales can be utilised to assist the committee should it reach this stage.

Should the Committee conclude that Councillor Wride has breached the code and impose a sanction then Councillor Wride will have a right of appeal to the Adjudication Panel for Wales.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *LRJones*

Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

Legal Implications

Councillor Wride will have a right of appeal to the Adjudication Panel for Wales if dissatisfied with the decision of the committee.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *LRJones*

Head of Administration and Law

- | | |
|--|----------------|
| 1. Scrutiny Committee – | Not Applicable |
| 2. Local Member(s) - | Not Applicable |
| 3. Community / Town Council - | Not Applicable |
| 4. Relevant Partners - | Not Applicable |
| 5. Staff Side Representatives and other Organisations - | Not Applicable |

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED <div style="text-align: center;">NO</div>	
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Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Services file	DPSC-199	County Hall, Carmarthen

The investigation of a complaint
against Councillor Louise Wride of
Llandovery Town Council

A report by the
Public Services Ombudsman for Wales
Case: 202100012

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Introduction

Report by the Public Services Ombudsman for Wales on the investigation of a complaint made against Councillor Louise Wride of Llandovery Town Council, of a breach of the Council's statutory Code of Conduct for members.

This report is issued under section 69 of the Local Government Act 2000.

Summary

The Ombudsman received a complaint that a Member (“the Member”) of Llandovery Town Council (“the Council”) had breached the Code of Conduct. The Member had been convicted of drug driving and indicated in a newspaper that she did not intend to stand down as Mayor.

The investigation considered whether the Member failed to comply with paragraph 6(1)(a) of the Code of Conduct in that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

The Ombudsman considered the Member’s conviction and that her sentence fell short of automatic disqualification as outlined in Section 80A of the Local Government Act 1972. The Ombudsman also considered the account provided by the Member.

The Ombudsman considered whether further action was needed in the public interest and the overriding purpose of the ethical standards regime in Wales, which is to uphold standards of conduct in public life and maintain confidence in local democracy. The Ombudsman was of the view that the Member’s conviction and the press coverage that followed which referred to the Council, the Member’s membership of the Council and her position as Mayor, could be regarded a conduct that was capable of bringing her Council and/or her office as a councillor into disrepute and was suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.

The report on the investigation was referred to the Monitoring Officer of Carmarthenshire County Council for consideration by its Standards Committee.

The Complaint

1. On 6 April **2021** my office received a complaint from Mr Bryan O'Leary that Councillor Louise Wride, the Mayor ("the Member"), had failed to observe the Code of Conduct for members of Llandovery Town Council ("the Council"). It was alleged that Councillor Wride had been convicted of drug driving and indicated in a newspaper that she did not intend to stand down as Mayor. A copy of the complaint is attached at Appendix 1.

Legal background

2. As required by Part III of the Local Government Act 2000 ("the Act"), the Council has adopted a Code of Conduct for members which incorporates the provisions of a Model Code contained in an order made by the Welsh Ministers. A copy of that Code is at Appendix 2. Council Members are required to sign an undertaking that, in performing their functions, they will observe the Council's Code of Conduct. Councillor Wride gave such an undertaking on 16 May **2019**. A copy of that declaration is attached at Appendix 3.

3. Paragraph 2(1) of the Code of Conduct states that the Code of Conduct must be observed when conducting the business of the authority, when acting, or claiming to act, in the role of member or as a representative of the authority and at all times and in any capacity in respect of conduct identified in paragraphs 6(1)(a).

4. Section 69 of the Act provides the authority for my investigation and the production of this report.

5. My predecessor issued guidance for members of local authorities in Wales on the Model Code of Conduct ("the Guidance"). I include at Appendix 9 extracts of the Guidance which are relevant to this complaint. The Guidance says that conduct which leads to a criminal conviction may bring a member's authority into disrepute, even if the behaviour happens in a member's private life.

Relevant legislation

6. Section 5A(1)(a) and (2) of the Road Traffic Act 1988¹ states that a person is guilty of driving or being in charge of a motor vehicle with a concentration of specified controlled drug above the specified limit if they drive, or attempt to drive, a motor vehicle on a road or other public place with the proportion of the drug in their blood or urine exceeding the specified limit for that drug.

7. Section 80 of the Local Government Act 1972 provides that a person shall be disqualified from being a member of a local authority if, since their election, they have been convicted of a criminal offence and have been sentenced to imprisonment for a period of not less than 3 months.

My investigation

8. Having considered the complaint as made, my predecessor concluded that it was appropriate to investigate whether Councillor Wride had failed to comply with the following provision of the Code of Conduct:

- 6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

9. Councillor Wride was informed of the intended investigation on 10 May **2021** (Appendix 4).

10. During the investigation, my Investigation Officer obtained copies of relevant documents from the Council (Appendix 5), Carmarthenshire County Council (Appendix 6), Dyfed-Powys Police (“the Police”) (Appendix 7) and Llanelli Magistrates Court (“the Court”) (Appendix 8).

11. The Clerk confirmed that Councillor Wride had not attended any Code of Conduct training (Appendix 5).

¹ Road Traffic Act 1988 (legislation.gov.uk)

12. The evidence found by my investigation was put to Councillor Wride, enabling her to review that evidence before responding to the questions put to her when interviewed on 7 March **2022** (transcript available at Appendix 10).

13. I have given Councillor Wride the opportunity to comment on a draft of this report which included my provisional views and finding.

Events

14. Councillor Wride was stopped by Police on 25 October **2020** (Appendix 7) when driving a vehicle. A road-side drug test was conducted which provided a positive indication for cannabis. Councillor Wride was detained and provided 2 samples of blood for analysis. Forensic analysis of the blood sampled showed that the concentration of Delta-9-Tetrahydrocannabinol (the primary psychoactive constituent of cannabis) was in excess of the specified legal limit.

15. On 25 March **2021** Councillor Wride pleaded guilty to an offence under Section 5A(1)(a) and (2) of the Road Traffic Act 1988 (Appendix 8). She was fined £120, ordered to pay a surcharge to fund victim services (£34) and to pay costs to the Crown Prosecution Service (£85). Councillor Wride was also disqualified from holding or obtaining a driving licence for 12 months. She reported her conviction to the Council on 29 March (Appendix 5).

16. The Clerk contacted the Monitoring Officer of Carmarthenshire County Council on 29 March for advice in relation to whether Councillor Wride should step down following her conviction (Appendix 6 – page 58). The Monitoring Officer said that Councillor Wride would not be automatically disqualified from office but that members may ask her to step down as Mayor and Chair of the Council. The Clerk circulated the advice to all Council members for consideration.

17. In an article in the South Wales Guardian on 31 March (Appendix 6 – page 63), Councillor Wride said that she had no intention of standing down and planned to see out her term as Mayor. It was reported that Councillor Wride at the

time of the offence. The article attracted a number of comments from members of the public reflecting some concern about the impact of Councillor Wride's conduct on her reputation and on her role as an elected member (Appendix 6 – page 64). The Complainant shared the article on Facebook and commented "How can you let this person stay as Mayor as she has been convicted of drug driving, she is supposed to be [words missing] and a roll [sic] model for all in Llandovery" (Appendix 6 – page 62).

18. Councillor Wride stepped down as Mayor on 1 April (Appendix 5).

What Councillor Wride said

19. When interviewed, Councillor Wride said that she was elected as a member of the Council in May 2017. She was elected as Mayor in 2019. She said that she thought that she had attended training on the Code of Conduct when first elected as a member but was not certain.

20. Councillor Wride said that she was stopped by Police at random on 25 October 2020 while driving home from shopping in Carmarthen. She said that she was not driving erratically at the time. She said that she had smoked a cannabis joint about 2 days before being stopped. She added that :

22. Councillor Wride explained that she was released from custody without knowing whether she was going to be charged for an offence and therefore did not consider what impact her arrest would have on her office or authority. She said that she received a letter in the post about 4 months later which summonsed her to court.

23. Councillor Wride said that she "probably didn't think too much at the time" about the impact of being summonsed to court on her office or authority as she had other things going on.

24. Councillor Wride said that she didn't really know if she considered the impact of pleading guilty on her office or authority as she had a "hundred other things to worry about". She said that she was worried about the impact on her role as a Councillor, but she was more worried about the impact on her 2 children.

25. Councillor Wride said that she told the Clerk about the situation just after she had been to court in March 2021. She said she told him that she would stand down as Mayor and quit the Council as she did not want to embarrass them all. She explained that the Clerk told her that, as she had not been imprisoned for a period of 12 weeks or more, and that he had spoken to the other Councillors who did not want her to leave, there was no need for her to step down. Councillor Wride said that all the other Councillors did not want her to stand down as she did such a good job in the town, and they did not want to lose her from the Council. She, therefore, decided to remain as Mayor as she only had a month left of her term.

26. Councillor Wride acknowledged that there had been some local press coverage of her court case. She said that she had been approached by the press, but she had not spoken to them. She denied providing the press with the quotes used in the newspaper article. She said that the press coverage made her feel ashamed and anxious.

27. Councillor Wride said that she did not consider that the press coverage impacted her office or authority, particularly not with the other Councillors being very supportive of her, and the public, who were also very supportive of her.

28. Councillor Wride said that her decision to stand down as Mayor was as a result of the press coverage. She said that she did not want to embarrass the Council and for people to think that she was brazen or just didn't care, because she did care.

29. Councillor Wride said that she remained as a member because she plans to live in Llandovery for the rest of her life, she joined the Council because she knew that her children would be growing up in the town, and

she wanted to help the town out. She explained that she is also part of other community groups, is the Chair of Parks and Playgrounds, and is involved in the WI.

30. Councillor Wride said she considered that if she had received her conviction before she was an elected member then this would not have been an issue. She said that she was unsure whether her conviction brought her office or authority into disrepute.

31. Councillor Wride said that, with hindsight, she would not have smoked the cannabis.

She said that she would not change the way that she dealt with the matter if she were to be in the same situation again.

32. In commenting on the draft report (Appendix 11), Councillor Wride said that she had served her punishment. She said that she had served her community throughout the investigation and had started a new term as a member of the Council. She said that she had been open and honest throughout the investigation and attended each meeting requested. She said that she works as a volunteer on the Council and her work is highly thought of in the town. Councillor Wride also said that her fellow councillors have given her their support.

Undisputed facts

33. Councillor Wride was acting in her personal capacity when she was stopped by Police on 25 October 2020.

34. Councillor Wride pleaded guilty to a charge of driving with the concentration of Delta-9-Tetrahydrocannabinol in her blood sample above the specified limit, contrary to Section 5A(1)(a) and (2) of the Road Traffic Act 1988.

35. Councillor Wride was fined £120, ordered to pay a surcharge to fund victim services and to pay costs to the Crown Prosecution Service. She was also disqualified for holding or obtaining a driving licence for 12 months.

36. Councillor Wride reported her conviction to the Council on 29 March, 5 months after the incident and 4 days after her guilty plea.

37. Councillor Wride's conviction attracted local press coverage which identified Councillor Wride as the Mayor to the Council. The article prompted comments from members of the public which reflected some local concern about her conviction when she was also a member of the Council. The Complainant also noted publicly his view that Councillor Wride should be a role model for others and his concern that her conviction was not the example that she should be setting in her role as Mayor.

38. Councillor Wride stood down as Mayor after press coverage of her conviction; she remained a member of the Council.

39. There are no disputed facts.

Conclusions

40. Councillor Wride was acting in her personal capacity when she was stopped by Police on 25 October 2020. Councillor Wride pleaded guilty to a charge of driving with the concentration of Delta-9-Tetrahydrocannabinol in her blood sample above the specified limit, contrary to Section 5A(1)(a) and (2) of the Road Traffic Act 1988. She received a fine, was ordered to pay a surcharge to fund victim services and costs and was disqualified from holding or obtaining a driving licence for 12 months. This sentence fell short of the automatic disqualification as outlined in Section 80A of the Local Government Act 1972.

41. Councillor Wride did not resign after her arrest, neither did she resign after her conviction. Councillor Wride did not refer herself to my office and only sought advice from the Clerk after her conviction. I note that at the time of her arrest, and in the months that followed, Councillor Wride said that she did not consider the impact of her arrest and conviction on her office and/or authority

42. The Clerk sought advice from the Monitoring Officer and was advised that Councillor Wride would not be automatically disqualified from office but that members may ask her to step down as Mayor and Chair of the Council. There was no requirement for Councillor Wride to stand down from her public role and she had the support of her fellow Councillors to remain in post.

43. Councillor Wride stood down as Mayor following local publicity due to the shame and anxiety the publicity caused, and that she did not want to embarrass the Council or for people to think she was brazen and did not care.

44. When investigating complaints and deciding whether further action is needed in the public interest, I must consider the public interest and the overriding purpose of the ethical standards regime in Wales, which is to uphold standards of conduct in public life and maintain confidence in local democracy.

45. Caselaw on the application of the Code of Conduct for members in Wales has established that for a breach of the “disrepute” provision to be found, a member’s conduct must impact upon their Council’s reputation and/or the role of elected member and go beyond affecting their personal reputation. The Complainant considered that, in her role, Councillor Wride’s conviction was not the example she should set others. In view of this, and the local press coverage that her conviction attracted, which identified her as the Mayor and led to a number of comments of concern from members of the public, I consider that Councillor Wride’s actions are suggestive of a breach of paragraph 6(1)(a) and she may have brought her office and authority into disrepute.

46. I have considered Councillor Wride’s personal circumstances at the time of her arrest and the months that followed which resulted in her office and authority not being at the forefront of her mind. I also note that Councillor Wride stood down as Mayor following the adverse publicity, showing some insight into the impact of her conduct on her office and the authority and its reputation. However, although the conduct complained about occurred in Councillor Wride’s personal capacity, I am of the view that her conviction and the press coverage that followed which referred to the

Council, Councillor Wride's membership of the Council and her position as Mayor, may have brought her Council and/or her office as a councillor into disrepute and is suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.

Finding

47. My finding under section 69 of the Local Government Act 2000 is that my report on this investigation should be referred to the Monitoring Officer of Carmarthenshire County Council for consideration by its Standards Committee.

M.M. Morris.

Michelle Morris
Ombudsman

25 July 2022

Appendix

Appendix 1	The complaint
Appendix 2	Code of Conduct – Guidance document provided by Council
Appendix 3	Declaration of acceptance of office
Appendix 4	Investigation start letter
Appendix 5	Information received from Clerk
Appendix 6	Information received from Monitoring Officer
Appendix 7	Information received from the Police
Appendix 8	Information received from the Court
Appendix 9	Extracts of my Guidance
Appendix 10	Transcript of Member interview

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 01656 641150
Fax: 01656 641199
Email: ask@ombudsman-wales.org.uk
Follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)

APPENDIX 1

Complaint Reference: VNUV4YRF

Your details

Title

Mr

Forename(s)

Surname

House name/number and Street

[REDACTED]

Address Line

2

Address Line

3

Town

[REDACTED]

County

[REDACTED]

Postcode

[REDACTED]

Country

Phone

[REDACTED]

This document is available in Welsh and English. You can write to us in Welsh and we will reply in Welsh. This will not lead to a delay in responding.

ask@ombudsman.wales

Mobile

Email

[REDACTED]

How would you prefer us to contact you?

Phone

Are you filling this form out on behalf of someone else?

No

Please choose your preferred language for communicating with us.

English

Your Complaint

Organisation

Type

Community Council

Organisation - please select from the list. If your complaint is about more than one organisation, you will need to submit a separate complaint for each one. If the body you are complaining about does not appear in the list below please telephone us on 0300 7900203 or email ask@ombudsman-wales.org.uk

Llandovery Town Council

Councillor Name

Louise Wride

Explain how the individual has breached the Code of Conduct.

Please say which or refer to the paragraphs of the "Code" you think the member has breached.

Please also include the names and contact details of any witnesses relevant to your complaint.

Louis Wride holds the position of Mayor of Llandovery, now recently it has come to light that she was convicted of drug driving, in the news paper article she states that she is not going to stand down as Mayor, no this position is supposed to be a role model

This document is available in Welsh and English. You can write to us in Welsh and we will reply in Welsh. This will not lead to a delay in responding.

ask@ombudsman.wales

for others in the town, now the example she has set is now forthcoming of a Mayor

https://m.facebook.com/story.php?story_fbid=10158332162274302&id=32034319301&sfnsn=scwspmo

Supporting Documents

Declaration

I wish for the Public Services Ombudsman for Wales to consider my complaint.

