



# Local Government Act 2000

## 2000 CHAPTER 22

### PART III

#### CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

### CHAPTER III

#### INVESTIGATIONS ETC: WALES

##### *Reports etc.*

## 71 Reports etc.

- (1) Where [<sup>F1</sup>the Public Services Ombudsman for Wales] determines in relation to any case that a finding under section 69(4)(a) or (b) is appropriate—
- (a) he may produce a report on the outcome of his investigation,
  - (b) he may provide a summary of any such report to any newspapers circulating in the area of the relevant authority concerned,
  - (c) he must send to the monitoring officer of the relevant authority concerned a copy of any such report, <sup>F2</sup>...
- [<sup>F3</sup>(ca) where the relevant authority concerned is a corporate joint committee, in the case of a member or co-opted member of the corporate joint committee who is also a member or co-opted member of—
- (i) a constituent council of the corporate joint committee;
  - (ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the Ombudsman must send a copy of any such report to the monitoring officer of that constituent council or National Park authority (in addition to sending a copy of the report to the monitoring officer of the corporate joint committee in accordance with paragraph (c)),]

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- (d) where he does not produce any such report, he must inform the monitoring officer of the relevant authority concerned of the outcome of the investigation<sup>F4</sup>, and
  - (da) where the relevant authority concerned is a corporate joint committee, in the case of a member or co-opted member of the corporate joint committee who is also a member or co-opted member of—
    - (i) a constituent council of the corporate joint committee;
    - (ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,
 where the Ombudsman does not produce any such report the Ombudsman must inform the monitoring officer of that constituent council or National Park authority of the outcome of the investigation (in addition to informing the monitoring officer of the corporate joint committee in accordance with paragraph (d)).]
- (2) Where <sup>F1</sup>the Public Services Ombudsman for Wales] determines in relation to any case that a finding under section 69(4)(c) is appropriate he must—
- (a) produce a report on the outcome of his investigation,
  - (b) subject to subsection (4)(b), refer the matters which are the subject of the investigation to the monitoring officer of the relevant authority concerned, and
  - (c) send a copy of the report to the monitoring officer, and the standards committee, of the relevant authority concerned.
- <sup>F5</sup>(2A) Where the Ombudsman determines in the case of a member or co-opted member of a corporate joint committee who is also a member or co-opted member of—
- (a) a constituent council of the corporate joint committee;
  - (b) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,
- that a finding under section 69(4)(c) is appropriate, in addition to taking the steps set out in subsection (2) the Ombudsman must send a copy of the report to the monitoring officer and standards committee of that constituent council or National Park authority.]
- (3) Where <sup>F1</sup>the Public Services Ombudsman for Wales] determines in relation to any case that a finding under section 69(4)(d) is appropriate he must—
- (a) produce a report on the outcome of his investigation,
  - (b) refer the matters which are the subject of the investigation to the president of the Adjudication Panel for Wales for adjudication by a tribunal falling within section 76(1), and
  - (c) send a copy of the report to the monitoring officer of the relevant authority concerned and to the president of the Adjudication Panel for Wales.
- <sup>F6</sup>(3A) Where the Ombudsman determines in the case of a member or co-opted member of a corporate joint committee who is also a member or co-opted member of—
- (a) a constituent council of the corporate joint committee;
  - (b) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

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that a finding under section 69(4)(d) is appropriate, in addition to taking the steps set out in subsection (3) the Ombudsman must send a copy of the report to the monitoring officer of that constituent council or National Park authority.]

- (4) Where a person is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority<sup>F7</sup>...—
- (a) the references in subsections (1)(b), (c) and (d), (2)(c) and (3)(c) to the relevant authority concerned are to be treated as including references to that other relevant authority, and
  - (b) [<sup>F8</sup>if the Public Services Ombudsman for Wales reaches a finding under section 69(4)(c) he] must refer the matters concerned either to the monitoring officer of the relevant authority concerned or to the monitoring officer of that other relevant authority.
- (5) A report under this section may cover more than one investigation under section 69 in relation to any members or co-opted members (or former members or co-opted members) of the same relevant authority.
- (6) [<sup>F9</sup>The Public Services Ombudsman for Wales] must—
- (a) inform any person who is the subject of an investigation under section 69, and
  - (b) take reasonable steps to inform any person who made any allegation which gave rise to the investigation,
- of the outcome of the investigation.

