STANDARDS COMMITTEE

DECISION NOTICE

PSOW Case reference:	202405939
Subject Member:	Councillor Mike Kermode
Relevant authority:	Rhuddlan Town Council
Complainant:	Mr. Robert Williams
Hearing date:	1st October 2026
Decision date:	8th 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 202405939, concerning alleged breaches of the statutory Code of Conduct by Councillor Mike Kermode of Rhuddlan Town Council.

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

11(1)	Where Members have a personal interest in any business of their authority and they attend a meeting at which that business is considered, [they] must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
11(2)(a)	Where Members have a personal interest in any business of [their] authority and they make written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of [their] authority regarding that business, they should include details of that interest in the written communication.
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 202405939.

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 / Investigating Officer.

2.5 Written and oral representations by Councillor Kermode.

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.

3.2 The Town Council had eleven members; Councillor Kermode was Mayor and Chair. Three councillors, including Councillor Kermode's daughter Councillor Burnham, lived next to the field; Councillor Kermode had lived in that house for many years until 2023 when he moved and his daughter currently lives there.

3.3 At the 8th February 2024 meeting, one member declared a personal interest because his home was close to the proposed changing rooms. Councillor Kermode declared no interest and chaired the discussion.

3.4 The Council agreed to Rhuddlan Football Club use of the field in principle by 5 votes to 4, subject to a more detailed proposal. Councillor Kermode voted against it, and the member who had declared a personal interest abstained.

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 Councillor Kermode sought to have the 8th February 2024 decision, to allow Rhuddlan Football Club use of the field in principle, reconsidered.

3.8 After advice that he sought by email from the Monitoring Officer on the 12th February 2024 regarding the use of a special motion, he drafted and circulated a special proposal to six council members who had agreed to support it, stating that the February decision had been made too hastily.

3.9 Councillor Kermode did not refer to his personal and/or prejudicial interest in the matter in his relevant emails with the Rhuddlan Town Council clerk.

3.10 Six councillors supported the special motion, including Councillor Kermode and the three councillors living in close proximity to the field.

3.11 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 Kermode declared a personal interest because his daughter lived next to the field but continued to chair the item.

3.12 During the debate, Councillor Kermode expressed his personal opposition to adult football being played on the field.

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

3.14 In response to those questions, Councillor Kermode 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.

3.15 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.

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

3.17 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 Kermode and the three councillors living next to the field.

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

4. Decision

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

Councillor Kermode failed to declare prejudicial interests at the 8th February 2024 and 14th March 2024 meetings which led to subsequent failures including a failure to take proper account of the public interest and the actions thereafter in relation to the decision on Rhuddlan Football Club and Admiral's Playing Field as to whether or not to grant a lease.

Specifically, the Committee determined that Councillor Kermode 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 personal or prejudicial interest which undermines public confidence that decisions are being taken objectively, transparently and in the public interest rather than being influenced by private interests.
11(1)	BREACH	Failure to declare a personal and prejudicial interest at the 8th February 2024 meeting. Failure to declare a prejudicial interest at the 14th March 2024 meeting.
14(1)(a)	BREACH	Failure to withdraw from the meeting on 8th February 2024 and 14th March 2024 when he had a prejudicial interest.
14(1)(c)	BREACH	Seeking to influence the decision despite the prejudicial interest.
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 Kermode agreed that he did not go into the 14th March 2024 meeting with an open mind and agreed that he had said that “there’s no way I’m going to allow a facility of that nature to be built in my village” to a Rhuddlan Football Club representative at the time of that meeting.

However, the Standards Committee decided to agree with the Ombudsman’s decision on this as the serious failure to declare a prejudicial interest from the 8th February 2024 meeting onwards is the primary breach of the Code of Conduct and is from which all else stems.

Regarding 11(2)(a) (interests) of the Code, the Standards Committee decided to agree with the Ombudsman that where Councillor Kermode (following the meeting on the 8th February 2024) did not refer to his interest in relevant written communications with the clerk, his prejudicial interest meant that he should not in any event have involved himself in or sent these communications at all.