I understand that my complaint form and all material supplied with it (including my identity) may be disclosed in full to the member who I am making a complaint against and that this information may become public knowledge. This information will also usually be disclosed to the Monitoring Officer and Clerk (where applicable) of the appropriate Council.

I understand that I may be required to give spoken evidence in public in support of my complaint to the authority's standards committee, or any case tribunal which may be appointed to consider any report which the Ombudsman may issue if he decides to investigate my complaint.

Privacy

When considering your complaint, the Public Services Ombudsman for Wales will process your personal information, which may include health or social services records if your complaint relates to one of these areas. Further information about how we process your personal information is available in the Privacy Notice for Complainants & Representatives [here](#). A copy of this notice will also be attached to your confirmation email.

Privacy

Authorisation given

APPENDIX 2

The Code of Conduct for members of local authorities in Wales

**Guidance from the
Public Services Ombudsman for Wales**

Preface

This revised guide from me as Public Services Ombudsman for Wales provides an overview of the Model Code of Conduct ("the Code") introduced in 2008 (as amended on 1 April 2016). It is intended to help you as a member to understand your obligations under the Code. The Code applies to all members and co-opted members of local authorities, community councils, fire and rescue authorities and national park authorities in Wales. As a member, you are required to sign up to it as part of your declaration of acceptance of office. The Code does not apply to the actions of authorities as a whole, or to the conduct of their officers and employees. There is a separate code of conduct applying to officers of local authorities in Wales.

This is a separate version of my second guidance as Public Services Ombudsman for Wales aimed at community and town councillors (referred to throughout this guidance as community councillors). The guidance differs in many parts from my guidance to county councillors as it recognises the different role that community councillors undertake.

The following pages aim to provide you with a general understanding of the Code and its requirements. Section 1 provides an introduction, while Section 2 outlines your obligations under the Code, referencing specific paragraphs for further information. Sections 3 and 4 deal with general issues surrounding interests, and aim to clarify a number of provisions which you will find in Parts 3 & 4 of the Code. You can obtain a copy of the Code by contacting your Clerk.


The guide is intended to help you to understand the Code and how it applies, but it cannot hope to cover every conceivable circumstance. Ultimately, it is your responsibility to take specific advice from your Clerk or Monitoring Officer and to make a decision as to the most suitable course of action.

I have used examples throughout the report to help to bring the guidance to life. These examples are drawn from actual cases considered by my office and also include decisions reached by local standards committees and the Adjudication Panel for Wales. Some of these decisions may have been taken by my predecessor, but throughout, for ease of reference, I will refer to them as my own decisions. Further examples of recent cases will be published quarterly in "The Code of Conduct Casebook" which is on my website at www.ombudsman-wales.org.uk

As a member you will be offered training on the Code whether by your Clerk, a Monitoring Officer or from a representative body. I expect all members to take advantage of such training, including refresher courses, to ensure that they are fully aware of the provisions of the Code and the standards expected of them in public life. I would urge members to avail themselves of any local arrangements that may be in place for dealing with complaints about their fellow members.

I continue to be concerned about the number of low level complaints that are being received. Whilst these complaints appear to have been generated by a small number of members, in these challenging times of public austerity, it is increasingly important to ensure the effective use of my office's resources and that any investigation undertaken is proportionate and required in the wider public interest.

We should continue to work collaboratively to drive up standards and to create a culture where members are respected for their selflessness, objectivity and respectful behaviour. If we do so we can build public confidence in our democratic institutions and promote good governance for the benefit of the people of all of our communities.

A handwritten signature in black ink, appearing to read 'Nick Bennett', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Nick Bennett Public Services Ombudsman for Wales

July 2016

This statutory guidance is issued by the Public Services Ombudsman for Wales under Section 68 of the Local Government Act 2000 for elected, co-opted and appointed members of community and town councils in Wales.

Separate guidance is available for elected, co-opted and appointed members of county councils, fire and rescue authorities and national park authorities in Wales.

Acknowledgement

This guidance draws on the guidance prepared and issued by Standards for England on the former English Code of Conduct. It has been extended and amended to refer to the Welsh Code and to the Welsh context.

I would like to thank the legal services department of Rhondda Cynon Taf County Borough Council for the use of its flowchart on interests. First published April 2010. This edition published July 2016.

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1. Introduction

The Local Government Act 2000 created a new ethical framework for local government in Wales. It created a power for the National Assembly for Wales to issue a model code of conduct to apply to members and co-opted members of all relevant authorities in Wales. This power was transferred to the Welsh Ministers by the Government of Wales Act 2006. In 2008 (as amended on 1 April 2016), Welsh Ministers issued the current Model Code of Conduct which all relevant authorities are required to adopt.

Authorities were required to adopt the Code in its model form in its entirety, but could make additions to the Code, provided these were consistent with the Model. This was intended to give certainty to members and the public as to what standards are expected. It helps to ensure consistency throughout relevant authorities, avoiding confusion for members on more than one authority and for the public.

Standards committees of principal councils are required to assist members and co-opted members of town and community councils in their area to observe the Code, and to arrange for advice and training to be provided. I strongly recommend that all members should attend training and take advice where it is offered.

Whilst community councillors do not act on decision-making bodies such as planning committees you will be called upon to take decisions on the allocation of funding from your precept and to offer guidance, drawing on your valuable local knowledge, to the County Council about the impact of planning applications. It is imperative therefore, that you are fully aware of the Code and its implications for your decision-making and indeed, whether you should be involved in making a decision. In light of this I recommend training on the Code for all councillors as early in their term of office as possible.

As a member, when you sign your declaration of acceptance of office, you are confirming that you will observe the Code. It is your personal responsibility to ensure that you understand your obligations under the Code and act in a way which shows that you are committed to meeting the high standards of conduct that are expected of you as a member. Ultimately, as a member, you are responsible for the decisions you take and can be held to account for them. However, this does not imply that you can take decisions which breach the Code or contrary to advice simply because the decision is yours to take. This guidance explains the constraints you are expected to act within to ensure members of the public can be confident in the way in which authorities in Wales reach their decisions.

It is my role as Public Services Ombudsman for Wales to investigate complaints that members of local authorities in Wales have breached the Code. In determining whether to investigate a complaint or whether to continue an investigation of a breach of the Code I will use a two stage test. At the first stage, I 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 stage is met, at the second stage I will consider whether an investigation

or a referral to a standards committees or the Adjudication Panel for Wales is required in the public interest. Some of the public interest factors that I will consider are set out below. These factors are not exhaustive and the weight to be attached to each will vary according to the facts and merits of each case.

Public interest factors include:

- the seriousness of the breach
- whether the member deliberately sought personal gain for themselves or another person at the public expense
- whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to a person
- whether the breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual
- orientation or gender identity
- whether there is evidence of previous similar behaviour on the part of the member
- whether the investigation or referral to a standards committee or the Adjudication Panel for Wales is required to maintain public confidence in elected members in Wales
- whether investigation or referral to a standards committee or the Adjudication Panel of Wales is a proportionate response, namely, whether it is likely that the breach would lead to a sanction being applied to the member (I will take account of the outcomes of previous cases considered by standards committee across Wales and the Adjudication Panel for Wales), and whether the use of resources in carrying out an investigation or hearing by a standards committee or the Adjudication Panel for Wales would be regarded as excessive when weighed against any likely sanction.

I have a wide discretion as to whether to begin or continue an investigation. I have revised the two stage test adopted by my predecessor in order to provide greater clarity on how I will usually exercise my discretion and to secure a degree of consistency and certainty in the decisions that I reach.

The process I use for investigating complaints is summarised on my website at www.ombudsman-wales.org.uk

In this guidance I have tried, where possible, to use examples of cases which have been referred to me and which are relevant to community councils. Where this has not been possible I have given examples of theoretical scenarios that indicate how the Code may be breached while you are undertaking your role.

Local Resolution Process

Most local authorities across Wales have implemented local resolution procedures to deal

with low level complaints which are made by a member against a fellow member. These arrangements are proving to be effective at resolving many of these kinds of complaints. I am supportive of this extending to cover community councils. Typically these complaints will be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty not to make vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d) of the Code. Whilst a member may still complain directly to me about a fellow member if the matter being complained about concerns paragraphs 4(b) and 6(1)(d), I am likely to refer the matter back to the Council's Monitoring Officer for consideration under this process. In my view such complaints are more appropriately resolved informally and locally in order to speed up the complaints process and to ensure that my resources are devoted to the investigation of serious complaints.

The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation. The process may result in an apology being made by the member concerned. However, where a member has repeatedly breached their authority's local protocol then I would expect the Monitoring Officer to refer the matter back to me. If I see a pattern of similar complaints being made to me by the same members I will consider this to be a serious matter and decide whether the persistent reporting of such complaints is conduct which in itself should be investigated as a potential breach of the Code.

When I have investigated a complaint I may refer the matter to a standards committee or the Adjudication Panel for Wales for determination. This will depend on the nature of and individual circumstances of the alleged breach. When issuing my report I will reflect on and analyse the evidence gathered and draw my conclusions as to whether it is suggestive that a breach of the Code has occurred. However the authority to make a determination of breach rests solely with a standards committee or the Adjudication Panel for Wales.

Standards Committee

Standards committees are made up of independent lay members and of elected members of the authority. When I refer a case to a standards committee its role is to decide whether a member has breached the Code and a sanction should be imposed. In my view, hearings should be conducted in public unless there are valid reasons for not doing so to promote public confidence in standards in public life. Where a standards committee concludes that a member or co-opted member has failed to comply with the relevant council's code of conduct, it may determine that:

- no action needs to be taken in respect of that failure
- the member or co-opted member should be censured which takes the form of a public rebuke, or
- the member or co-opted member should be suspended or partially suspended from being

a member of that authority for a period not exceeding six months or if shorter, the remainder of the member's term of office.

A member may seek the permission of the President of the Adjudication Panel for Wales to appeal against the determination of a standards committee to it

Adjudication Panel for Wales

When I refer a case to the Adjudication Panel for Wales its role is also to determine whether a member has breached the Code and whether a sanction should be imposed. In addition, it will consider any appeals where permission has been obtained against the determination of a standards committee. The powers available to the Panel when it determines that a member or co-opted member has failed to comply with the Code are:

- to disqualify the respondent from being, or becoming, a member of the relevant authority concerned or any other relevant authority for a period of up to five years
- to suspend or partially suspend the respondent from being a member or co-opted member of the relevant authority concerned for up to 12 months, or
- to take no action in respect of the breach. In such cases the Panel may deem it appropriate to warn the member as to their future conduct. Where such a warning has been recorded it is likely to be taken into account during any future hearing where the member is found again to have failed to follow the provisions of the Code.

Where either a standards committee or the Panel suspends or partly suspends a member or co-opted member that member is still subject to the Code, in particular the provisions set out in paragraphs 6(1)(a) (bringing the office of member or authority into disrepute) and paragraph 7 (improperly using the position of member).

The Role of the Clerk

The Clerk is employed by your Council and undertakes a number of tasks including providing administrative support to the Council, advising on the development of policies and procedures and advising the Council on implementing and using its procedures. The Clerk acts in a supporting role and is the person you should turn to in the first instance if you need any advice.

The Clerk has a complex role and will be able to advise councillors on relevant legislation, including matters relating to the Code and on the Council's standing orders. The Clerk will work closely with the Chairman to ensure that appropriate procedures are followed at meetings and that all necessary information is available to councillors so that they may make informed decisions. Clerks may approach their relevant county council's Monitoring Officer

for advice (see below).

The Clerk is an employee of the Council and is not required to abide by the Code. Any issues regarding the performance of the Clerk are personnel matters and should be addressed using appropriate employment procedures. The Ombudsman cannot consider complaints regarding the performance of the Clerk; this is a matter for the Council as the Clerk's employer.

The Role of the Monitoring Officer

The Monitoring Officer is an officer employed by the County Council. Among many other things they advise and assist county councillors. Monitoring Officers may offer some training to community councils.

The Monitoring Officer has a significant role in the local resolution process outlined above and they will also work closely in advising the Standards Committee. You should always ask your Clerk in the first instance for any guidance or information. The Monitoring Officer may be able to provide information if your Clerk is unavailable.

The Principles

The Local Government Act empowered the National Assembly to issue principles to which you must have regard in undertaking your role as a member. The Code is based on these principles which are designed to promote the highest possible standards. These principles draw on the 7 Principles of Public Life which were set out in the Nolan Report "Standards of Conduct in Local Government in England, Scotland and Wales". Three more were added to these: a duty to uphold the law, proper stewardship of the Council's resources and equality and respect for others.

Members elected to local authorities give generously of their time and commitment for the benefit of their communities. The principles provide a framework for channelling your commitment in a way which will reflect well on you and your authority, and which will give your communities confidence in the way that your authority is governed.

The individual sections of the Code are designed to support the implementation of the Principles. For example, the Selflessness principle is covered by Section 7 of the Code – Selflessness and Stewardship. The current principles were set out in a statutory instrument and are detailed below.

1. Selflessness

Members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on, or to avoid a disadvantage for, themselves or to improperly confer an advantage or disadvantage on others.

2. Honesty

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

3. Integrity and Propriety

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

4. Duty to Uphold the Law

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

5. Stewardship

In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

6. Objectivity in Decision-making

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

7. Equality and Respect

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

8. Openness

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

9. Accountability

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

10. Leadership

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

The principles are not part of the Model Code of Conduct, and failure to comply with the Principles is not of itself, therefore, indicative of a breach of the Code. However, it is likely that a failure, for example, to adhere to the principle concerning equality and respect would constitute a breach of the requirements of paragraphs 4(a) and 4(b) of the Code in respect of equality of opportunity and respect.

In any event, the Principles offer a sound basis for your conduct in office and I encourage members to have regard to them at all times.

Deciding when the Code applies to you

**Consider conduct in your
public & private life**

See paragraphs 2 and 3

Members are entitled to privacy in their personal lives, and many of the provisions of the Code only apply to you when you are acting in your role as member or acting as a representative of your Council. However, as there may be circumstances in which your behaviour in your private life can impact on the reputation and integrity of your Council, some of the provisions of the Code apply to you at all times.

When reaching a decision as to whether the Code applies to you at a particular time I will have regard to the particular circumstances and the nature of your conduct at that time.

Before considering your obligations under the Code you should first consider whether the Code applies and, if so, what provisions.

When does the Code apply?

- Whenever you act in your official capacity, including whenever you are conducting the business of your authority or acting, claiming to act, or give the impression you are acting, in your official capacity as a member or as a representative of your authority
- At any time, if you conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute or if you use or attempt to use your position to gain an advantage or avoid a disadvantage for yourself or any other person or if you misuse your authority's resources.

Where you act as a representative of your Council on another relevant authority, or any other body, you must, when acting for that other authority, comply with their code of conduct. When you are nominated by your Council as a trustee of a charity you are obliged when acting as such to do so in the best interests of that charity, in accordance with charity law and with the guidance which has been produced by the Charity Commission (see its website: www.charity-commission.gov.uk).

If you are acting as a representative of your Council on another body, for example on an event committee, which does not have a code of conduct relating to its members, you must comply with your Council's own Code unless it conflicts with any legal requirements that the

other body has to comply with.

If you refer to yourself as councillor, the Code will apply to you. This applies in conversation, in writing, or in your use of electronic media. There has been a significant rise in complaints to me concerning the use of Facebook, blogs and Twitter. If you refer to your role as councillor in any way or comments you make are clearly related to your role then the Code will apply to any comments you make there. Even if you do not refer to your role as councillor, your comments may have the effect of bringing your office or authority into disrepute and could therefore breach paragraph 6(1)(a) of the Code.

The Welsh Local Government Association has produced useful guidance on social media entitled "Social Media: A Guide for Councillors". The guidance aims to provide you with a clearer idea about how you can use social media, the possible pitfalls and how to avoid them. It is available on their website at www.wlga.gov.uk or by calling 029 2046 8600.

If you are suspended from office for any reason, you must still observe those elements of the Code which apply, particularly as set out in paragraph 2(1)(d), while you are suspended.

Example

Councillor A made remarks about Councillor B at a committee meeting organising a waterfront parade. The parade was being arranged by a group of volunteers which had asked the Community Council to provide representatives to help it remain aware of community issues when making the arrangements. I was satisfied that Councillor A was acting in his capacity as a councillor at the Committee meeting, as his role on the Committee was as the Council's representative and were it not for this fact he would not have been present at the meeting. However, in this case I was satisfied that the comments made by Councillor A were not sufficiently serious that, if proven, it would lead to a sanction being imposed on the accused member by a standards committee. Therefore I did not investigate this complaint.