[<sup>F10</sup>(7) In this Part a reference to a constituent council of a corporate joint committee means a constituent council as set out in the regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.]

#### Textual Amendments

- F1** Words in s. 71(1)-(3) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 15\(a\)](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F2** Word in s. 71(1) omitted (25.3.2022) by virtue of [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), [3\(9\)\(a\)\(i\)](#)
- F3** S. 71(1)(ca) inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), [3\(9\)\(a\)\(ii\)](#)
- F4** S. 71(1)(da) and preceding word inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), [3\(9\)\(a\)\(iii\)](#)
- F5** S. 71(2A) inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), [3\(9\)\(b\)](#)
- F6** S. 71(3A) inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), [3\(9\)\(c\)](#)
- F7** Words in s. 71(4) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 4 para. 39, Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(a) (d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (c) (with arts. 3-6)
- F8** Words in s. 71(4)(b) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 15\(b\)](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F9** Words in s. 71(6) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), s. 40, Sch. 4 para. 15\(c\)](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)

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**F10** S. 71(7) inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), **3(9)(d)**

## 72 Interim reports.

- (1) Where he considers it necessary in the public interest, [<sup>F11</sup>the Public Services Ombudsman for Wales] may, before the completion of an investigation under section 69, produce an interim report on that investigation.
- (2) An interim report under this section may cover more than one investigation under section 69 in relation to any members or co-opted members (or former members or co-opted members) of the same relevant authority.
- (3) Where the prima facie evidence is such that it appears to [<sup>F11</sup>the Public Services Ombudsman for Wales]—
  - (a) that the person who is the subject of the interim report has failed to comply with the code of conduct of the relevant authority concerned,
  - (b) that the nature of that failure is such as to be likely to lead to disqualification under section 79(4)(b), and
  - (c) that it is in the public interest to suspend or partially suspend that person immediately,

the interim report may include a recommendation that that person should be suspended or partially suspended from being a member or co-opted member of the relevant authority concerned for a period which does not exceed six months or (if shorter) the remainder of the person's term of office.

- (4) Where [<sup>F11</sup>the Public Services Ombudsman for Wales] produces an interim report under this section which contains such a recommendation as is mentioned in subsection (3), he must refer the matters which are the subject of the report to the president of the Adjudication Panel for Wales for adjudication by a tribunal falling within section 76(2).
- (5) A copy of any report under this section must be given—
  - (a) to any person who is the subject of the report,
  - (b) to the monitoring officer of the relevant authority concerned,
  - [<sup>F12</sup>(ba) where the relevant authority concerned is a corporate joint committee, in the case of a member or co-opted member of the corporate joint committee who is also a member or co-opted member of—
    - (i) a constituent council of the corporate joint committee;
    - (ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,
 to the monitoring officer of that constituent council or National Park authority (in addition to being given to the monitoring officer of the corporate joint committee in accordance with paragraph (b)),] and
  - (c) to the president of the Adjudication Panel for Wales.
- (6) Where a person is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority <sup>F13</sup>...—
  - (a) the second reference in subsection (3) to the relevant authority concerned is to be treated as a reference to that other relevant authority, and

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- (b) the reference in subsection (5)(b) to the relevant authority concerned is to be treated as including a reference to that other relevant authority.

#### Textual Amendments

- F11** Words in s. 72(1)(3)(4) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005](#) (c. 10), s. 40, [Sch. 4 para. 16](#); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4); S.I. 2005/2800, art. 5(1)(3) (with transitional provisions in S.I. 2006/362, art. 4)
- F12** S. 72(5)(ba) inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022](#) (S.I. 2022/372), regs. 1(2), [3\(10\)](#)
- F13** Words in s. 72(6) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011](#) (c. 20), s. 240(2), Sch. 4 para. 40, [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(a) (d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (c) (with arts. 3-6)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(2ZA) inserted by [2011 nawm 4 s. 59\(3\)](#)
- s. 21(13)(c) inserted by [2011 nawm 4 s. 59\(5\)\(b\)](#)
- s. 21(15A) inserted by [2011 nawm 4 s. 59\(6\)](#)
- s. 21(18) inserted by [2011 nawm 4 s. 59\(7\)](#)
- s. 21C(6)(aa)(ab) inserted by [2012 c. 7 Sch. 5 para. 97\(a\)](#)