5. Reasons for Decision

5.1 Personal and prejudicial interest

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

Consideration included the following:

- Councillor Kermode's daughter lives within close proximity to the Admiral's Playing Field
- A daughter is considered a close personal associate under the Code of Conduct
- Councillor Kermode's previous residence at that same property. He lived there from 1971 until 2023 before transferring the property to his daughter
- Councillor Kermode's publicly expressed concerns regarding the use of the field for adult football

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 Kermode's judgement of the public interest.

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

influenced by his personal connection to the matter. The Committee therefore found that Councillor Kermode's personal interest was also a prejudicial interest.

5.2 8th February 2024 meeting

In his interview with the Ombudsman's Investigating Officer in December 2025, Councillor Kermode accepted that he did not declare a personal interest and should have done so, at the 8th February 2024 meeting. However, as the Committee concluded that the interest was both personal and prejudicial, the Committee determined that he should also have declared a prejudicial interest at the meeting on 8th February 2024.

Because the interest was prejudicial, Councillor Kermode should have withdrawn from the 8th February 2024 meeting and taken no part in the consideration of the issue. By remaining present, participating in the debate, and voting on the matter, he became involved in a decision from which he should have been excluded. The Committee considered that these actions created a public perception that the decision-making process had not been conducted with the necessary objectivity and independence required by the Code of Conduct.

5.3 14th March 2024 meeting

The Committee acknowledged that Councillor Kermode 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 Kermode 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. The Committee found that he should not have

chaired the discussion, participated in the debate, sought to influence other members or voted on the matter.

The member'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 Monitoring Officer's advice

The Committee considered the audio recording and transcript of the meeting together with the evidence regarding the circumstances in which the Monitoring Officer's advice was not read in full to members.

Councillor Kermode misrepresented the Monitoring Officer's advice by conveying to members that they had been assured they could participate and vote, when the advice given provided no such assurance and instead required each member to apply the relevant test to their own circumstances.

The Committee concluded that Councillor Kermode's subsequent interjection prevented the Monitoring Officer's advice from being read in full to members. Given that the advice concerned clarity regarding the declaration and management of personal and prejudicial interests and that these interests had been raised by other members during the discussion on this matter, the Committee considered this to be significant.

The Committee found that members were denied the opportunity to consider relevant governance advice before determining how to proceed and that this further contributed to undermining public confidence that decisions are being taken objectively, transparently and in the public interest rather than being influenced by members' private interests.

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 Kermode culpable for failing to declare both a personal and a prejudicial interest. It found that, through his conduct at both meetings and his actions between them, he took steps that enabled him to participate in and vote on a matter in which he should have had no involvement. The Committee concluded that, by using his position as Chair and Mayor of Rhuddlan Town Council in this way, Councillor Kermode improperly influenced the Council's decision-making concerning Rhuddlan Football Club and the Admiral's Playing Field at the meeting on 14th March 2024.

Councillor Kermode's disregard of the advice given by the Monitoring Officer when determining whether he had a personal and prejudicial interest added to the seriousness of the breach.

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

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 Kermode has had training on the Code and agrees that

he is very familiar with it, but he has continued to and does continue to express the view that he did not breach the Code.

The Committee determined that suspension was the appropriate and proportionate sanction. In particular, it took account of its findings that Councillor Kermode'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
- Co-operation with the Investigating Officer and with the Standards Committee
- Stated preparedness to attend future training
- Stated commitment to seeking appropriate advice on the Code in the future
- Compliance with the Code since the events giving rise to the adjudication

Aggravating factors

- Long experience, seniority and position of responsibility as Mayor and Chair
- Deliberate exploitation of public office
- Lack of understanding or acceptance of the misconduct
- Deliberate or reckless conduct with little or no concern for the Code
- Deliberately ignoring advice as to the conduct
- Action that has brought the Council into disrepute

The Committee determined that Councillor Kermode should be suspended for four months. It also strongly recommended that, following the end of the suspension period, he undertakes further training on the Code.