Example

Conversely, a complaint was received that Councillor J was intoxicated and behaving inappropriately at a street party. It was established that Councillor J did not have to undertake any action on behalf of the Council at the party. Therefore, in my view, she attended the party as a member of the public and as she did not seek to rely on her status as a councillor in any way the Code did not apply (except for paragraph 6(1)(a)). Whilst her behaviour may have been considered inappropriate by some it was not relevant to her role as a councillor and in my view did not bring the Council into disrepute so paragraph 6(1)(a) did not apply. I did not investigate this complaint.

2. General obligations under the Code of Conduct

If you consider that the Code applies to you at a particular time then you must consider what provisions may apply and your obligations under the Code. I have referred to each paragraph below to provide you with some guidance on your general obligations.

Equality

See paragraph 4(a)

You must carry out your duties with due regard to the principle that there should be equality of opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion. You should at all times seek to avoid discrimination. There are four main forms of discrimination:

- Direct discrimination: treating people differently because of their gender, race, disability, sexual orientation, age or religion
- Indirect discrimination: treatment which does not appear to differentiate between people because of their gender, race, disability, sexual orientation, age or religion, but which disproportionately disadvantages them
- Harassment: engaging in unwanted conduct on the grounds of gender, race, disability, sexual orientation, age or religion, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment
- Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination

The Equality Act 2010 (as amended) reinforces the importance of this part of the Code. It imposes positive duties to eliminate unlawful discrimination and harassment and to promote equality. Under equality laws, your Council may be liable for any discriminatory acts which you commit. This will apply if you do something in your official capacity in a discriminatory manner.

You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your Council's fulfilment of its positive duties under equality laws. Such conduct may cause your Council to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code.

You must also be mindful that at all times including when acting in your private capacity you must not act in a way that would bring your Council into disrepute. It is likely that engaging in behaviour which could be considered to be in breach of the Equality Act in your private capacity would fall into this category.

Example

A member of a county council was a member of the Council's Recruitment Panel to appoint a new Chief Executive. Five applicants were shortlisted. After one candidate had finished his presentation and left the room Councillor A said "good candidate, shame he's black".

The Adjudication Panel for Wales found that paragraph 4(a) of the Code had been breached and that Councillor A had brought the office of member and his authority into disrepute (in breach of paragraph 6(1)(a) of the Code).

Treating others with respect and consideration

See paragraph 4(b)

Political comments can attract Article 10 rights

You must show respect and consideration for others. Freedom of expression is a right which applies to all information and ideas, not just those that are found favourable. However it is a right that may be restricted in certain circumstances, for example, for the protection of the rights and interests of others. A member's freedom of expression attracts enhanced protection when the comments are political in nature. Therefore, the criticism of opposition ideas and opinion is considered to be part of democratic debate, and it is unlikely that such comments would ever be considered to be a breach of the Code.

"Political" comments are not confined to those made within council meetings and, for example, include comments members may generally make on their Council's policies or about their political opponents. Therefore, unless the comments are highly offensive or outrageous, it is unlikely that I will investigate complaints made in this context and councillors need a "thicker skin".

I may also decline to investigate a complaint where the member has raised "political" issues with officers, for example, the Clerk to a council. This would not however include threats to an officer's position or wellbeing. Recent case law has confirmed that council officers should be protected from unwarranted comments that may have an adverse effect on good administration and states that it is in the public interest that officers are not subject to unwarranted comments that disenable them from carrying out their duties or undermine public confidence in the administration. That said, the officers who are in more senior positions will also be expected to have a greater degree of robustness.

I expect members to afford colleagues, opponents and officers the same courtesy and consideration they show to others in their everyday lives. Whilst I recognise that political debate can, at times, become heated, the right to freedom of expression should not be used as an excuse for poor conduct generally. Such poor conduct can only discredit the role of member in the eyes of the public.

When considering such complaints I will take into account the specific circumstances of the case, whether, in my view, the member was entitled to question the officer concerned, whether there was an attempt to intimidate or undermine the officer and the content and context of what has been said.

Example

An appeal tribunal of the Adjudication Panel for Wales considered an appeal by Councillor X against the decision of the Council's Standards Committee. The Standards Committee found that Councillor X had failed to show respect and consideration to another member by prohibiting him from e-mailing the clerk and accessing the Council's website. Councillor X also made comments in an e-mail to the other members regarding his colleague's shower habits. In doing this the Standards Committee found that Councillor X had brought the Council into disrepute.

The Adjudication Panel found that Councillor X's comments were political in nature and attracted the enhanced protection of Article 10 of the European Convention on Human Rights. The Standards Committee's decision was overturned and the sanction rescinded. The decision of the Adjudication Panel can be found [here](#).

Example

The Adjudication Panel upheld a finding of a standards committee about a councillor who was accused of failing to show respect and consideration for others by posting online comments about other councillors and the way in which the Council was run. The member sought judicial review of this decision. The Court found that whilst the comments which were posted were sarcastic and mocking and the tone ridiculed his fellow members, because the majority of the comments related to the way in which the Council was run, how its decisions were recorded and the competence of the councillors, the comments were "Political Expression". The ruling said no account had been taken of the need for politicians to have "thicker skins". In view of the member's freedom of expression and the fact that the majority of comments were directed at fellow councillors, the finding of a breach in this case was a disproportionate interference with the member's rights under Article 10 of the European Convention on Human Rights. The Standards Committee's decision to censure the member was therefore set aside.

Example

A member of a town council wrote to a Deputy Minister of the Welsh Assembly Government about an employee ("Mr Smith") of a county council, a letter which was also copied to the Council. In the letter the member questioned Mr Smith's competence and motivation and he made a number of comments of a disparaging and personal nature about Mr Smith and his associates. He raised the issue of homosexuality and referred to it as a "notorious disability" and that "homosexuality is only a demon which can be driven out". The member was referred to the Adjudication Panel for Wales.

The Panel found that the member had breached paragraph 4(b) of the Code in that he had failed to show respect and consideration for others. It also found that by his use of words he had brought the office of member into disrepute in breach of paragraph 6(1)(a) of the

Code.

The member was disqualified for 12 months from being or becoming a member of a local authority.

Consider your conduct from the other person's perspective

Bullying and harassment

See paragraph 4(c)

You must not use any bullying behaviour or harass any person including other councillors, council officers (the Clerk or Proper Officer) or members of the public.

Harassment is repeated behaviour which upsets or annoys people. Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

When considering allegations of bullying and harassment I will consider both the perspective of the alleged victim, and whether the member intended their actions to be bullying. I will also consider whether the individual was reasonably entitled to believe they were being bullied. Bullying is often carried out face to face, but increasingly, it can be carried out in print or using electronic media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

Example

Community Councillor P disagreed with the County Council's arrangements for the enforcement of parking breaches within the town. Councillor P used disrespectful and abusive language and behaved in a bullying and intimidating manner towards Council Civil Enforcement Officers on four occasions. He also sought to use his position as a councillor improperly in relation to a parking offence. The Standards Committee found that Councillor P had breached paragraph 4(c) of the Code as he had pursued a course of conduct of threatening behaviour towards the County Council employees. The Standards Committee also established that Councillor P breached paragraphs 4(b), 7(a) and 6(1)(a) of the Code. He was suspended from acting as a Councillor for 12 months.

You need to ensure that your behaviour does not cross the line between being forceful and bullying. There can be no hard and fast rules governing every set of circumstances but the

relative seniority of the officer will be a factor in some cases. As outlined under paragraph 4(b) of the Code very senior officers can be involved in robust discussion with members and be well placed to put their own point of view forcefully. The same is not true of more junior officers and members need to be aware of this. This is not to say that I condone the bullying of senior officers, only that the greater the power difference between the officer and the member the greater the likelihood that the officer will consider behaviour to constitute bullying.

Recently, the High Court found that there is a public interest in protecting public confidence in unelected public servants which is to be balanced against the interests of open discussion on matters of public concern. It also found that all members should equally respect the mutual bond of trust and confidence between themselves and the officers which is crucial to good administration.

Local Authorities have appropriate channels for expressing concern about the performance of an officer and it is important that you raise issues about poor performance in the correct way and proper forum. Raising such issues in the context of a meeting with others present, especially if they are from outside bodies or are members of the public, is not acceptable. Neither is it acceptable to do so in the media, in your own publications or using blogs, tweets, Facebook or other electronic means. If your criticism is a personal attack or of an offensive nature, you are likely to cross the line of what is acceptable behaviour.

Example

A county council member was disqualified from office for 2 years and 6 months by the Adjudication Panel for Wales following allegations of bullying, harassment, disrespect and bringing the office of member into disrepute. The alleged incidents occurred over a period of two years. During that time the member had made threatening comments to officers of both junior and senior grades. For example, comments such as, a number of managers of the Council had been dispensed with and there were more to go and "You won't like the man I'll become if I don't get what I want....I don't need to threaten you you're an intelligent woman I know you're listening to me".

The member appealed the decision and the matter was referred to the High Court where all but three breaches were upheld. The decision can be found [here](#).

Compromising the impartiality of officers of the authority

See paragraph 4(d)

You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, your Council. You should not approach anyone who works for, or on behalf of, the Council with a view to pressurising them to carry out their duties in a biased or partisan way. They must be neutral and should not be coerced or persuaded to act in a way that would undermine their neutrality. For example, you should not get officers to help you prepare party political material, or to help you with matters relating to your private business. You should not

provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision or threaten someone if they are not minded to act in a particular way. If a member develops a close personal relationship with an officer, this becomes a personal and possibly a prejudicial interest under the Code.

Hypothetical Scenario

The Clerk is responsible for allocating allotments from a waiting list, the allotments are very popular and vacancies very rarely arise. The Clerk advised the Council that an allotment had become vacant and that they would consult the list and allocate the allotment to the person who had been waiting the longest in accordance with the Council's allotment allocation procedure. Councillor D's father had been waiting for an allotment for almost seven years. Councillor D approached the Clerk after the meeting and asked to see the list. He noted that one person was ahead of his father by only one month. Councillor D asked the Clerk to give the vacant allotment to his father, he said that as so much time had elapsed since his father and the other person had applied, the other person was unlikely to question who was first and in any event it would not be difficult to retype the list. Councillor D suggested that in return for this favour he would encourage the Council to look favourably on the charity suggested by the Clerk when it came time to decide where to allocate funds raised at a fun day the following month.

Disclosing confidential information

See paragraph 5(a)

You must not disclose confidential information, or information which should be reasonably regarded to be of a confidential nature, except in any of the following circumstances:

- you have the consent of the person authorised to give it
- you are required by law to do so.

The Information Commissioner has issued helpful guidance on the Freedom of Information Act and Data Protection Act which is available on his website at www.ico.gov.uk or by calling 0303 123 1113. As a community councillor you may have sight of sensitive information, for example of a commercial nature. You must also be mindful that, as a councillor, you hold a position of trust and you may find that members of the public will provide you with information that could reasonably be regarded as confidential and you should always confirm (where possible obtain an agreement in writing) that you have the permission to disclose such information before doing so. As a general rule, you should treat items discussed in the confidential sections of meetings (exempt items) as confidential. Similarly, legal advice is almost always covered by legal privilege and should not be disclosed.

Example

A Community Councillor S received an e-mail from another Councillor T regarding the employment of the caretaker. The e-mail was marked as confidential. Councillor S disclosed

the e-mail to the caretaker's wife, information in the e-mails was subsequently used against the Council in a tribunal hearing relating to the caretaker's employment. I concluded that Councillor S might have breached paragraph 5(a) of the Code.

Preventing access to information

See paragraph 5(b)

You must not prevent any person from accessing information which they are entitled to by law. This includes information under the Freedom of Information Act 2000 or those copies of minutes, agendas, reports and other documents of your Council which they have a right to access. To find out more about what types of information the public can access, contact the Information Commissioner's Office by visiting www.ico.gov.uk or by calling 0303 123 1113 or for specific queries, you should ask your Monitoring Officer or Clerk.

Any information that you produce in your official capacity is liable to be subject to the disclosure requirements of the Freedom of Information Act, and your Council may be required to release it in response to a request. If you do not provide the information to the Clerk on request, you will be in breach of the Code.

Your Council needs to decide whether to disclose information or whether it may be covered by an exemption. Even if you believe that information you hold is exempt, you must provide it to your Clerk if requested to allow the Council to reach a decision. As well as being a breach of the Code, it is a criminal offence if information is destroyed after a Freedom of Information Act request has been received.

Example

A leader of a county council refused to give the Council's Information Officer a letter he had written to the Wales Audit Office on behalf of the Council's Executive. As a result the Council could not respond appropriately to a Freedom of Information Act request which resulted in a complaint being made to the Information Commissioner's Office. The member continued to refuse to disclose the letter despite having received clear and unequivocal advice from the Information Officer. His refusal led to an adverse finding from the Information Commissioner's Office. The Adjudication Panel found that the member had breached paragraphs 5(b) and 6(1)(a) (disrepute) in respect of this matter and other related matters. By the time the case was considered by the Panel the member had resigned from office. He was disqualified from holding office for 12 months.

**Any conduct unbecoming
of a member can constitute
disrepute**

Disrepute

See paragraph 6(1)(a)

You must not behave in a way which could reasonably be regarded as bringing your office or authority into disrepute at any time. As a member, your actions and behaviour are subject

to greater scrutiny than those of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on your Council.

Dishonest and deceitful behaviour will bring your Council into disrepute, as may conduct which results in a criminal conviction, especially if it involves dishonest, threatening or violent behaviour, even if the behaviour happens in your private life. Making unfair or inaccurate criticism of your Council in a public arena might well be regarded as bringing your Council into disrepute. Inappropriate e-mails to constituents or posts on social media might well bring the office of member into disrepute.

Example

A community councillor had been abusive to a shop proprietor and two members of her staff and had attempted to obtain a discount on a private purchase by saying it was being bought on behalf of the Community Council, and when his request for a discount was refused he had made threats against the business. The Adjudication Panel found that the member had brought the office of member into disrepute and suspended him for 9 months.

Example

A member of a county borough council who regularly wrote an article for a local monthly publication referred in his article to a recent road traffic accident in which a 10 year old boy was injured. The complainant was the mother of the boy who was with the injured child. After the article was published she telephoned the councillor who she said was abusive towards her during the call. In a subsequent e-mail exchange the councillor told her that she had "failed to take any responsibility for her child allowing him out alone", that her "ill educated in the highway code son" was to blame and said "don't you dare try and shift your inadequacies as a parent upon me".

The member was found in breach of paragraphs 4(b) (respect & consideration) and 6(1) (a) (disrepute). The matter was referred to the Adjudication Panel for Wales. Although the member had claimed to have apologised for his behaviour what he had actually said was "I have nothing to apologise for... I do apologise if, for some reason it upset you".

The Panel found that the member had breached paragraphs 4(b) (treating others with respect) and 6(1)(a) (disrepute). He had previously been suspended by the Panel for 2 months for sending inappropriate e-mails in 2006. He was suspended for 12 months in respect of these breaches.

Reporting breaches of the Code

See paragraph 6(1)(c)

If you reasonably believe that a breach of the Code has occurred, you must report it to the Monitoring Officer of the principal Council. There is no longer a need to report the matter to me. In order to have a reasonable belief that a breach has occurred, you will need to have evidence which supports this. If you are in doubt as to whether a breach has occurred, you should consult your Monitoring Officer as soon as possible. Where the breach is a very minor or technical one, or where there is no clear evidence that a breach occurred, your Monitoring Officer may advise you of the likely threshold I will set. In the most serious of cases the Monitoring Officer may, as an exception, decide to refer matters to me directly or on your behalf. In most other cases you will be advised you to do so.

Nonetheless, the decision as to whether to investigate a breach rests with me. The balance of any doubt should always favour reporting. It is helpful if you specify which aspect of the Code you believe has been breached.

In determining whether to investigate a complaint of a breach I will use the two stage test which I have outlined on pages 6 and 7 above. You should ensure that you provide any evidence you have available when you make a complaint including minutes of meetings, correspondence, contemporaneous notes or e-mails. If there are other individuals who have witnessed the alleged breach, you should let us know who they are. This latter point is especially important as if I only have one person's word against another's, it is usually not possible for me to make a finding that a breach has occurred, and in the absence of independent confirmation, I may not be able to conclude with sufficient certainty that there is enough evidence to warrant pursuing the matter.

To report such matters, you can contact my office by phone at 0845 6010987, by email to ask@ombudsman-wales.org.uk or via the website at www.ombudsman-wales.org.uk. A special leaflet on making complaints about alleged breaches of the Code is available on request or on the website.

