

<b>Committee:</b>	<b>THE STANDARDS COMMITTEE</b>
<b>Date:</b>	<b>9 November 2020</b>
<b>Title:</b>	<b>Allegations against members</b>
<b>Author:</b>	<b>Senior Solicitor (Corporate)</b>
<b>Purpose:</b>	<b>For information</b>

## **1. Background**

The purpose of this report is to inform the Committee of the Ombudsman's decisions on formal complaints against members.

## **2. Decisions**

We have received the following decisions from the Ombudsman since the last report.

### **2.1 Complaint no. 2019000952**

The Ombudsman conducted an investigation into this complaint. He concluded that no further action was required. He published a summary of his report and findings, which is attached as an appendix to this report

### **2.2 Complaint no. 202000026**

A complaint that a councillor had visited the complainant's property during the 'Lockdown' to ask if this was his main residence. The complainant felt that the member's attitude was very aggressive and complained about his behaviour during the visit.

The Ombudsman decided not to investigate. He was not persuaded, in the context of the Coronavirus pandemic, that any of the specific actions identified by the complainant amounted to a breach of the Code. Considerable public concern had been raised at the time both locally and nationally about traveling to and occupying second homes. There had been well-publicised national and regional Government advice stipulating no unnecessary journeys to second homes were to be undertaken.

### **2.3 Complaint no. 201907387**

A complaint that a community councillor failed to treat others with respect and made malicious and defamatory allegations against other council members.

The Ombudsman decided not to investigate. He was of the opinion that the member's language and the criticism she was making fell into the category of political expression. She also made her criticisms of other members in the context of the need for members to act in

accordance with the Code of Conduct and her view that local democracy was undermined by what she perceived to be sub-optimal behaviour.

## 2.4 Complaint no. 20201141

A complaint that a town councillor was responsible for the decision to withhold a grant to a local body by accusing it of acting illegally. The councillor had no legal qualifications. It was also alleged that he had provided the Clerk with a document in confidence without the permission of the Council in breach of the Code of Conduct which states that all members of the Council have the right to vote on any question at any meeting. It was claimed that he had breached the basic principles of the Code of Conduct by putting his personal agenda ahead of his responsibilities and duties to the town.

The Ombudsman decided not to investigate. The complainant had provided no direct evidence to prove that the member had attempted to use his position improperly to the detriment of the local body concerned, or failed to make a decision objectively. There was no suggestion that the documents were confidential or that the transfer was inappropriate.

## 3. Analysis of the Complaints

Below is an analysis of this year's complaints (2019/20) where a decision has been:

<b>Member who is subject of the complaint</b>	
Member of community council	3
Member of Gwynedd Council	1
Member of Gwynedd Council and community council	0
<b>Nature of the complainant</b>	
Councillor	2
Member of the public	1
Officer	1
<b>Nature of the allegation</b>	
General conduct	4
Declaration of Interest	0
Conduct & Declaration of Interest	0
<b>Outcome</b>	
No Investigation	3
Investigation – No evidence of breaching the Code of Conduct	0
Investigation - no further steps required	1
Investigation - referral to the Standards Committee	0
Investigation - Referral to the Adjudication Panel for Wales	0

#### **4. Open Cases**

4.1 The situation in relation to other cases is as follows:

- **Ombudsman considering an investigation 10**
- **Ombudsman investigating 0**

#### **5. Recommendation**

5.1 The Committee is asked to note the information.

**Summary of a report issued under section 69 of the  
Local Government Act 2000  
Case Number: 201900952**

An officer of a Town Council (“the Council”) complained that a member had written a disrespectful letter to a third party.

The Ombudsman’s investigation considered whether the content of the letter may have breached paragraphs 4(b) and 6(1)(a) of the Code of Conduct for members (“the Code”).

The member asserted that they were not acting in their capacity as member when writing the letter. However, the Ombudsman found that, as the letter referred to Council business, it was reasonable to conclude that the member gave the impression they were acting in their capacity as a member of the Council when they wrote the letter. The Ombudsman found that the majority of the comments made by the member were political in nature.

However, the member’s comments to the third party recipient of the letter were considered to be disrespectful. Whilst the Ombudsman considered that those comments were suggestive of a breach of paragraph 4(b) of the Code, having taken into consideration the information provided by the recipient and the wider evidence available, he did not consider it would be proportionate or in the public interest for any further action to be taken.

The Ombudsman did not consider that there was evidence to suggest that the content of the letter sent by the member was suggestive of a breach of paragraph 6(1)(a) of the Code.

29 September 2020