STANDARDS COMMITTEE

DECISION NOTICE

PSOW Case reference:	202405937
Subject Member:	Councillor Jackie Burnham
Relevant authority:	Rhuddlan Town Council
Complainant:	Mr. Robert Williams
Hearing date:	9th October 2026
Decision date:	13th October 2026

1. Introduction

The Standards Committee considered the report that the Public Services Ombudsman for Wales issued under section 69 of the Local Government Act 2000 for case number 202405937, concerning alleged breaches of the statutory Code of Conduct by Councillor Jackie Burnham of Rhuddlan Town Council.

The complaint concerned Councillor Burnham's participation in decisions relating to a proposal by Rhuddlan Football Club to use and develop the Admiral's Playing Field, situated next to her home.

The Committee's power to determine the matter arises under section 73 of the Local Government Act 2000 and regulation 7 of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.

The Ombudsman referred the following alleged breaches:

Code provision	Issue
6(1)(a)	Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
8(a)	Members must when participating in meetings or reaching decisions regarding the business of their authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by their authority's officers.

12(1)	Where Members have a personal interest in any business of their authority, they also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest
14(1)(a)	Where Members have a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee withdraw from the room, chamber or place where a meeting considering the business is being held.
14(1)(c)	Where Members have a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee, not seek to influence a decision about that business.
14(1)(e)	Where Members have a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee, not make any oral representations in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

2. Documents and Evidence Considered

2.1 The Ombudsman's investigation report dated 26th March 2026, including its appendices and evidence bundle.

2.2 The Ombudsman's published summary of case 202405937.

2.3 The audio recording and transcript of the Rhuddlan Town Council meeting held on 14th March 2024.

2.4 Written and oral representations from the Ombudsman.

2.5 Written and oral representations by Councillor Burnham.

2.6 The Adjudication Panel for Wales Sanctions Guidance, if sanction was considered.

3. Summary of Facts

3.1 On 23rd January 2024, Rhuddlan Football Club asked Rhuddlan Town Council to consider developing grassroots football facilities and moving its adult team from its current pitch (Pengwern) to the Admiral's Playing

Field. This was discussed at the Rhuddlan Town Council meeting on 8th February 2024.

3.2 The Town Council had eleven members; three members (including Councillor Burnham) lived next to the Admiral's Playing Field. Councillor Burnham was also a close relative of the Mayor of the Town Council at the time.

3.3 The matter was discussed at the meeting on the 8th February 2024. Councillor Burnham did not attend this meeting. One member declared a personal interest and abstained from the vote because his home was close to the proposed changing rooms.

3.4 At the 8th February 2024 meeting, the Council agreed in principle to Rhuddlan Football Club's use of the field by 5 votes to 4, subject to a more detailed proposal.

3.5 After the 8th February 2024 meeting, the member who had declared a personal interest and abstained from the vote at that meeting, asked the Monitoring Officer via email, for clarification regarding the Code of Conduct and personal and prejudicial interests.

3.6 The Monitoring Officer subsequently advised on the 11th February 2024 that an interest affecting a Councillor's property or enjoyment could be personal; and that the member should then ask themselves if 'a member of the public with knowledge of the facts would reasonably regard your interest as being so significant that it would prejudice your judgement of the public interest'; the Monitoring Officer advised that if the answer to that question is yes, then the member should declare that, leave the meeting and not participate or vote. The Monitoring Officer advised that this decision was a judgement that was for each member to take.

3.7 The Mayor subsequently sought to have the 8th February 2024 decision, to allow Rhuddlan Football Club's use of the field in principle, reconsidered.

3.8 A Special Motion was circulated to six Council members who had agreed to support it, stating that the February decision had been made too hastily.

3.9 Six councillors supported the special motion, including Councillor Burnham and the other two councillors living next to the field.

3.10 The Rhuddlan Football Club's request to use the Admiral's Playing Field was then brought back to the 14th March 2024 Rhuddlan Town Council meeting. At that meeting, Councillor Burnham declared a personal interest because she lived next to the field.

3.11 Other councillors questioned whether members living close to the field should be allowed to participate and to vote on the matter.

3.12 In response to those questions, the Mayor stated that there had been five declarations of interest that were all 'private' and that they had been assured by the Monitoring Officer that they could participate and vote.