Vexatious complaints

See paragraph 6(1)(d)

You must not make complaints against other members or staff members or people working on behalf of your Council which are not founded in fact and which are motivated by malice (a desire to do them harm) or by political rivalry. Unfortunately, there have been instances where members have sought to bring complaints about rivals which are designed to disadvantage them, sometimes in the run-up to elections, and where the evidence of any breach is weak or non-existent. I consider that in the first instance such conduct should be considered under the relevant authority's local resolution process if there is one in place.

Where specific details of such complaints are passed to local press and media, this may prejudice an investigation and so also may be a breach of the Code. You must report well-founded alleged breaches to the Monitoring Officer of the principal Council, not to your local newspaper or radio station. The press will properly cover the business of any hearings and their outcomes, and members making allegations should not generate publicity in advance of these.

The Code should not be used by members to pursue their political or private differences. You should also avoid making complaints which have little or no substance (frivolous complaints) which are designed mainly to annoy the person complained about. In the past it has been necessary for my predecessor to correspond with the Clerk of a council in relation to their mutual concerns about the number of complaints received in respect of its members. As previously stated, since taking up my office I too have had concerns about the number of low level complaints that are still being received from members. Although these complaints appear to be generated by a small number of members, they can create a negative impression of those members and councils and generally harm public confidence in our elected members. Where it becomes apparent that repeated member against member complaints are being made to my office, I would urge those councils to reflect on the culture which has resulted in these complaints and consider how this behaviour might be changed to avoid such complaints.

Where I find evidence to suggest that a complaint has been made to my office which is not founded in fact and has been motivated by malice or political rivalry, I will consider this to be a serious matter and I may investigate. Making vexatious, malicious or frivolous complaints is not only a breach of this paragraph but may also be contrary to your other obligations under the Code such as the requirement not to bring your position as councillor into disrepute or not to use your position for an improper purpose.

You should note that the Code only applies to those who have been elected, co-opted or otherwise appointed to a body which is covered by the Code. It does not apply to members of the public. Whilst I appreciate that it can be frustrating if a member of the public makes repeated complaints against you which you consider to be vexatious or frivolous in nature, I am required to consider each complaint on its own merit. However, it is likely that such complaints would not pass the two stage test and result in an investigation.

Co-operating with investigations

See paragraph 6(2)

You must co-operate with an investigation when it is being conducted by me or by your Monitoring Officer using our statutory powers. Not to do so is itself a breach of the Code. This means that you should reply promptly to all correspondence and telephone calls, make yourself available for interview if required and make available copies of any requested

documents. It would be helpful if you could identify any concerns that you may have during the course of the investigation so that these can be promptly resolved. My office and your Monitoring Officer will make reasonable allowances for urgent pressures you face and arrangements previously made, for example, for holidays. However, they will expect you to give priority to their investigations, to avoid matters being needlessly drawn out. The requirement to co-operate with an investigation applies whether you are a witness or the subject of the investigation.

I am aware of instances where members accused of breaches of the Code have sought to put pressure on the individuals making the complaint or on other witnesses. I regard such behaviour as entirely unacceptable. You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings relating to a failure to comply with the Code.

However much you may be concerned about allegations that you or a fellow councillor failed to comply with the Code, it is always wrong to bully, intimidate or attempt to intimidate any person involved in the investigation or hearing. Even though you may not have breached the Code, you will have your say during any independent investigation or hearing, and you should let these processes follow their natural course.

If you intimidate a witness in an investigation about your conduct, for example, you may find yourself subject to another complaint that you have breached paragraph 4(c) of the Code with regard to bullying or harassment, for example, or paragraph 6(1)(a) in respect of bringing the office of member into disrepute.

Using your position improperly

See paragraph 7(a)

You must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else. This paragraph applies at all times and not just when you are carrying out your duties as a member. You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a member. This also applies if you use your office to improve your wellbeing at the expense of others.

Members who own land, or whose close personal associates own land, need to be particularly cautious where planning matters are concerned. If you are in any doubt, you should take advice. This applies equally to members of community councils when your Council is consulted on planning matters. Similarly, while it is reasonable to expect members to help constituents apply to the Council, for example, for housing, it is quite inappropriate to seek to influence the decision to be taken by the officers.

The provisions of the Bribery Act 2010 apply to members carrying out their public functions. Should a member be convicted of a criminal offence under this Act then it is likely that they will also have used their position improperly (in breach of paragraph 7(a)) and be likely to have brought the office of member or their authority into disrepute in breach of paragraphs 6(1)(a) and (b). If any complaint which is made to me concerns conduct which may amount to a criminal offence then I am likely to refer the matter to the police.

Example

Councillor D was a 'joint co-ordinator' of a community group. Councillor D did not notify the Council of her position in this group. She took part in the considerations and voted on the decision to negotiate a new lease in respect of a workshop used by this community group. A standards committee found that she had used her position on the Council improperly as the decision on which she voted benefited a group in which she clearly had an interest which she had not made the Council aware of. She was found in breach of paragraph 7(a) of the Code and suspended from acting as a councillor for four weeks.

The authority's resources

See paragraph 7(b)

You must only use or authorise the use of the resources of the Council in accordance with its requirements. This paragraph also applies at all times. If your Council provides you with access to resources (for example telephone, computer and other IT facilities), you must only use these resources for carrying out your Council business and any other activity which your Council has authorised you to use them for.

You must be familiar with the rules applying to the use of these resources made by your Council.

Failure to comply with your Council's rules is likely to amount to a breach of the Code. If you authorise someone (for example a member of your family) to use your Council's resources, you must take care to ensure that this is allowed by your Council's rules.

Using resources for proper purposes only

See paragraphs 7(b)(v) and 7(b)(vi)

You must make sure you use the Council's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the Council's resources, you must have regard, if applicable, to any guidance issued by your Council.

Example

A member of a county council was found in breach of the Code for making improper use of his council-owned computer equipment for private purposes by downloading inappropriate adult pornographic images and sending a number of letters to a local newspaper, which he falsely represented as being from members of the public. The Adjudication Panel found that the member had misused the Council equipment in breach of the Code and had brought the office of member into disrepute. He was disqualified from being or becoming a member of a local authority for 2 years and 6 months.

Reaching decisions objectively

See paragraph 8(a)

When taking part in meetings of your Council, or when arriving at decisions relating to the Council's business, you must do so with an open mind and objectively. During the decision-making process you must act fairly and take proper account of the public interest.

Most decisions taken by a community council relate to local matters and funding of local projects. Although the amounts of money being spent are smaller than at county level, all decisions must be taken on the basis of the facts in front of you, and you must not have made your mind up in advance to such an extent that you are entirely unprepared to consider all of the evidence and advice you receive. Having a completely closed mind is known as pre-determination. You are entitled to hold a preliminary view about a particular matter in advance of a meeting (pre-disposition) as long as you keep an open mind and are prepared to consider the merits of all the arguments and points made about the matter under consideration before reaching your decision. Pre-determination on the other hand would be where you have clearly decided on a course of action in advance of a meeting and are totally unwilling to consider the evidence and arguments presented on that matter during the meeting. Pre-determination could not only invalidate the decision, it would also amount to a breach of the Code.

Considering advice provided to you and giving reasons

See paragraph 8(b)

You must have regard to all of the advice you receive from your Clerk. The Clerk is usually also the Proper Officer and it is part of their role to research the policy, guidelines and legislation relevant to advice given when taking decisions.

It is always helpful, if you can, to get advice as early as possible. If you can, ask for advice in good time before a meeting, rather than at the meeting or immediately before it starts. Make sure you give the Clerk all of the information they need to take into account when giving you advice.

If you seek advice, or advice is offered to you, for example, on whether you should register

a personal interest, you should have regard to this advice before you make up your mind. Failure to do so may be a breach of the Code.

As a matter of good practice, where you disagree with the Clerk's recommendations in making a decision, you should give clear reasons for your decision. If you decide to vote against their advice, you should ensure that your reasons for doing so are recorded in the relevant minutes.

Expenses

See paragraph 9(a)

You need to follow the law and your Council's requirements in claiming expenses and allowances. If you are in any doubt about your entitlements, or the proper way to claim, you should ask your Clerk for advice. You need to keep proper records of expenditure supported by receipts where appropriate, so that you can properly evidence your claims. Even if a particular scheme does not require you to submit receipts, you are strongly advised to keep these so that you can prove how much you have actually spent on the items you are claiming for.

Gifts and hospitality

See paragraph 9(b)

It is important that you do not accept any gifts or hospitality for yourself, or on behalf of others, which would place you under obligation or appear to do so. Accepting such gifts or hospitality could be regarded as compromising your objectivity when you make decisions or carry out the work of your Council. This is also true of any services or gifts in kind. This does not prevent you from attending official events such as a civic reception or working lunch where these are authorised by your Council.

3. Personal and prejudicial interests

The elements of the Code which cover personal and prejudicial interests give rise to many questions from members. They are designed to safeguard the principles of selflessness and objectivity. They are intended to give members of the public confidence that decisions are being taken in their best interests, and not in the best interests of members of authorities or their close personal associates.

Personal interests relate to issues where you or a close personal associate may have some link to a matter under discussion. These interests become prejudicial where an informed independent observer could conclude that the interest would influence your vote, or your decision.

In my experience it is the distinction between personal and prejudicial interests, and what action a member should take depending on the nature of their interest, that causes the most difficulty for members.

The paragraphs below are designed to offer guidance in this area. I would strongly recommend that if you are in any doubt about whether you have a personal or prejudicial interest, and, if so, what you need to do, you should ask your Clerk for advice. However, the decision on what course of action should be taken remains with you.

To provide some further assistance, I have attached a flowchart to this guidance, based on a document prepared by Rhondda Cynon Taf County Borough Council, which is designed to take you through the questions that you should ask when deciding whether you have an interest. It is for illustration purposes only and is not definitive.

Guidance on registering interests is at Section 4.

Personal Interests

See paragraph 10

Do you have a link or close connection to the item to be considered?

While you are carrying out your duties, you need to decide if you have a personal interest, and if so, whether you need to disclose it. Most members know that you need to disclose personal interests at meetings, but as you will read below, there are other occasions, such as when speaking to the Clerk about the matter concerned, when you may also need to do so.

Listed below are some questions that you should ask when deciding if you have an interest

Do I have a personal interest?

You have a personal interest in any business of your Council, including when making a decision, where it relates to or is likely to affect:

1. your job or your business

2. your employer, or any firm in which you are a partner or paid director
3. any person who has paid towards the cost of your election or your expenses as a member
4. any company in which you hold shares with a nominal value of more than £25,000 or where your holding is more than 1% of the total issued share capital, which has premises or land in your Council's area
5. any contract that your Council makes with a firm in which you are a partner, paid director or hold shares in as described in 4
6. any land in which you have an interest and which is in your Council's area (this is especially important in all planning matters including strategic plans)
7. any land let by your Council to a firm in which you're a partner, paid director or a body as set out in 4
8. any body to which you've been elected, appointed or nominated by your Council
9. any
 - public authority or body exercising functions of a public nature
 - company, industrial and provident society, charity or body directed to charitable purposes
 - body whose main role is influencing public opinion or policy
 - trade union or professional association
 - private club, society or association operating in your Council's area in which you have membership or are in a position of general control or management, or
10. any land in your Council's area which you have a license to occupy for at least 28 days.

It is always safer to declare an interest, however, if in doubt, consult your Clerk or your Monitoring Officer.

Matters affecting your well being or financial position

If a decision might be seen as affecting your well being or financial position or the well being or financial position of any person who lives with you or with whom you have a close personal association to a greater extent than other people in your Council's area, you have a personal interest.

Examples of decisions of this kind include obvious issues like contracts being awarded to your partner's company but also issues about the location of developments, where it might make a big difference to where you or your close personal associates live. Examples have included the location of playgrounds, where elected members have opposed them near their

houses because of issues about noise.

What is “a body exercising functions of a public nature”?

The phrase “a body exercising functions of a public nature” has been subject to broad interpretation by the courts for a variety of different purposes. Although it is not possible to produce a definitive list of such bodies, here are some of the criteria to consider when deciding whether or not a body meets that definition:

- Does that body carry out a public service?
- Is the function exercised under legislation or according to some statutory power?
- Can the body be judicially reviewed?

When conducting community council business it is likely that you will be acting on a body which is exercising functions of a public nature. You may also be doing this if you have been appointed to act on behalf of the Council on a community project or interest group.

What does “affecting well-being or financial position” mean?

The term ‘well-being’ can be described as a condition of contentedness and happiness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being. A personal interest can affect you or your close personal associates positively and negatively. So if you or they have the potential to gain or lose from a matter under consideration, you need to declare a personal interest in both situations.

Close personal associates include friends, relatives, business associates and those with whom you have been in dispute

Who is a close personal associate?

Close personal associates include people such as close friends, colleagues with whom you have particularly strong connections, business associates and close relatives. It does not include casual acquaintances, distant relatives or people you simply come in contact with through your role as member or your work in the local community.

Close personal associates can also include someone with whom you have been in dispute, or whom you may be regarded as having an interest in disadvantaging. For example, being a member of the same golf club as another person would not of itself constitute a close personal association but having that person as a weekly golf partner might well do. If you are in doubt, you should ask your Clerk or your Monitoring Officer.

“Twin hatted” members

If you are a member of both a community council and a county council you are not prevented from discussing the same matters at both. You may, for example, take part in a discussion about a planning application about which your Community Council has been consulted and still go on to participate in a decision about the application if you sit on the Planning Committee of

your County Council.

If you do so, you would be well advised to state at the Community Council meeting that you would be looking at the matter afresh when you consider it at the County Council meeting, and that you would take into account all of the information and advice provided to you. At the Planning Committee, you should make it clear that you are not bound by the views of the Community Council. The advice about objective decision making in respect of paragraph 8 of the Code is also relevant here.

Obviously, if the application was one submitted by the Community Council, then you would have both a personal and a prejudicial interest, and you would be required to declare it and withdraw in line with the guidance on “what to do if you have a prejudicial interest” below.

Example

A member of a Community Council was found in breach of the Code for failing to declare a personal and prejudicial interest at a meeting which considered the Clerk’s remuneration package; the member and the Clerk were in a relationship and engaged to be married at the time. The Adjudication Panel found that the member should have declared a personal interest the item of business by virtue of his close personal association with the Clerk. It considered also that the nature of the member’s relationship with the Clerk was one that gave rise to a prejudicial interest as it concerned a significant benefit for the future spouse. The Adjudication Panel considered that the interest was one that would affect public perception of the members’ ability to make a decision in the public interest.

The Adjudication Panel reiterated that the test was not whether the member took the decision without prejudice but whether he would have been seen as doing so. The member was suspended for 3 months.

What if I am not aware of my personal interest?

Your obligation to disclose a personal interest to a meeting only applies when you are aware of or reasonably ought to be aware of the existence of the personal interest. Clearly you cannot be expected to declare something of which you are unaware. It would be impractical to expect you to research into the employment, business interests and other activities of all your close associates and relatives. However, you should not ignore the existence of interests which, from the point of view of a reasonable and objective observer, you should have been aware.

What to do when you have a personal interest

See paragraph 11

If you decide that you have a personal interest then you must take the following action before the matter is discussed or as soon as it becomes apparent to you except in limited

Once disclosed you can stay & participate if your interest is not prejudicial

circumstances:

- Declare that you have a personal interest, and the nature of that interest
 - at meetings
 - when making written representations (including e-mails, faxes etc.)
 - when making oral representations, even if your interest is on the register of interests.
- Confirm your interest by e-mail or in writing to the officer concerned and to the Clerk within 14 days
- Consider whether you have a prejudicial interest (see below).

If you have agreed with your Clerk or your Monitoring Officer that the information about your personal interest is sensitive information then you should disclose the existence of a personal interest, and confirm that the Clerk or Monitoring Officer has agreed that the information about it is sensitive. More information about this is included in the separate section below.

If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a prejudicial interest. What constitutes a prejudicial interest is outlined in the following section.

Do not be swayed by what you think - consider what a member of the public would reasonably think

Prejudicial Interests

See paragraph 12

Do I have a prejudicial interest?

Your personal interest will also be a prejudicial interest in a matter if a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest. There are exemptions to this which are contained in paragraph 12(2) of the Code although many of the examples are unlikely to apply to business undertaken by a community council.

What is so significant that it is likely to prejudice your judgement?

