

Standards Committee 03.11.25 - Allegations against members

Complaint 202307896 and 202310159

That a former member of a town council had failed to declare an interest in respect of a series of council meetings that considered a Trust

Decision

The investigation found that in respect of a number of Council meetings, the Former Member did not declare an interest and took part in discussions and voting in matters in which he had a prejudicial interest. The investigation found, however, that there was mitigation on the part of the Former Member given the complexities of the situation. Significantly, the Member had been voted by his fellow councillors to act as the Council's representative for the Trust and had done so for a number of years without any concerns being raised. The Former Member resigned during the course of the investigation.

When weighing up these factors, the Ombudsman considered that making a referral was not proportionate. However, she noted that the decision would be held on record and should the Former Member return to office, it will be taken into account in any future cases which the Ombudsman may consider, should future complaints be received.

Complaint 202310160

That a member of a town council had failed to declare an interest in respect of a series of council meetings that considered a Trust.

Decision

The investigation found that in respect of a number of Council meetings, the Member did not declare an interest and took part in discussions and voting in matters to which she had a prejudicial interest. The Ombudsman considered that the Member showed contrition and expressed remorse if she was wrong not to have declared an interest which showed reflection and learning on the part of the Member. The Ombudsman considered, on balance, that a referral was not proportionate. However, the Ombudsman considered that the Member should undertake training on the Code with particular attention to personal and prejudicial interests. The Ombudsman recommended that the Member undertakes such training within 3 months.

Complaint 202501037 & 202501067

It was alleged that the Member failed to appropriately declare an interest in relation to her involvement with a subsidiary of a Trust. It was also alleged that the Member is the Chair of the Trust and took part in a vote to appoint herself as Director. It was also alleged that the

Member has, on several occasions, misused her position on the Trust to interfere with the Complainant's duties and another town council's duties to scrutinise the accounts of the subsidiary.

Decision

The Member confirmed that she had been appointed to the Trust as a member of the public, that her appointment as Trustee was unrelated to her roles as a Councillor, and that she has never referred to her position as Councillor in communication or in her role as Trustee. It appears that the Member therefore was acting in her personal and private capacity.

No evidence had been presented to suggest that the Member had misused her position.

Complaint 202502340

It was alleged that the Member breached the Code of Conduct ("the Code") by:

- Failing to declare an interest during Council meetings and providing false and misleading information about an alleged interest during a Council meeting
- Failing to provide a response to 6 questions provided by the Complainant.
- Social media comments.

Decision

Insufficient evidence was presented in respect of the Member's alleged failure to declare an interest appropriately, and the allegation had not been substantiated. The Ombudsman will not investigate unless there is reasonably strong evidence that the member concerned may have breached the Code. In addition, the Former Member had resigned from the Council and accordingly, the Ombudsman did not consider that any investigation would be proportionate in the public interest.

The Clerk, in her correspondence to the Complainant, outlined that the members of the Council felt that the correspondence had been dealt with during the Council meetings. In any event, the failure to respond to questions is not serious enough to amount to a breach of the Code. The alleged failure to respond may be considered rude or discourteous, but the Ombudsman was not persuaded that such conduct is so egregious to amount to a breach of the Code or warrant investigation in the public interest.

The comments on social media were dated following the Former Member's resignation and therefore were not made at a time when the Former Member was a councillor. Accordingly, this falls outside the scope of the Code.

Complaint 202502339

It was alleged that the Member breached the Code of Conduct by:

- Failing to declare an interest during Council meetings and providing false and misleading information about the alleged interest during a Council meeting.
- Failing to provide a response to 6 questions provided by the Complainant.
- Recording a meeting of the Council secretly and without permission.
- Posting comments on social media

Decision

No evidence had been provided to demonstrate that the Member disclosed information in relation to the matter in question and the Ombudsman will not investigate unless there is reasonably strong evidence that the Member may have breached the Code.

Screenshots provided show that the Member interacted on social media with the Member of the Public and her husband. The Member confirmed that he lives in a small village in which everyone knows each other. Without information regarding the closeness of the friendship, the Ombudsman could not robustly determine whether there is evidence suggestive of a breach of the Code by the Member. Furthermore, while the Member of the Public is documented as speaking during a Council meeting, there is no evidence that the Member subsequently took part in any vote or discussion

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Minutes of the Council meeting, document that the matter of recording was discussed by Full Council and it was agreed that the Member would not record meetings going forward without the whole Council's consent and that they would "start afresh with a clean slate". In view of the minutes demonstrating that the matter was brought to the attention of the Member and considering that the issue was dealt with and resolved by the Council, the Ombudsman was not persuaded that an investigation would be proportionate or in the public interest. The Ombudsman was not persuaded that an isolated incident which has been dealt with by the Council represents sufficiently serious conduct to be suggestive of a breach of the Code by the Member.

The screenshot provided showed that the post was made by the Member on Facebook using his personal name and the Ombudsman could not see that there was any reference to his role as an elected member or to the Council.

The Ombudsman was not persuaded that the Member's comment was suggestive of a disreputable conduct under the Code, particularly considering the Member's right to freedom of expression. Under Article 10 of the European Convention of Human Rights, everyone has the right to freedom of expression. While the Member's post on social media and accompanying comment may have been crass or distasteful and may have caused offense to the Complainant, the Ombudsman was not persuaded that the Member's comments were sufficiently offensive or outrageous to be suggestive of a breach of the Code
