

Committee:	Standards Committee
Date:	27 November 2012
Title:	Allegations against members
Author:	Monitoring Officer
Action:	For information

1. Background

The purpose of this report is to inform the Committee members of the developments, since the last report, in relation to allegations against members. The report is based on the information received from the Ombudsman.

2. Decisions

Case 201100673

A complaint of bringing his office or the authority into disrepute by displaying inappropriate pictures on his Facebook page.

Decision – terminate the investigation. The question regarding inappropriate images is a subjective one. There was no suggestion that the images were illegal. The activity fell within the member's personal life, and it did not impact on his job as a Councillor. Legal opinion had to be considered also, which suggested that the member's right, under article 10 of the Human Rights Act 1998, to express himself should not be prejudiced by the fact that he is a councillor.

Case 3329/201102729

A complaint by a fellow Community Council member that:

- The Councillor had not declared an interest when his Planning Application had been discussed
- The Councillor had not left the room although other members had noted that he had an interest and had asked him to leave
- Asked the clerk for information relating to the planning application

Decision – that the member had breached the code of conduct by failing to declare an interest, but no further action was needed. The Ombudsman did not believe that the Standards Committee would impose any penalty in this case should the matter be referred to it. The reason for this was that the planning application had already been considered and determined by the local planning authority; therefore the community council did not need to make a decision on the matter. Furthermore, although the councillor had raised the matter, little discussion was had on the matter.

Case 201103099

A complaint against a town councillor by a fellow member for unacceptable behaviour towards him at a closed meeting of the council. He had behaved in a threatening manner and had shouted at him so loudly that he was spitting in his face, and had hit his hand in an aggressive manner.

Decision – No evidence of breach of the code. The Ombudsman was not of the opinion that the evidence gathered was strong enough to support the allegation. The member had apologised but he denied having touched the complainant. This was supported by some witnesses, although another witness had supported the complainant's version of events. There had obviously been a heated debate between both members which, in the opinion of those present, had reached an unacceptable level. However, such a discussion could often turn into a heated debate, but the Ombudsman was not of the opinion that the conduct was serious enough to have breached the code in this case.

Case 3580/201200240

A complaint against a county councillor by a fellow member that he had sent an e-mail to a newspaper making incorrect allegations about one of the policies of the complainant's political group.

Decision – not to investigate the allegation, as the behaviour was not a matter did not amount to a breach the code of conduct. The comments made involved giving an opinion on the political group's policy, rather than a personal attack on the member himself/herself. The comments also appeared to be in response to comments made earlier by the complainant in previous articles.

Case 3580/201200240

A complaint by a member of the public that a member of the county council had attacked him verbally and had tried to humiliate him in local public houses. The member admitted that he had spoken with the complainant in a pub once regarding how the way he kept his dogs affected his neighbours. He denied attacking him verbally but acknowledged that he should not have raised the matter in a public house, and he apologised to the complainant the following day. Since then, he had referred the matter to the relevant department of the county council.

Decision – whilst the member's behaviour could be in breach of the code, the Ombudsman was not of the opinion that the standards committee would issue a penalty in the circumstances.

Complaints 3329/201201318 & 3329/1201319

A complaint against two councillors of the same community council by a fellow councillor that they had not disclosed their personal connection with an applicant applying for planning permission.

Decision – not to investigate. No evidence was submitted that showed a close connection with the applicant, or which showed that the members had participated in any discussion or decision on the application.

3. A case considered by the Standards Committee

The Committee held a hearing in relation to the complaint against Councillor A.M. Jones, Gwynedd Council on 26 September 2012. The Committee decided:

- That he should be suspended for three months;
- That Councillor Jones should remove the relevant page from his blog immediately;
- That Councillor Jones should apologise to the complainant; and
- That Councillor Jones should familiarise himself fully with the Code of Conduct

4. Recommendation

The Committee is asked to note the information.