If a reasonable member of the public with knowledge of all the relevant facts would think that your judgement of the public interest might be prejudiced, then you have a prejudicial interest. This is an objective test. You must decide not whether you would take the decision without prejudice, but whether you would be seen as doing so.

You must ask yourself whether a member of the public, if he or she knew all the relevant facts, would think that your personal interest was so significant that it would be likely to prejudice your judgement. In other words, the interest must be perceived as likely to harm

or impair your ability to judge the public interest.

The mere existence of local knowledge, or connections within the local community, will not normally be sufficient to meet the test. There must be some factor that might positively harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.

Some general principles must be remembered when applying this test. You should clearly act in the public interest and not in the interests of any close personal associates. You are a custodian of the public purse and the public interest and your behaviour and decisions should reflect this responsibility.

You would have a prejudicial interest in the consideration and decision on whether to support a planning application proposal if a close personal associate of yours (for example your son or a good friend) lives next to the proposed site. This is because your close personal associate would be likely to be affected by the application to a greater extent than the majority of the inhabitants of your Council area and this gives you a personal interest in the issue. The close personal association means a reasonable member of the public might think that it would prejudice your view of the public interest when considering the planning application. It does not matter whether it actually would or not.

In other cases, where there has been a dispute between you and an individual who could be disadvantaged by a decision, an informed reasonable member of the public might conclude that you would be inclined to vote accordingly, whether this is the case or not.

Community councillors do not have a prejudicial interest in decisions made by their Council in respect of grants, loans or other financial assistance to community groups or voluntary organisations where the value does not exceed £500. Furthermore community councillors who have been appointed to the community group or voluntary organisation concerned by their Community Council, for example, e.g. to the board of a community hall, will not have a prejudicial interest in decisions made by their Council in respect of any grants, loans or other financial assistance. If, on the other hand, you are on such a board in your own capacity and have not been appointed by your Council, then you will have a prejudicial interest.

What to do when you have a prejudicial interest

See paragraph 14

If you consider that you have a prejudicial interest in your Council's business you must take certain action.

Nevertheless, even where you have a prejudicial interest, the Code supports your role as a community advocate and enables you in certain circumstances to represent your community and to speak on issues important to them and to you.

Key point: If you have a **prejudicial interest** in a matter being discussed at a meeting,

you must, having declared your personal interest in the matter, leave the room (or any other venue in which the meeting is being held including, for example, the location of a site meeting).

This is unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise.

If that is the case, you can also attend the meeting for that purpose or submit written representations to the public meeting. However, where you attend you must immediately leave the room or chamber once the period for considering representations has finished, and before any discussion on the item begins, even if members of the public are allowed to remain. You cannot remain in the public gallery to observe the vote on the matter.

In addition, **you must not seek to influence a decision in which you have a prejudicial interest.** This rule is similar to your general obligation not to use your position as a member improperly to your or someone else's advantage or disadvantage. This means that as well as leaving meetings where the item is discussed, you should also not write or make any oral representations about the matter.

The Code does not provide you with a general right to speak to a meeting where you have a prejudicial interest. The Code aims to provide members with the same rights as ordinary members of the public to speak on certain matters in meetings, despite having a prejudicial interest. These rights are usually governed by your Council's constitution, procedure rules or standing orders, and may be subject to conditions including time limits or the fact that representations can only be made in writing.

If an ordinary member of the public would be allowed to speak to a meeting about an item, you should be provided with the same opportunity. You will be able to make representations, answer questions or give evidence, even if you have a prejudicial interest in the item. Recent changes to the Code also provide the right to submit written representations to the public meeting in these circumstances. You may not however take part in the discussion or observe the vote.

When must I leave the place where the meeting is held?

You must leave immediately after the time for making representations, giving evidence or answering questions is finished, and before any debate starts.

What does influencing a decision mean?

You must not make any representations or have any involvement with decisions in which you have a prejudicial interest, except where you are entitled to speak as described above. Your presence itself could be perceived to be capable of influencing the decision making process.

What if the public are not allowed to speak to the meeting on the matter?

If an ordinary member of the public is not allowed to speak on the matter, you cannot do so or submit written representations if you have a prejudicial interest. You must leave the place where the debate is being held and not seek to influence the debate in any way.

This may be the case, for example, where your Council is discussing a confidential matter in closed session or does not have procedure rules or standing orders in place that allow members of the public to speak at a meeting of your Council. Like the public, you are not allowed to participate if you have a prejudicial interest. However, where the public may be allowed to sit in the public gallery to observe the meeting, you will be required to leave the room during the debate and vote.

Example

A member of a Community Council was found in breach of the Code for failing to declare a personal and prejudicial interest at a meeting which considered a planning application for a wind farm on land adjacent to a farm owned by her; the member having entered into a Lease of Rights agreement over her land to facilitate access to the proposed development. The member initially relied on the fact that this agreement contained a confidentiality clause to explain her actions. Nonetheless the member participated in a secret ballot held in order to decide whether the Community Council would support or oppose the application.

Immediately prior to the hearing before the Adjudication Panel the member accepted that she had a personal interest in the item and later that it was prejudicial in nature. The Adjudication Panel found that the member had failed to comply with paragraphs 11(1) and 14(1) of the Code. It considered that she had allowed her personal interests to prevail and to keep those private conflicted with her duties and responsibilities as an elected member. She was suspended from office for 3 months.

Dispensations

If I have a prejudicial interest, can I obtain a dispensation to allow me to take part in the meeting?

You can apply in writing to your County Council's Standards Committee for a dispensation on one or more of the following grounds:

- at least 50 per cent of the Council or Committee members would be prevented from taking a full part in a meeting because of prejudicial interests
- the nature of your interest is such that your participation would not harm public confidence
- your interest is common to a significant proportion of the general public

- you have a particular role or expertise which would justify your participation
- the business relates to the finances or property of a voluntary organisation and you sit on its board or committee in your own right and you do not have any other interest, although in this instance, any dispensation will not let you vote on the matter, or
- the Committee believes that your participation would be in the interests of the people in your Council's area and that the committee notifies Welsh Ministers within seven days.
- the committee considers if appropriate in all circumstances, where it was not otherwise possible, to make reasonable adjustments to accommodate a person's disability.

You can apply for a dispensation individually and in certain circumstances, you can make joint applications where a number of members want to obtain a dispensation to speak or vote on the same matter. If the Standards Committee approves your application, it must grant the dispensation in writing and before the meeting is held. If you need a dispensation, you should apply for one as soon as is reasonably possible.

Only the Standards Committee can grant the dispensation and will do so at its discretion. The Standards Committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the Council. If failure to grant a dispensation will result in a council or committee not achieving a quorum, this may well constitute grounds for granting a dispensation.

Where you hold a dispensation, you can also make written representations but you must provide details of the dispensation in any correspondence. If you make oral representations, whether in person or by phone, you must refer to the dispensation and confirm this in writing within 14 days.

4. Registration of Interests

See Paragraph 15

Key points

Community councils are required to maintain and publish electronically a record of its members' interests in a public register of interests. This record is maintained by your Clerk. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest.

The register also protects you. You are responsible for deciding whether you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

Recent changes to the Code now also require you, where you become aware of a change to a registered personal interest, to register that change by providing written notice to your Clerk within 28 days. You are also required when disclosing any personal interest for the first time to register it in the register of interests by giving written notice to your Clerk.

Gifts and hospitality

See Paragraph 17

Key points

You must notify your Clerk of any gifts or hospitality worth more than the amount specified by your Council that you receive in connection with your official duties as a member, and the source of the gift or hospitality.

Like other interests in your register of interests, you may have a personal interest in a matter under consideration if it is likely to affect a person who gave you a gift or hospitality that is registered. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, how the business under consideration relates to that person, and then decide whether that interest is also a prejudicial interest. It is also good practice to provide a note of any offers of gifts which you have declined.

Is the gift or hospitality connected to my official duties as a member?

You should ask yourself, would I have been given this if I was not on the Council? If you are in doubt as to the motive behind a gift or hospitality, I recommend that you register it or speak to your Clerk.

You do not need to notify your Clerk of gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always notify your Clerk of any gift or hospitality if it could be perceived as something given to you because of your position or if your Council requires you to.

What if I do not know the value of a gift or hospitality?

The general rule is, if in doubt as to the value of a gift or hospitality, you should notify your Clerk of it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

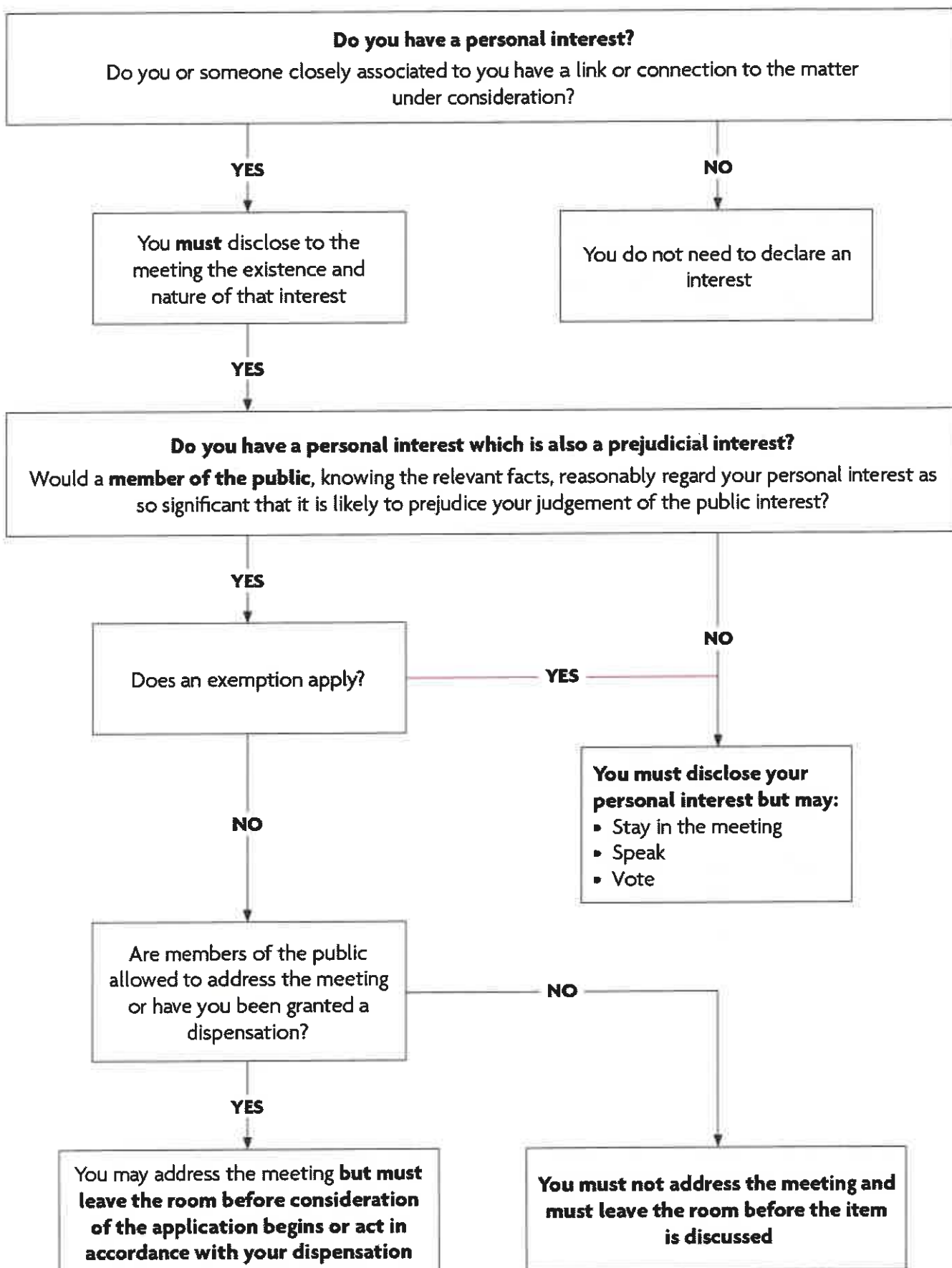
You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to the value specified by your Council or over should be registered.

The Code also refers to material benefit or advantage. The measure of this would be if an informed independent observer could conclude that you might be perceived to be better off as a consequence.

Appendix

Declaration of personal and prejudicial interests

Questions to ask yourself. If in doubt you should ask your Clerk or your Monitoring Officer.



Contact us

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 0300 790 0203
Fax: 01656 641199

e-mail: ask@ombudsman-wales.org.uk (general enquiries)

Follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)

Further information about the service offered by the Public Services Ombudsman for Wales can also be found at www.ombudsman-wales.org.uk

APPENDIX 3



DECLARATION OF ACCEPTANCE OF OFFICE

Section 83, Local Government Act 1972

I, LOUISE WRIDE
HAVING BEEN ELECTED TO THE OFFICE OF
MAYOR OF LLANDOVERY
DECLARE,

THAT I TAKE THAT OFFICE UPON MYSELF, AND WILL DULY
AND FAITHFULLY FULFIL THE DUTIES OF IT ACCORDING TO
THE BEST OF MY JUDGEMENT AND ABILITY.

I UNDERTAKE TO OBSERVE THE CODE FOR THE TIME
BEING AS TO THE CONDUCT WHICH IS EXPECTED OF
MEMBERS OF LLANDOVERY TOWN COUNCIL AND WHICH
MAY BE REVISED FROM TIME TO TIME.

Signed:-- _____ Date:-----16 May 2019

This declaration was made and signed before me,

Signed:---- _____ Date:-----16 May 2019

Stephen CD Carter
Proper Officer of Llandoverly Town Council

APPENDIX 4

Our ref: 202100012/LM/JW

Ask for: Louise Morland



01656 644224

Date: 10 May 2021



Louise.Morland
@ombudsman-wales.org.uk

PERSONAL & CONFIDENTIAL

Dear Councillor Wride

Code of Conduct complaint made by

The Ombudsman has now decided to investigate the complaint made against you by Mr O'Leary, of which you were informed on 20 April 2021.

Although the complainant does not specify which parts of the Code of Conduct he considers to have been breached the complaint will be investigated on the basis that there may have been a failure to comply with the following paragraph of the Code:

- 6(1)(a) – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

You need not respond to this letter if you do not wish to. However, any comments made at this stage will be taken into consideration. You should bear in mind that your comments may also be disclosed to the complainant or used in any subsequent proceedings.

If my investigation finds that there is a case to answer, I will in due course put to you the evidence I have found, and you may be invited to interview to answer any questions which appear relevant in the light of it.

I have written to notify the Monitoring Officer of Carmarthenshire County Council and to the Clerk to Llandovery Town Council of this investigation and have asked for any relevant information.

Page 1 of 2

Meeting your needs during our investigation

Please let us know if you need us to adapt the way we communicate with you. If anything makes it difficult for you to engage with us during the investigation, for example, if you have a disability, please contact us to explain how this affects you.

We will consider whether your request is reasonable and appropriate in the circumstances. This is because we need to use public money carefully.

The Ombudsman's investigations are conducted in private. You are therefore asked not to contact or discuss the details of the complaint with any potential witnesses or persons who may be involved in the matter, whether directly or indirectly, to avoid any prejudice to the investigation. Conduct of this kind may amount to a breach of the Code.

If you consider that specific information should be considered, or witnesses should be contacted by the Ombudsman as part of this investigation please let me know and I will consider your request in light of the remit of the Ombudsman's investigation.

We prefer to communicate electronically instead of by post wherever possible. If you are happy to receive email correspondence, I would be very grateful if you could provide an email address as soon as possible.

Yours sincerely



Louise Morland
Swyddog Ymchwilio/Investigation Officer

APPENDIX 5

From: [Llandovery Town Council](#)
To: [caseinfo](#)
Subject: REF:- 2021100012/LM/JM
Date: 10 May 2021 17:16:54
Attachments: [Code-of-Conduct-Community-Councils-August-2016-ENGLISH.pdf](#)
[Cllr Wride.pdf](#)
[Standing down .msg](#)

Good Afternoon,

Thank you for your email regarding Cllr Louise Wride.

1. Llandovery Town Council adopted the Ombudsman for Wales Code of Conduct issued to all Councillors and available for download via our Website. (Copy Attached)
2. Cllr Wride was elected to the Office of Mayor on 16 May 2019 and, in the absence of a Deputy Mayor who had become sick and later passed away, agreed to remain in the Chair for a further term until May 2021. (Declaration attached).
3. Cllr Wride has not attended any Code of Conduct Training.
4. Cllr Wride has declared no interests.
5. The only correspondence relating to this specific matter is from your office, although I did ask the Monitoring Officer at County Hall for advice.
6. Attached is the email received from Cllr Wride when she stepped down from the role of Mayor. She reported the incident to the Council on 29.03.2021 and stepped down on 01.04.2021 amid the feeding frenzy stirred up by the complainant in this matter.