3.13 The Monitoring Officer's written advice did not express any conclusion as to whether any individual member had a personal or prejudicial interest. Rather, it set out the applicable process and objective test that each member was required to apply to their own circumstances in order to determine the nature and extent of any interest and the consequential steps required under the Code of Conduct.

3.14 A member offered to read the Monitoring Officer's email advice regarding personal and prejudicial interests, but the Mayor did not allow this and moved directly to the vote.

3.15 The Council voted 6-4 to refuse Rhuddlan Football Club's request. The six councillors supporting refusal were the same six who had backed the special motion, including Councillor Burnham and the other two councillors living next to the field.

3.16 Members were told that the matter was closed for six months.

4. Decision

The Committee determined that Councillor Burnham breached the Code of Conduct as set out in the Public Services Ombudsman for Wales Investigation Report.

The Committee agreed that the primary breach related to personal and prejudicial interests.

Councillor Burnham was not present at the Rhuddlan Town Council meeting on the 8th February 2024. Councillor Burnham did attend the Rhuddlan Town Council Meeting on the 14th March 2024 and did declare a personal interest. However, she failed to declare a prejudicial interest at the 14th March 2024 meeting which led to a failure to take proper account of the public interest in her actions thereafter in relation to the decision on Rhuddlan Football Club's proposal for their use and development of Admiral's Playing Field.

Specifically, the Committee determined that Councillor Burnham had failed to comply with the following paragraphs of the Code of Conduct:

Provision	Outcome	Committee finding / reason
6(1)(a)	BREACH	Failure to declare a prejudicial interest that has brought the Council into disrepute.
14(1)(a)	BREACH	Failure to withdraw from the meeting on 14th March 2024 when she had a prejudicial interest.
14(1)(c)	BREACH	Seeking to reverse or revisit the decision made on 8th February by supporting the later Special Motion, and her participation at the 14th March meeting.
14(1)(e)	BREACH	Making oral representations at the meeting on 14th March 2024, despite the prejudicial interest.

Consideration was given to paragraph 8(a) (pre-determination). Councillor Burnham was not at the 8th February 2024 meeting but said that she supported the Special Motion (submitted after the 8th February 2024 meeting) because she disagreed with

the decision that had been taken at that meeting. She said that the Mayor (who is Councillor Burnham's father) told her that the Rhuddlan Football Club proposal had been agreed in principle. She had also received and read the minutes from the 8th February meeting.

Councillor Burnham said that she had not decided whether to support the proposal or not until the discussion in the 14th March 2024 meeting. However, Councillor Burnham supported the special motion and, when interviewed by the Ombudsman and asked about her position in deciding her course of action, Councillor Burnham said that it was difficult when there was a history of what had been done in the past and "you're always going to have that information with you".

The Committee agreed with the Ombudsman that in supporting the special motion, Councillor Burnham must have reasonably considered what she had been both told and had read, and her stated disagreement with the decision in the special motion indicates that she was disinclined to support the Rhuddlan Football Club proposal prior to the 14th March 2024 meeting.

However, the Standards Committee agreed with the Ombudsman's decision on this, as the serious failure to declare a personal and prejudicial interest in relation to the special motion and a prejudicial interest at the March 14th meeting is the primary breach. If Councillor Burnham had declared a prejudicial interest, she would not have supported or been involved in the Special Motion; and if the matter had been brought back to the March meeting, she would also have left the room, therefore not contributed in any way and not voted.

5. Reasons for Decision

5.1 Personal and prejudicial interest

The Committee carefully considered the nature and extent of Councillor Burnham's connection to the matter under consideration and whether she had a personal interest and if so, whether she also had a prejudicial interest.

Consideration included the following:

- The location and proximity of Councillor Burnham's property to the Admiral's Playing Field
- The fact that Councillor Burnham had previous cause to complain as a resident about the language and noise from adult football teams using the field in the past
- Councillor Burnham's disinclination towards the Rhuddlan Football Club's proposals, because of the proximity of her property to the field, the impact of her 'first-hand experience' of the adult football team's use of the field and the previous complaint concerning offensive language and noise

Taken together, the Committee was satisfied that these factors created a clear personal interest in the matter.

The Committee then applied the objective test for prejudicial interest. It concluded that a reasonable member of the public, having knowledge of the relevant facts, would regard the interest as sufficiently significant that it was likely to prejudice Councillor Burnham's judgement of the public interest.

In reaching this conclusion, the Committee emphasised the fact that the test is not whether Councillor Burnham believed that she could act impartially, but whether an informed observer would reasonably perceive there to be a risk that her judgement

could be prejudicial. The Committee therefore found that Councillor Burnham's personal interest was also a prejudicial interest.