There are several emails between myself and members of the Council regarding what action we should take to deal with this matter; however, the details of the actual case were not discussed as we did not have them. Should you want me to go through the records and extract these, I can do so.

Kind Regards

Mr Stephen CD Carter (Steve)
Llandovery Town Clerk & Finance Officer

Llandovery Town Council
Adelaide House
Llandovery
SA20 0YH



01550-720432
07967-815311

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From: [Louise Wride](#)
To: [Llandovery Town Council](#)
Subject: Standing down
Date: 01 April 2021 16:40:01

Hello Steve,
As of today I would like to stand down as Mayor due to circumstances.

Many thanks

Louise

Get [Outlook for Android](#)

APPENDIX 6

From: Linda Rees Jones (via Egress Web Access)
Sent: Mon, 10 May 2021 15:57:29 +0000
To: Louise Morland
Subject: IN - MO - RB Obs (MatEv)

This email, created by ljones@carmarthenshire.gov.uk, has been securely delivered using Egress Switch and was decrypted on 10 May 2021 16:57:31+01:00

Dear Ms. Morland,

Thank you for notifying me that an investigation is to be conducted into this matter.

I first became aware of the matter on the 29th March 2021 when the Town Clerk approached me for advice. I enclose the email trail between us.

Then on the 1st April 2021 our in-house Press Office contacted me about an article in the previous day's South Wales Guardian and a subsequent Facebook post, and I enclose the email trail between myself and the Press Office.

Other than that I have nothing else on it.

However, if you need any further input from me please feel free to come back to me.

Best Wishes,

Linda Rees-Jones

Pennaeth Gweinyddiaeth a'r Gyfraith / Head of Administration & Law

& Swyddog Monitro

& Monitoring Officer

Cyngor Sir Gaerfyrddin

Carmarthenshire County Council

Ffon 01267 224010

Tel 01267 224010

Mae croeso ichi gysylltu â mi yn Gymraeg neu yn Saesneg

You are welcome to contact me in Welsh or English

From: "Jessica Williams" <jessica.williams@ombudsman-wales.org.uk>
Sent: Monday, May 10, 2021 6:54 AM
Received: Monday, May 10, 2021 4:46 PM
To: LRJones@carmarthenshire.gov.uk
Subject: Complaint made to the Ombudsman - Our ref: 202100012 [REF/L0/bn/BD/D0/]

This email, created by jessica.williams@ombudsman-wales.org.uk, has been securely delivered using Egress Switch and was decrypted on Monday, May 10, 2021 4:46:02 PM+01:00

Dear Ms Rees-Jones

Our reference: 202100012

Please find attached, by email only, a letter together with enclosures addressed to you as Monitoring Officer for the Council.

If you have any queries in relation to the letter, please contact Louise Morland directly either by telephone on 01656 644224 or by email at Louise.Morland@ombudsman-wales.org.uk

Regards

Jessica Williams

Swyddog Cefnogaeth Gwaith Achos/Casework Support Officer

Ffôn/Tel: 01656 644219

--

Ombwdsmon Gwasanaethau Cyhoeddus Cymru/ Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
Pen-y-Bont ar Ogwr/ Bridgend/
CF35 5LJ

www.ombwdsmon-cymru.org.uk / www.ombudsman-wales.org.uk
<https://twitter.com/OmbudsmanWales>

Hybu'r Gymraeg

Gallwch ysgrifennu atom yn Gymraeg a byddwn yn ymateb yn Gymraeg. Ni fydd hyn yn arwain at oedi cyn ymateb.
Welsh Language Promotion

You can write to us in Welsh and we will reply in Welsh. This will not lead to a delay in responding.

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

Mae Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data.

Mae ein [Hysbysiad Preifatwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatwydd.

On leaving the Public Services Ombudsman, this email was scanned for all known viruses.

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Our [Privacy Notice](#) explains how we use your information and the ways in which we protect your privacy.

Bydd pob galwad yn cael ei recordio ar gyfer dibenion hyfforddi a chyfeirio

All calls are recorded for training and reference purposes

Ystyriwch yr amgylchedd ☐ a oes wir angen i chi argraffu'r neges e-bost hon?

Please consider the environment - do you really need to print this email?

From: Llandovery Town Council
Sent: Mon, 29 Mar 2021 09:55:29 +0000
To: Linda Rees Jones
Subject: RE: Monitoring Officer

Good Morning Linda,

Many thanks for your quick response and advice, which has now been circulated to Council Members for their consideration.

Kind Regards

Mr Stephen CD Carter (Steve)
Llandovery Town Clerk & Finance Officer
Llandovery Town Council
Adelaide House
Llandovery
SA20 0YH



01550-720432
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From: Linda Rees Jones <LRJones@carmarthenshire.gov.uk>
Sent: 29 March 2021 10:33
To: Llandovery Town Council <clerk@llandoverytowncouncil.org.uk>
Subject: RE: Monitoring Officer

Hello Steve,

Sorry I haven't phoned you back – I'm in a Committee meeting.

That's right, there's no automatic disqualification from office for this.

As you say, members might ask her to step down from the office of chair – I don't know what your Council procedures say about that ie whether once elected to office, Chairs can just as easily be removed and replaced by a simple vote ? I don't suppose not being able to drive is going to affect her being able to attend to her duties / functions on behalf of your Council because there are no - or few - physical functions at the moment because of the pandemic, and meetings are online.

The other consideration is, I guess, that someone might make a Code complaint to the Ombudsman. As this will have happened in her private life, the only complaint which might feasibly lie would be the one of potentially bringing the Authority or her own office as councillor into disrepute. But as I said, that would require someone to make a complaint.

Best wishes,

Linda.

Linda Rees-Jones
Pennaeth Gweinyddiaeth a'r Gyfraith / Head of Administration & Law
& Swyddog Monitro & Monitoring Officer
Cyngor Sir Gaerfyrddin Carmarthenshire County Council

Ffon 01267 224010

Tel 01267 224010

Mae croeso ichi gysylltu â mi yn Gymraeg neu yn Saesneg 🍌
You are welcome to contact me in Welsh or English

From: Llandovery Town Council <clerk@llandoverytowncouncil.org.uk>
Sent: 29 March 2021 10:03
To: Linda Rees Jones <LRJones@carmarthenshire.gov.uk>
Subject: Monitoring Officer

Good Morning Linda,

I would be grateful for your advice, please.

Our Town Mayor (Cllr Louise Wride) has been convicted of driving under the influence of cannabis and given a twelve-month driving ban.

Whilst the Council may request that she step down from her role as Mayor, I think because it was not a custodial sentence then, the decision as to whether she steps down as a Councillor would be her own decision?

I would be grateful if you were able to clarify the above for me.

Kind Regards

Mr Stephen CD Carter (Steve)
Llandovery Town Clerk & Finance Officer
Llandovery Town Council
Adelaide House
Llandovery
SA20 0YH



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From: Laura J Morris
Sent: Thu, 1 Apr 2021 12:24:28 +0000
To: Linda Rees Jones
Subject: RE: Comment about Llandovery Town Council mayor

Thank you

From: Linda Rees Jones <LRJones@carmarthenshire.gov.uk>
Sent: 01 April 2021 11:03
To: Laura J Morris <LJMorris@carmarthenshire.gov.uk>
Subject: RE: Comment about Llandovery Town Council mayor

Thanks Laura, I was aware of it – the town clerk contacted me last week. We have no powers to do anything about it at source.

If anyone feels strongly about it, and thinks she's broken the Code of Conduct for Members and brought her Authority or her office of councillor into disrepute, they can make a complaint to the Public Services Ombudsman for Wales and let him decide if it warrants an investigation or not.

Regards,
Linda.

Linda Rees-Jones
Pennaeth Gweinyddiaeth a'r Gyfraith / Head of Administration & Law
& Swyddog Monitro & Monitoring Officer
Cyngor Sir Gaerfyrddin Carmarthenshire County Council

Ffon 01267 224010

Tel 01267 224010

Mae croeso ichi gysylltu â mi yn Gymraeg neu yn Saesneg 🌟
You are welcome to contact me in Welsh or English

From: Laura J Morris <LJMorris@carmarthenshire.gov.uk>
Sent: 01 April 2021 09:37
To: Linda Rees Jones <LRJones@carmarthenshire.gov.uk>
Subject: Comment about Llandovery Town Council mayor

Hi Linda,

We've had this comment on Facebook – it's about Llandovery town council, but do we have any authority in terms of monitoring/standards? Or do we only step in on town council matters if it's raised with us? Not quite sure. This is the story linked in the post:

Llandovery mayor Louise Wride has no plans to step down after drug-drive ban

31st March 2021

BY GUARDIAN REPORTER

Share

5 Comments

LLANDOVERY Mayor Louise Wride has said she has no plans to step down after she was caught drug-driving.

The 37-year-old who has been banned from driving said she has the support of her fellow town councillors.

Wride was caught over the drug-drive limit in October last year at Abergwili where a drugs test revealed she had cannabis derivative delta-9-tetrahydrocannabinol in her system.

She was banned from driving for 12 months when she faced magistrates at Llanelli last week.

Wride said she plans to see out the term as mayor.

"My fellow councillors have been very supportive of me," she said.

"I was going through a bad few weeks of my life at the time."

Share

Hide comments

We want our comments to be a lively and valuable part of our community - a place where readers can debate and engage with the most important local issues. The ability to comment on our stories is a privilege, not a right, however, and that privilege may be withdrawn if it is abused or misused.

Please report any comments that break our rules.

[Read the rules here](#)

Please sign in or register to comment.

by

Sort

twmsioncati31st March 2021 3:31 pm

User ID: 3663638

What a CLOT should have had Jail a disgrace to Llandoverly.

Last Updated: 1st April 2021 9:14 am

Report
1

twmsioncati31st March 2021 3:33 pm

User ID: 3663638

What an advert for Llandoverly .

Last Updated: 1st April 2021 9:14 am

Report
1

Huw Thomas1st April 2021 11:14 am

User ID: 73948

Further proof that the voting public can no longer expect, those that are employed to look after our interests and welfare, to possess a higher degree of moral fortitude. They are as weak-willed as we are. They always have been and always will be.

Last Updated: 1st April 2021 10:22 pm

Report
1

twmsioncati3rd April 2021 1:37 pm

User ID: 3663638

I wonder if the lot of them are on something?.

Report
0

cresswell13rd April 2021 6:33 am

User ID: 470095

This is a joke a druggy as Mayor

Last Updated: 3rd April 2021 1:37 pm

Report
1

APPENDIX 7

OFFICIAL (when complete)

Page 1 of 4

MG5 - POLICE REPORT

URN:

63

AC

00213

21

Name: WRIDE, LOUISE (30/09/1983);

Anticipated Plea: GAP

1. SUMMARY OF KEY EVIDENCE. 'key evidence' establishes every element of the offence to be proved and that the defendant committed the offence with the necessary criminal intent.

- Set out the facts in chronological order, telling the story and covering the 'points to prove'.
- The summary must be balanced and fair
- **NGAP Cases:** Record address and contact details of civilian witnesses on MG9 (and all dates to avoid on MG10 (including officers))

This incident relates to one offender, the offence is drug drive. The offender is a Louise WRIDE (37 years, DP). The vehicle in question was a BMW 3 Series registration [REDACTED]

On 25th October 2020 at approximately 13:05 hours on A40 near ABERGWILLI, CARWARTHEN PC YATE 1187 (KW, arresting officer) had reason to stop the above vehicle. PC YATE will state that he has approached the vehicle and spoken with the driver, forming the opinion that she may be under the influence of some substance due to her mannerisms and behaviour. The officer has therefore requested a sample of saliva for a road side drug test. The officer has explained that it was a single use device for the detection of cannabis and cocaine. The test was conducted at approximately 13:12 hours. WRIDE has provided the sample which has given a positive indication for cannabis. As such, and at 13:20 hours the officer has arrested WRIDE on suspicion of driving a motor vehicle whilst over the prescribed limit for drugs and cautioned him to which she made no reply.

WRIDE was conveyed to Ammanford custody and her detention was authorised. [REDACTED]

At 14:14 hours on the 25th October 2020 a force medical examiner [REDACTED] has obtained two samples of blood from WRIDE, seized as exhibit DR/1, which were sent to a forensic science laboratory for examination.

On 17th February 2021 a forensic scientist from the laboratory created a toxicology report in relation to WRIDE (DR/1). In the report it states that the concentration of Delta-9-Tetrahydrocannabinol in the blood was not less than 4.8 micrograms per litre of blood which exceeds the specified legal limit of 2 micrograms per litre.

Efforts were made to contact WRIDE to inform her of this result but this was unsuccessful. As such a postal requisition will be issued.

Has a VPS been offered? Not required for this offence

2. DEFENDANT INTERVIEW.

- Set out the explanation given by defendant as to how/why offence happened: include any mitigation/remorse put forward.
- Responses to points to prove, key evidence, CCTV and Forensic Evidence put to suspect including leading question.
- Note any Special Warnings given.
- State if no comment made.
- Attach copy of CCTV if shown in the interview (to file).

3. NON KEY EVIDENCE. List witnesses present but not 'key'. State what evidence they contribute e.g. additional eye witness, arresting officer, charging officer, officer seizing CCTV. Record contact details of civilian witnesses on MG9, and dates to avoid on MG10 (including officers) (NGAP Cases).

[REDACTED] Force medical examiner who obtained the blood samples, no further evidence to offer.

4. VISUALLY/AUDIO RECORDED EVIDENCE. CCTV, photos and / or mobile phone(s). Provide a copy and identify the playback format. Custody Suite CCTV should be included as Unused Material unless 'Key Evidence'.

OFFICIAL (when complete)

Page 2 of 4

Give details of what it shows (whether 'Key' or Non-'Key') and include counter reference times for the relevant sections (e.g. defendant punching victim / kicking window).

Is there VRE? No If 'Yes', does it provide 'key'
N/A

5. INJURIES. A medical statement is NOT required unless needed to interpret x-rays or describe injuries not visible to the naked eye. Victim(s)/eye witness/police officer should describe any visible injuries; photos should be taken and attached (if not taken, attached, state why).

N/A

6. FORENSIC EVIDENCE. Fingerprints, drugs evidence (weight, number of wraps, etc.). Include details such as street value and purity as this is essential for sentencing information. State if drugs field tested and by whom. State timescales for a full forensic statement (if required).

The concentration of Delta-9-Tetrahydrocannabinol in the blood was not less than 4.8 micrograms per litre of blood which exceeds the specified legal limit of 2 micrograms per litre.

7. DIP TESTING. Attach DT2 for Prosecutor

8. APPLICATION FOR ORDER(S) ON CONVICTION. Consider applying for an order on conviction, e.g. compensation, forfeiture/destruction (see order list). Where an order on conviction is sought, sufficient details justifying the application for the order must be included. Any supporting documentation must be attached to the file.

Defendant : **WRIDE, LOUISE (20/09/1983)**

Order applied for : **Driving Disqualification Application - Section 146 of the Powers of Criminal Courts (Sentencing) Act 2000**

Details supporting action : **As per the offence**

9. APPLICATION FOR COMPENSATION. State if an estimate. Attach quotes/receipts if available. An address for compensation must be provided on MG6. (If more than one victim/defendant, list one after the other and give details in the description box).

N/A

Is Lead Officer Statement Attached?

10. OTHER

MG18 (TICs):

☐



Previous Conviction(s) / Caution(s):

☒



11. OFFICER'S CERTIFICATION. In accordance with Common Law I certify to the best of my knowledge and belief that there is no relevant unused material that might reasonably assist the defence with the early preparation of their case or at a bail hearing.

OFFICIAL (when complete)

Page 3 of 4

Name of Officer :	Yate Alexander PS 1187	Number :	1187
Signature (Digital H) :		Date :	02/03/2021 10:17:18
Email (Single Point of Contact) :			

12. SUPERVISOR'S CERTIFICATION. The information in parts 1 to 9 is an accurate summary of the available evidence and complies with the DPP's Guidance for a Streamlined Process. The file has been built to the required standard.

Name of Officer :	Phillips, Fiona	Number :	315
Signature (Digital H) :		Date :	02/03/2021 10:34:17
Email (Single Point of Contact) :			

The Ombudsman for Wales

OFFICIAL (when complete)

Page 4 of 4

Not suitable for conditional caution because :

OR

Suitable for conditional caution because Custody Officer is satisfied:

- The offence has been admitted; or, there is sufficient evidence to charge the offence as there is a realistic prospect of conviction; and the defendant has not denied the offence or raised a defence;
- The public interest is better served by offering a conditional caution
- Conditions are capable of rehabilitating the offender or for making reparations for the offence, and
- Both the circumstances of the offence and the offender make it appropriate to offer a Conditional Caution, and
- The offence is one for which a conditional caution can be offered (see ANNEX A, DPP's Guidance).

Proposed Conditions

Condition	Compliance requirements including completion/progress check dates	Supporting evidence

APPENDIX 8

1 **Ms LOUISE WRIDE**

5 Kings Road
 Llandovery
 Carmarthenshire
 SA20 0AW
 DOB: 30/09/1983 Age: 37
 Gender: Female

Case Number: 2100019826

Defendant Present: YES

Attending Solicitor: Stuart McDonald of Counsel

Informant: DP0020 Dyfed Powys Police (AA)

URN: 63AC0021321

ASN: 200000000001035562N

Post-Hearing Custody Status:

1 **RT88584**

On 25th October 2020 at ABERGWILLI drove a motor vehicle, namely BMW 3 series YA04 XWM, on a public place, namely A40, ABERGWILLI, when the proportion of a controlled drug, namely Delta-9-Tetrahydrocannabinol, in your blood, namely 4.8ug, exceeded the specified limit
 Contrary to section 5A(1)(a) and (2) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.
 ASN/Seq No.: 2000000000001035562N/001

Plea: Guilty - 25/03/2021
 Register Notes

FO

Fined £120.

120.00

FVS

To pay a surcharge to fund victim services of £34.

34.00

FCPC

To pay costs of £85 to the Crown Prosecution Service.

85.00

COLLO

Collection order made.

DDO

Disqualified for holding or obtaining a driving licence for 12 month(s). Disqualification obligatory for the offence. Driving record endorsed. Section 34(1) Road Traffic Offenders Act 1988.

GPTAC

Defendant's guilty plea taken into account when imposing sentence. Reason: WHB (Would have been) £180 (Band C).

D20 Notification Sent to DVLA

Endorsements:

Licence to Follow Marker: 0 Hardship Marker: No

Offence Code: DG10 Offence Date: 25/10/2020

Convicting Court: 3252 Date: 25/03/2021

Penalty Points: Result Amount: GBP120

Alcohol/Drug Level Method: Delta - 9 - Tetrahydrocannabinol Amount: 4

Disqualification Period: 12M

Disqualification Until Test Passed: 0

Disqualification Pending Sentence: 0

Time To Pay: £50.00 per month commencing 30/04/2021

BALANCE 239.00

I certify the above extract to be a true copy.

Date Printed: 12/10/2021

of the said Magistrates' Court.

APPENDIX 9

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Any conduct unbecoming
of a member can constitute
disrepute

Disrepute

See paragraph 6(1)(a)

You must not behave in a way which could reasonably be regarded as bringing your office or authority into disrepute at any time. As a member, your actions and behaviour are subject

to greater scrutiny than those of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on your Council.

Dishonest and deceitful behaviour will bring your Council into disrepute, as may conduct which results in a criminal conviction, especially if it involves dishonest, threatening or violent behaviour, even if the behaviour happens in your private life. Making unfair or inaccurate criticism of your Council in a public arena might well be regarded as bringing your Council into disrepute. Inappropriate e-mails to constituents or posts on social media might well bring the office of member into disrepute.

Example

A community councillor had been abusive to a shop proprietor and two members of her staff and had attempted to obtain a discount on a private purchase by saying it was being bought on behalf of the Community Council, and when his request for a discount was refused he had made threats against the business. The Adjudication Panel found that the member had brought the office of member into disrepute and suspended him for 9 months.

Example

A member of a county borough council who regularly wrote an article for a local monthly publication referred in his article to a recent road traffic accident in which a 10 year old boy was injured. The complainant was the mother of the boy who was with the injured child. After the article was published she telephoned the councillor who she said was abusive towards her during the call. In a subsequent e-mail exchange the councillor told her that she had "failed to take any responsibility for her child allowing him out alone", that her "ill educated in the highway code son" was to blame and said "don't you dare try and shift your inadequacies as a parent upon me".

The member was found in breach of paragraphs 4(b) (respect & consideration) and 6(1) (a) (disrepute). The matter was referred to the Adjudication Panel for Wales. Although the member had claimed to have apologised for his behaviour what he had actually said was "I have nothing to apologise for... I do apologise if, for some reason it upset you".

The Panel found that the member had breached paragraphs 4(b) (treating others with respect) and 6(1)(a) (disrepute). He had previously been suspended by the Panel for 2 months for sending inappropriate e-mails in 2006. He was suspended for 12 months in respect of these breaches.

APPENDIX 10

Public Services Ombudsman Wales
Interview Record

Date: 07.03.2022 Venue: Remote – Microsoft Teams

Interviewing Officer(s): Sarah Jones, Investigation Officer
 Emily Fletcher, Investigation Officer

Others Present: Councillor Louise Wride

SJ: Okay. So, we are now recording. Um, so the date is the 7th of March 2022, and the time is 15:05. Um, this is an interview in relation to a complaint made by Mr [REDACTED] against Councillor Louise Wride which alleges breaches of the Code of Conduct for members of Llandovery Town Council. Um, so I'm Sarah Jones, an Investigation officer for the Public Services Ombudsman for Wales, um, and being interviewed is, if you could just ...

LW: Er, Louise Wride.

SJ: Lovely, thank you. Um, and I'm being supported by my colleague?

EF: Hi, I'm Emily Fletcher, I'm also an Investigation Officer for the Public Services Ombudsman for Wales.

SJ: So, you were offered the option to have a friend or legal representative at this interview, um, but you've chosen to attend alone. Um, could you confirm for the record that you are happy for the interview to take place without a friend ...

LW: Yes.

SJ: ... or legal representative?

LW: Yes.

SJ: Yes.

LW: I'm happy.

SJ: Lovely, thank you. Um, I must make it clear that the answers to my questions must be your own, okay?

Councillors Name: Councillor Louise Wride

- LW: Yeah.
- SJ: Um, so you agreed to proceed with an interview on Microsoft Teams as the most practical was for the interview to be conducted. Um, can you confirm for the record that you're happy for the interview to take place on Microsoft Teams?
- LW: Yeah, happy.
- SJ: Lovely, thank you. Um, so the interview is being recorded, um, and before making his final recommendations, the Ombudsman will provide you with a written transcript of the interview. Um, if you have any other legal representative or friend acting for you who require a copy, it may be provided, um, but the Ombudsman does reserve the right to charge for any additional copies. Um, so requests for additional copies should be made to the Ombudsman's Information Governance Manager.
- LW: Okay.
- SJ: Okay. Um, the interview is listed to last a maximum of sixty minutes, um, and can you confirm that you've allowed enough time for us to conduct the interview today?
- LW: Yes.
- SJ: Brilliant. Um, and can you confirm that you're feeling well enough to continue with the interview?
- LW: Yes.
- SJ: Brilliant. Um, and then, I just need to check that you've got everything with you that you might need, so reading glasses, a glass of water ...
- LW: Yeah.
- SJ: ... anything like that? Okay, lovely. And, can I ask that you switch any mobile phones or other electronic devices to silent?
- LW: Yeah.
- SJ: Um, or you can switch them off. Lovely, thank you. Um, so, in the event that you need a break at any point during the interview then just give us a shout and we can arrange for ...

Councillors Name: Councillor Louise Wride

LW: Okay.

SJ: .. us to have a break, okay. Um, and then, I just need to ask you to confirm that you've received the evidence bundle that was ...

LW: Yeah.

SJ: ... um, sent to you?

LW: That's right.

SJ: Brilliant. Um, and have you had an opportunity to have a read through that just to familiarise ...

LW: Yes.

SJ: ... yourself? Lovely, thank you. Do you have a copy of that with you now?

LW: Er, no, I can go and get it.

SJ: Um, shall we see how we go and, um, if you ...

LW: Yeah.

SJ: ... need to refer to anything then, then we can, um, you can go and get that then. So, um, I'm just going to tell you a little bit about the allegations which have been made against you, and then I'll ask a series of questions and for you to answer. Um, I'd ask that you listen to my care... questions carefully and answer them as fully as possible ...

LW: Yeah.

SJ: ... um, as we go along. Um, so, it's my opportunity to cover what I need to cover for the investigation and it's also your opportunity to provide your account of, of what happened and, and what led, um, to the events that occurred then. Um, so, I'll be asking most of the questions but if Emily has anything that she wants to ask, I'll ask her during the interview, um, every so often if she's got any questions that she may want to ask.

Um, so, you do need to be aware of that the information or evidence that you give me to today, um, is likely to be detailed in, or appended to any report that the Ombudsman may produce on his findings. Um, any such report, depending on the finding made by the Ombudsman, might be shared with the Standards Committee of Carmarthenshire

Councillors Name: Councillor Louise Wride

County Council, um, or the Adjudication Panel for Wales, um, who may hold a hearing in public and may also publish the report and appendices in the public domain.

Um, so you've been asked to attend an interview because of the allegations made against you. It's been alleged that you breached the Code of Conduct after being convicted of drug driving on the 25th of March 2021 after you were stopped by police in October, on the 25th of October 2020. Do you understand the allegations as they've been made against you?

LW: Yes.

SJ: Yes, okay. Um, so then, the Ombudsman is therefore investigating whether your conduct breached the code in respect of paragraphs 6(1)(a) of the Code of Conduct, um, and that is that you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority in disrepute.

Um, so if you're happy to continue then I'll start, um, the questions?

LW: Yeah.

SJ: Yeah, okay. Um, so there's a few general questions to start with. Um, on Page 21 of the evidence file, there's a declaration of acceptance of office, and undertaking to observe the Code of Conduct. Can you confirm that that is one that you signed?

LW: Yeah.

SJ: Yeah, okay. Um, so, when did you become a member of the council?

LW: 2 ... um, May 2017.

SJ: Okay.

LW: So, yeah, we'll be up for election now, this May again.

SJ: Okay. And, you were elected then ...

LW: Yes.

SJ: ... in May 2017? Yeah, okay. Um, and then, when did you become the Mayor then?

LW: 2019.

Case Reference:

Councillors Name: Councillor Louise Wride

SJ: Okay. And how did that come about?

LW: Well, because I was on the council, I'm the youngest one on the council. Um, I probably do quite a bit for the town, so, yeah, I got elected to be Mayor.

SJ: Okay. And, is it the council that elects the Mayor then?

LW: Yes.

SJ: Yes, okay. Okay. Um, and then, in your role as a member, and as the Mayor, um, have you undertaken any training on the Code of Conduct at all?

LW: Er, yeah, I think at the beginning I did, I'm not a hundred per cent sure to be honest.

SJ: Okay. Um, so you can't remember any, any, like anything specific about any training?

LW: (Shakes head)

SJ: Okay.

LW: Um, I think I might have done some in 2017 but can't remember now to be honest, a lot's happened since then.

SJ: Okay, no problem. Um, and can you explain to me your understanding of Paragraph 6(1)(a) then, so that you must not conduct yourself in a manner which could reasonably be regarded as bringing your office, authority ... or authority into disrepute. What, what do you understand that to mean?

LW: Um, well, obviously not bring the town council into, into any shame or anything.

SJ: Yeah. Yeah. And, this one, this is one paragraph of the Code of Conduct that applies to members in both their private and, um, role as a councillor, so a lot of the Code, the paragraphs of the Code of Conduct only apply when you're acting in your capacity as a member, um, but 6(1)(a) is one that can apply in your private capacity as well as in your role then, um, just to explain that.

Um, so then, moving on now to the day that were stopped by the police. If you could just tell me what, what, what happened, what led to the situation?

Councillors Name: Councillor Louise Wride

- LW: Um, what, that day or ...
- SJ: Um, that day and we'll probably cover, you know, what, what led, led up to your being stopped by police then?
- LW: Um, well, I just got stopped by the police, I wasn't driving erratically or anything like that. Um, just got stopped randomly. Um, I'd smoked a cannabis joint about two days before.
- SJ: Okay. Okay. Um, so where, where were you driving from and to?
- LW: Er, I was driving from the shop, from Carmarthen.
- SJ: Okay. So, were you going home at the time?
- LW: That's right, yeah.
- SJ: Yeah, okay. Um, and then, you said , was that something recent, at the time?
- LW: That was around the time, yes.
- SJ: Yeah, okay. And I'm sorry, some of these questions might, um, cause you some, some upset, but just let me know.
- LW: Um, you know, I've been try... I've been tried, I've dealt, I've dealt with this, it's, you know, I'm a councillor voluntarily, you know, I'm not getting paid ...
- SJ: Yeah.
- LW: ... for anything.
- SJ: Yeah.
- LW: So, I don't understand why, you know, I have to go through all this again.
- SJ: I think, um, the reason for it, is that, um, and the reason we want to speak to you, is to understand what led to it and what you've learnt from it and, you know, your decisions to stand down as Mayor but remain a councillor, it's just, um, you know, you're not being tried again in any way.
- LW: Okay.

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SJ: Um, so, you know, that's happened, that, that's fact, and we just need to know now, um, or try and establish whether the Ombudsman considers whether there's been a breach of the Code of Conduct. And, um, like, if I take this opportunity to explain what sort of findings that the Ombudsman can reach. Um, so he can find that there's no evidence of a breach; um, he can find that there is a breach but that no action is needed; um, and then he can refer matters to the Standards Committee, or the Adjudication Panel for Wales. Um, so it's really an opportunity for us to understand your situation at the time and your personal circumstances, um, so that the Ombudsman has all the information when considering if there has been a breach what action, if any, should be taken. Um, so I'm sorry if it feels like you're being tried again, um, but it's, it's, you know, the more information you can give the investigation, then the more information the Ombudsman will have to consider when reaching a finding then. Okay?

Um, so then, the, the, that you mentioned ...

LW: ...

SJ: Okay.

LW: ... um, about, probably about a month before.

SJ: Okay, okay.

LW:

SJ: Okay.

LW:

SJ: Okay. Ar . like prior to this?

LW: No.

SJ: No, okay.

LW: No.

SJ: So, that was something new that you were dealing with, um, at the time as well?

LW: (Nods head)

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SJ: Um, okay. Um, please do say, if you want to stop at any point just ...

LW: Thank you.

SJ: ... to have a little break then, just let me know, okay. Um, so then, obviously you were arrested and the police decided to, to charge you with an offence then. Um, this question sounds really, um, superficial when you've just described to me what you were going through at the time, but, you know, did you give any consideration after you were charged to your role as a member and the Mayor of Llandoverly Council?

LW: I didn't realise ...

SJ: Okay.

LW: ... I did not realise, it took, it took four months for the test results to come back ...

SJ: Okay.

LW: ... so I didn't know, I didn't know whether I was going to be charged or not.

SJ: Okay.

LW: You basically get a letter through your door about four months after, so I didn't have a clue.

SJ: Okay.

LW: I didn't know whether I was going to be charged or not.

SJ: Okay. Lovely, thanks for explaining that, because I, I assumed that you were ...

LW: Yeah.

SJ: ... released from custody ...

LW: Yeah.

SJ: ... having been charged?

LW: No. Er, no.

Councillors Name: Councillor Louise Wride

SJ: Okay. Um, so, when you received, I think they call it a summons, don't they, was it to go to court?

LW: Yeah.

SJ: Okay. So, when you received that, what consideration did you give to the impact of that on your role as a member of the council and as Mayor?

LW: Um, well, not sure really to be honest. Um, probably didn't think too much at the time, I had ...

SJ: Yeah.

LW: ... other things going on. Um, first of all, my solicitor told me to plead not guilty, um, because he ... obviously I, I wasn't ... hadn't smoked that day – even though I shouldn't have smoked in the first place. Um, I don't know, don't know.

SJ: You know, if you, if you didn't con... if you didn't consider it at all it's fine to, to say that, you know.

LW: (Nods head)

SJ: Um, but you can't remember thinking anything about your role as a member then?

LW: (Shakes head)

SJ: Okay. Um, and then, once you'd received that summons, when did you tell the council about the situation at the time?

LW: Um, just after I'd been to court.

SJ: Okay. And that was in the March then, March ...

LW: Yeah.