5.2 The special motion

After the 8th February 2024 meeting, Councillor Burnham signed a special motion that was submitted to the clerk by six Rhuddlan Town Council members meaning that the Rhuddlan Football Club proposal for the use and development of Admiral's Playing Field would be brought back to the 14th March 2024 meeting. Councillor Burnham did not declare a personal or prejudicial interest when she supported the special motion.

The Committee found that Councillor Burnham should have declared a personal and prejudicial interest and neither supported nor been involved with the special motion at all.

5.3 14th March 2024 meeting

The Committee acknowledged that Councillor Burnham declared a personal interest at the 14th March 2024 meeting. However, it found that the declaration did not go far enough because the interest was also prejudicial in nature.

Having determined that a prejudicial interest existed, the Committee concluded that Councillor Burnham should have withdrawn from the 14th March 2024 meeting immediately after declaring the interest and should not have remained in the room whilst the matter was considered.

Councillor Burnham's actions created a significant risk of undermining public confidence that Council decisions are being taken objectively, transparently and in the public interest rather than being influenced by members' private interests.

5.4 Influence of other Town Council members

When asked why Councillor Burnham had not declared a prejudicial interest in addition to the personal one at the March meeting, she said that she was following the advice that was given by another member in the meeting.

The Committee determined that Councillor Burnham, who has extensive experience and length of service as a Town Councillor, should rather have made her own decision in line with the requirements of the Code of Conduct, and asked herself whether a reasonably informed member of the public might think the factors specific to Councillor Burnham (as above) would prejudice her view of the public interest when considering the proposal.

The Committee determined that irrespective of what another member said, Councillor Burnham should have decided that she did have both a personal and prejudicial interest and should have acted accordingly.

6 Sanction

In determining the appropriate sanction, the Committee followed the five-step process as set out in the Adjudication Panel for Wales' Sanctions Guidance.

6.1 Seriousness of the breach

The Committee considered the failure to properly disclose and manage a prejudicial interest to be a serious breach of the Code and would cause significant negative reputational damage to Rhuddlan Town Council.

The Committee considered Councillor Burnham culpable for failing to declare a prejudicial interest in supporting the special motion and at the meeting of 14th March 2024. This meant that she participated in and voted on a matter in which she should not have had any involvement.

There have been no previously recorded breaches of the Code of Conduct by Councillor Burnham.

6.2 Choosing the potential sanction

The Committee considered all available sanctions, beginning with those having the least impact. It concluded that taking no action would not adequately reflect the seriousness of the breaches. It also concluded that a censure would be insufficient, having regard to the nature of the conduct and the apparent lack of understanding of its seriousness.

Councillor Burnham said that she has attended substantial member training and completed training specifically on the Code in 2022.

The Committee determined that suspension was the appropriate and proportionate sanction. In particular, it took account of its findings that Councillor Burnham's conduct undermined public confidence in the integrity, openness and impartiality of the Council's decision-making process.

6.3 Mitigating and aggravating factors

In determining the length of the suspension, the Committee gave due consideration to the following mitigating and aggravating factors:

Mitigating factors

- A previous record of good service over a long period of time
- The misconduct arose to a partial extent, from manipulation on the part of another member
- Commitment to seeking appropriate advice on the Code in future; the Committee acknowledged that Councillor Burnham stated at the Hearing, that she has had the opportunity to reflect on this matter and has stated that she would not accept the advice of other members but rather seek her own advice in a similar situation in future
- Co-operation with the Investigating Officer and the Standards Committee
- Stated preparedness to attend future training
- Compliance with the Code since the events giving rise to the adjudication

Aggravating factors

- Long experience as a Town Councillor over many years; on that basis the Committee would have expected a better understanding and associated application of the Code
- The Standards Committee acknowledged that Councillor Burnham was following the advice given by the Mayor during the March meeting. However, that advice was incorrect and Councillor Burnham should have been aware that it was incorrect and made her own decision.
- Exploitation of a position of trust
- Lack of understanding of the misconduct in relation to prejudicial interest
- Reckless conduct with little concern for the Code
- Action that has brought the Council into disrepute

The Committee determined that Councillor Burnham should be suspended for one month from Rhuddlan Town Council. It also strongly recommended that, following the end of the suspension period, she undertakes further training on the Code.