SJ: Okay, okay. And, did you seek any advice from the Clerk or the Monitoring Officer at the time?

LW: I rang the Clerk, um, and he said ... because I said I'll stand down as Mayor, I said I'll quit the council, I said I don't want to embarrass you all, and, um, he said as far as I'm aware, um, if you, you haven't been sent to jail, because there's something about being sent to jail, so he said, you know, obviously we, um, he'd spoken to the other councillors, none of the other councillors wanted me to leave. Um, I

Councillors Name: Councillor Louise Wride

think I was only Mayor for the last month anyway, so we were just going to just have the new Mayor come in and ...

SJ: Okay.

LW: ... I was quietly gone, you know.

SJ: Okay. So, you, you only had a month left of your term?

LW: Yeah.

SJ: Okay.

LW: A month, few weeks.

SJ: Okay. Okay, lovely. Um, and then, there was a little bit of press coverage at the time.

LW: Right.

SJ: Um, and there was a link to it in the bundle of evidence that I gave to you. Um, so, this was on the 31st of March, which was a few days after you pleaded guilty.

LW: (Nods head)

SJ: Um, and you were quoted as saying that you had no intention of standing down ...

LW: (Shaking head)

SJ: ... see your term out. Um, you probably almost answered the question already for me really. So, what did you consider when making that decision, um, that you were going to, not going to stand down as Mayor?

LW: I never said that.

SJ: Oh, you didn't say it?

LW: I didn't say ...

SJ: Okay.

LW: ... that.

SJ: Okay.

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LW: Didn't say that.

SJ: Okay. Did, did ... were you contacted by the press at the time?

LW: I was, yeah.

SJ: Okay.

LW: There was people outside the house.

SJ: Oh, really?

LW: Yeah.

SJ: Okay. And did you speak to, to any press then?

LW: No.

SJ: Okay. Okay. Um, this probably isn't relevant as well then, they also quoted that you said that you were going through a bad few weeks of life, which, as you've described to me. Um, is that not something that you said to ...

LW: (Shaking head)

SJ: ... them either? Okay. Okay.

LW: No.

SJ: Okay. Um, with the press coverage then, how, how did that sort of make you feel and how did that impact, um, on your role as a member and as Mayor then?

LW: Um, sorry can you ask, say it again, sorry?

SJ: Oh, sorry. How did the press coverage, you know, make you feel, you were feeling unwell and you ...

LW: Yeah, I was ashamed, anxious.

SJ: Yeah, okay.

LW: And I knew, I knew it wasn't true, I knew it wasn't ...

SJ: Okay.

Councillors Name: Councillor Louise Wride

LW: ... true.

SJ: Okay. Um, and then, with the press coverage there, um, how did that impact your role as a member and as the Mayor then?

LW: Um, I don't know whether it done a lot of impact really to be honest, not with the other councillors – they were very supportive of me.

SJ: Yeah.

LW: And, and the public, you know. Everybody ...

SJ: Yeah.

LW: ... they were really supportive.

SJ: Yeah. Oh, you know, I'm glad to hear that you've got that support from your fellow councillors ...

LW: Yeah.

SJ: ... and, and the public then.

LW: Yeah.

SJ: Um, si

LW: Yeah.

SJ: Um, how have things developed with your role as a member?

LW: Good. It's all good.

SJ: Yeah. Okay. Okay. Um, so then the, sorry Emily, did you want to as anything, sorry, I've just ploughed on ...

EF: Yeah, can I just ...

SJ: ... with my questions?

EF: That's okay. Um, can I just check one thing, apologies if, if you've already covered it, just for clarity. Obviously, you said that you, um pleaded guilty.

LW: (Nods head)

Councillors Name: Councillor Louise Wride

EF: Following that, um, did you consider the impact of that on your role as member at that point?

LW: Um, yeah ... well, um, right, I don't, I don't really know to be honest. Um ...

EF: Okay.

LW: I don't know. I had, I had a hundred other things to worry about ...

SJ: Yeah.

LW: ... at that time. I was worried about the impact it was going to, um, affect as councillor, but, you know, I've got two children at home, I was worried.

EF: Okay.

LW: I was more worried about that ...

EF: Yeah.

LW: ... to be honest.

EF: Okay. Thank you.

SJ: Can I check, Councillor Wride, have you got somebody like with you in the house, or, you know, someone ...

LW: No, I'm fine.

SJ: ... you can turn to.

LW: I'm fine.

SJ: Yeah, okay. Lovely. Um, so then, I understand that you stepped down as Mayor the day after the press coverage.

LW: (Nods head)

SJ: Um, so what led to that decision to step down?

LW: Um, well, just because of the news... the newspaper report to be honest.

SJ: Okay.

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LW: I didn't want people thinking that I was acting brazen, or just didn't care, you know.

SJ: Okay.

LW: Because I did. And, as I said, as soon, as soon as I'd come out of court, I had said to the Town Clerk I will stand down as Mayor ...

SJ: Yeah.

LW: ... [unclear-00:21:56] with the council, it was, it was all the councillors who said no, Louise, you do such a good job, we don't, we don't want to lose you.

SJ: Yeah. Okay. Um, and was there anything else, you know, apart from the press coverage that you considered when making that decision then?

LW: (Shakes head) Um, not ... as I said, embarrassment to the coun... you know ...

SJ: Yeah.

LW: ... council [unclear-00:22:27] things, but ...

SJ: Okay. Um, and, you said there that, um ... did you speak to the Clerk or the Monitoring Officer after the press coverage then, before making your decision ...?

LW: I spoke to him ...

SJ: ... to step down?

LW: ... before.

SJ: Okay.

LW: Before the press coverage.

SJ: Okay. But you didn't speak to the Clerk again after the press coverage before making the decision to step down?

LW: Um, I spoke, I've spoken to him a few times to be honest.

SJ: Okay.

Councillors Name: Councillor Louise Wride

- LW: Er, probably didn't speak to him after. Um, but, yeah, as I said before, before the press coverage I said I'd stand down.
- SJ: Yeah.
- LW: After the press coverage I said I'd stand down.
- SJ: Okay. Um, Emily, did you want to ask anything about the stepping down as a Mayor?
- EF: No, I don't have any question for that at this point, thank you.
- SJ: Okay, lovely. Um, so then, you obviously stepped down as the Mayor, um, but decided to stay as a member then.
- LW: (Nods head)
- SJ: Um, what, what may ... or what did you consider when you decided to remain a member?
- LW: Because I love Llandovery.
- SJ: Yeah, okay.
- LW: So, I wanted to be [inaudible-00:23:50] for the rest of my life and I want to help the town out, so even if I'm not on the council, I'm in loads of other community groups in Llandovery anyway.
- SJ: Okay.
- LW: I'm the chairman of parks and playgrounds, um, I sit at the WI. I do a lot of things in town, you know.
- SJ: Okay.
- LW: And that's just it, that's why I joined the town council because I knew that my children were going to grow up here, and I wanted to help the town out.
- SJ: Okay, brilliant. Um, and then, what impact do you think that your conviction has on your office as a member of Llandovery Town Council?
- LW: Um, I'm, I'm not sure now. I'm guessing, if I'd had this conviction before I applied for the town council, I may have been alright, but obviously, if I'm a member and this has happened during, during me there, then this may be different.

- SJ: Yeah. Um, do you consider that your conviction could bring your officer as a member into disrepute at all?
- LW: Um, I'm not sure to be honest. Um, I don't know.
- SJ: Okay, it's not something that you considered, um, at the time or afterwards at all?
- LW: Well, I didn't consider it at the time of the offence ..
- SJ: Yeah.
- LW: ... because there was other things going on.
- SJ: Yeah. Yeah.
- LW: I have thought about it after, it's probably made me anxious for the past years, you know, it's been going on for years now.
- SJ: Yeah.
- LW: So, yeah, I've thought about it.
- SJ: Yeah. I ... you know, I can only apologise for the length of time it's taken to get to this point and, and being able to interview you, um, so I am sorry about that. But hopefully we can, um, draw things to a conclusion quite quickly once ... this is the last sort of thing that we need to do, is to obtain your account, um, and then I'll just be drafting a report and that'll be escalated to the Ombudsman to review then.
- Um, so, could you explain to me the difference between the decision to step down as Mayor but to remain as a member?
- LW: Um, as I said, I offered to step down to both of them ...
- SJ: Yeah.
- LW: ... to the [unclear-00:26:31] council as well, but the other councillors said please don't Louise, you're so, you know, we like having you on here, you're good, you're good for the town.
- SJ: Mm, yeah. But you felt that stepping down as, as the Mayor would allow you to contin... continue your work on the council without the sort of high profile nature of the role there, is it?

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LW: Yeah.

SJ: Okay. Um, Emily, did you want to ask anything about the decision to remain a member?

EF: Um, just whether you thought, or you considered whether the conviction, um, had an impact on the, the council itself?

LW: Um, what, at the time of the offence or after?

EF: Yeah, when you ... once you'd decided to remain, um, as a member and you'd been convicted?

LW: Um, er, well, as I said, the Town Clerk said well, I can't see the problem you staying on the council because you haven't been, um, sent to jail for three months, or whatever it is.

EF: Okay.

LW: So, yeah.

EF: Okay, thank you.

SJ: Yeah. Um, that is the, the legislation is if, um, a member receives a, a custodial sentence, um, be it suspended or not, for twelve, twelve weeks or more ...

LW: Yeah.

SJ: ... then it's automatic disqualification. So, because yours was a fine and I think, er, dis... disqualification I think, um, then that obviously didn't meet the threshold for an automatic disqualification. So, um, that's just to explain things for you I suppose.

LW: Right.

SJ: Um, so hopefully we won't keep you much longer now. Um, I just want to speak a little about hindsight and, on reflection, would you have done anything differently if you were in the same situation again?

LW: Yes, yes.

SJ: Okay.

SJ: And, how would you deal with things differently?

Councillors Name: Councillor Louise Wride

LW: Um, well, I wouldn't have, I wouldn't have smoked any cannabis.

SJ: Yeah.

LW:

SJ:

LW: Yes.

SJ: Yeah, okay. Um, and is there anything you would do differently in terms of your decision making, um, with stepping down as Mayor and remaining as a member?

LW: No, I would have done the same.

SJ: Okay. And you obviously sought advice from the Clerk, um, along the way, so, you know, that's something that we would recommended that you continue to do if there's any, anything that you have any questions about, then the Clerk and the Monitoring Officer, um, are people who can help you and advise you in the future.

LW: (Nods head)

SJ: Um, is there anything else that you want to add, um, about the complaints made against you?

LW: No. No.

SJ: No, okay. Um, Emily, is there anything else you wanted to ask at all?

EF: No, haven't got anything else, no, thank you.

SJ: Okay, lovely. Um, so I've got no further questions for you today. Um, if there is anything else you think about once we've finished this interview that you want to add, um, then just let me know and we can consider that. Um, is there anything you want to clarify about the evidence you've given me today at all?

LW: No.

Councillors Name: Councillor Louise Wride

- SJ: Okay. And are you happy that you had a fair opportunity to say everything that you wanted to say?
- LW: Yeah. (Nodding head)
- SJ: Okay. Um, and obviously, you got a little bit upset then, I just need to check that, you know, you've got someone to support you ...
- LW: Yeah, thanks.
- SJ: Okay, lovely. Um, and then, so that concludes your interview, um, other than a few administrative tasks. Um, so, what I'll do next is send a copy of this recording away to be transcribed, um, and then, once I've got that back I'll send you a copy, um, and I can also send a copy of the recording if you wanted that, or would the written transcript be enough?
- LW: Yeah, written's fine.
- SJ: Okay, brilliant. Um, and then, after this interview now, I'll just need to decide if that concludes the lines of investigations that, that ... lines of investigation that needed to be followed. Um, and then, I'll consider ... well, I'll be drafting a decision, um, and a finding will be made. Um, if we do conclude that there is evidence of a breach, um, the Ombudsman has the option to determine that ... as I've explained in the interview really, um, to determine that no action is required, or he can refer the matter to the Standards Committee or to the Adjudication Panel for Wales. Um, if he considers that a referral is appropriate, um, we'll share with you a draft report, um, so you will have an opportunity to comment on that draft report if you wish to do so. Um, if he decides that there is no evidence of a breach then the report would bring it to a close, okay?
- LW: Right.
- SJ: Um, so, I just want to take this opportunity to remind you that the Ombudsman's investigations are completed ... are conducted in private, um, I would therefore ask you not to discuss the evidence that you've shared with me today with anyone other than any representative or legal advisor, um, and this extends to the transcript that we send to you, and any draft report that is shared with you. Um, it's particularly important that you don't discuss matters relating to the complaint and investigation with anyone who may be witness or involved in the matter. Um, you should be aware that any such disclosure or interference may amount to a breach of the Code. Um, so it's basically not to discuss it with anybody that's involved in the complaint, um, and, to be honest, you know, the

Councillors Name: Councillor Louise Wride

Clerk is involved because he provided some information to the investigation, but we have no witnesses really. In some Ombudsman's investigations there's lots of witnesses and things that we ask you not to discuss the matter with, um, but that's not the case here.

LW: (Nods head)

SJ: Um, so, if there's nothing else that you want to add or anything, um, then I can conclude the interview.

LW: (Nods head)

SJ: Um, the time is 15:39, and again, thank you for your time, um, and I'll write to you in due course with a copy of the transcript, okay?

LW: Okay.

SJ: Lovely, thank you very much Councillor Wride.

LW: Thank you.

SJ: Thank you.

EF: Thank you.

SJ: Bye now.

LW: Bye.

EF: Bye.

I have read and agree the above as mine.

The answers I have given are true and accurate to the best of my knowledge and belief.

Signed:

Date:

Case Reference:

APPENDIX 11

From: [Louise Wride](#)
To: [Ffion Hillman](#)
Subject: IN - MEMBER - Response to Investigation start
Date: 20 July 2022 17:12:35

You don't often get email from louisewride@live.co.uk. [Learn why this is important](#)

Good evening,

I'm responding to your covering letter and investigation. Here are some points which need to be considered.

1. I have served my punishment for my act over six months ago.
2. I have done service in the community during the whole time. Why wasn't I suspended at the time of investigation?
3. I am in a New Term as Councillor as re elections were in April.
4. I have been through investigation for nearly two years. I have been open and honest and attended every meeting. I work as a volunteer in the town and I'm highly thought of with the work I do with the town. My fellow councillors have given me their support. The complaint was made by someone who lives 25 miles away, who has a different town council to Llandovery, I believe this has dragged on for too long.

Many thanks

Louise

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From: Ffion.Hillman@ombudsman-wales.org.uk <Ffion.Hillman@ombudsman-wales.org.uk>
Sent: Thursday, June 30, 2022 3:14:42 PM
To:
Subject: Complaint made to the Ombudsman - 202100012 [REF/LO/bn/BD/DO/]

Dear Councillor Wride

Our reference: 202100012

I will shortly be sending you an encrypted email. If we correspond with you by email, the Ombudsman will send any confidential or sensitive personal information to you using encrypted secure email via Microsoft 365 email. This is necessary to protect the content of the material.

You can access the encrypted email in 1 of 2 ways:

- 1) You can access automatically if you have a Microsoft Office 365 account.

If you do not already have a Microsoft Office 365 account:

- 2) you can access the encrypted email by selecting the '**sign in with a one-time passcode**' option when you open the email. This one time passcode will be emailed to you which you can then use to access the email.

If you have any queries about accessing encrypted email sent by this office,
you can contact our IT team on **itc@ombudsman.wales**

Yours sincerely

Ffion Hillman

Swyddog Cefnogaeth Gwaith Achos/Casework Support Officer

Tel/Ffôn: 01656 644223

--

Ombwdsmon Gwasanaethau Cyhoeddus Cymru/ Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae

Pencoed

Pen-y-Bont ar Ogwr/ Bridgend/

CF35 5LJ

www.ombwdsmon-cymru.org.uk / www.ombudsman-wales.org.uk

<https://twitter.com/OmbudsmanWales>

Hybu'r Gymraeg

Gallwch ysgrifennu atom yn Gymraeg a byddwn yn ymateb yn Gymraeg. Ni fydd hyn yn arwain at oedi cyn ymateb.

Welsh Language Promotion

You can write to us in Welsh and we will reply in Welsh. This will not lead to a delay in responding.

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

Mae Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data.

Mae ein Hysbysiad Preifatwydd yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatwydd.

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All calls are recorded for training and reference purposes

Ystyriwch yr amgylchedd – a oes wir angen i chi argraffu'r neges e-bost hon?

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