

Summary of a report issued under section 69 of the Local Government Act 2000**Case Number: 202501611**

The Ombudsman received a complaint that a Former Member (“the Former Member”) of a community council (“the Council”) had breached the Code of Conduct (“the Code”). It was alleged that the Former Member had failed to declare an interest at a Council meeting in March 2025, regarding her association with a school (“the School”) and a charity (“the Charity”).

The Ombudsman’s Office started an investigation to consider paragraphs 11(1) and 12(1) (personal and prejudicial interests) of the Code. Information was obtained from the Council and the Charity. Comments were provided by the Clerk, the Complainant and the Former Member. The Former Member resigned from the Council during the investigation.

The investigation found that the Council made annual donations to the Charity (which supported the School) in 2024 and 2025, and the Former Member had been an employee of the School and a trustee of the Charity at the time. It was found that whilst the Former Member had declared an interest regarding the matter in 2024, she failed to do so for the same matter in 2025 and therefore, may have breached paragraphs 11(1) and 12(1) of the Code. It was also found, however, that her presence did not impact the outcome of the decisions made, and there was no evidence of direct financial or other gain to the Former Member and no evidence of harm to another because of her involvement in the meetings.

The Ombudsman found that given the facts around the business being considered, the breaches appeared technical in nature. Therefore, on balance, taking into account the limited nature of the matter, a lack of training or intent, incorrect advice and the Former Member’s resignation, the Ombudsman was satisfied that any suggested breaches were not Page 1 of 2 sufficiently serious to warrant a referral to the Standards Committee in the public interest.

The Ombudsman found that no action needed to be taken in respect of the matters investigated.

**Decision issued under paragraph 69(2) of the Local Government Act 2000 Case
Number: 202506877**

Summary of complaint

It was alleged by a member of the public (“the Complainant”) that the Member had breached the Code by posting hateful and fear-mongering statements on social media relating to immigration.

How we decide whether to investigate

To decide whether to investigate a breach of the Code of Conduct (“the Code”), we apply a 2-stage test. First, we consider whether there is evidence to suggest that a breach of the Code may have occurred. Second, we consider whether it is in the public interest to investigate the matters complained about. We take into account a number of public interest factors such as:

- the seriousness of the alleged behaviour
- whether the member misused a position of trust or has sought to gain, for themselves or others, at public expense
- whether an investigation is required to maintain public confidence in elected members
- whether an investigation is proportionate in the circumstances or whether, if proven, a referral to a Standards Committee or the Adjudication Panel for Wales would be appropriate.

My Decision

(1) Whether there is evidence to suggest that there may have been breaches of the Code of Conduct.

The Complainant provided supporting documentation comprising of screenshots of 2 social media posts made by the Member. The nature and content of the posts relate to illegal immigration and are clearly aimed at the Council and the Police.

When assessing Code complaints, it is necessary to consider the nature of the allegations made against the Member complained about, in the context of the duties and obligations placed on them under the Code for elected/co-opted members. The Code usually only applies when a member of a council is performing functions as a councillor or seeking in some way to rely upon their status as a councillor. This is relevant because, based on the information presented and the context of the

comments made, it appears the Member was acting in an official capacity in at least one of the social media posts.

It is acknowledged that the Complainant considers the Member's comments to be hateful and fear-mongering. However, the posts appear to represent the Member's views and opinion. The comments are not directed at a specific individual and focus mainly on what he believes, the Council and the Police should be doing about illegal immigration. The Member is entitled to hold and share his views, even if others do not agree, or indeed, are offended by them.

Article 10 of the European Convention on Human Rights ("ECHR") (as incorporated in the Human Rights Act 1998) concerns freedom of expression. It states:

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society...for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others".

Article 10 is a qualified right and as such the right to freedom of expression may be limited by imposition of sanctions in respect of provisions prescribed by law, such as ones contained in the Code, provided the restrictions are necessary and proportionate and are in pursuance of a legitimate aim.

This means that even if a breach of the Code were to be proven in relation to anything that the Member is alleged to have said, in order for a sanction to be justified, it would need to be a proportionate interference with the Member's right to freedom of expression. Caselaw on this issue has found that such interference is only likely to be proportionate if the language used was extremely serious.

That said, a Member's right to freedom of expression is not absolute and must be balanced against the need to protect the rights and interests of others. The legal principles on this issue do not provide clear boundaries for what is, and what is not, acceptable, and each case must be considered on its own merits. Freedom of expression is not limitless and the more egregious the conduct concerned, the more justified it becomes to restrict expression using the provisions of the Code.

The Member's comments relate to a political matter and therefore it is likely the Member would have enhanced protection under Article 10. In this case it is unlikely the

Member's posts, would be considered sufficiently serious that an investigation and/or sanction would be considered a proportionate interference with the Member's right to freedom of expression.

High standards of behaviour are expected of local councillors in Wales. Councillors must balance their right to freedom of expression with their responsibilities to maintain respect and integrity. Councillors must treat others with respect and avoid personal attacks, harassment, or discriminatory comments. While the comments the Member made have caused some concern to the Complainant, the evidence provided is not indicative of outrageous or offensive behaviour which would be suggestive of a breach of the Code and/or warrant interference with the Member's right to political speech on this occasion.

(2) Whether an investigation is required in the public interest

The conduct complained about does not meet the first stage of the test, as set out above, therefore, there is no need to consider the second stage of the test.

Outcome

The complaint should not be investigated.

**Decision issued under paragraph 69(2) of the Local Government Act 2000 Case
Number: 202508404**

Summary of complaint

It was alleged that during a Council meeting, when discussing an update on a local business and its Trust Committee, the Member made misleading and upsetting comments about a Trustee (“the Complainant”).

How we decide whether to investigate

To decide whether to investigate a breach of the Code of Conduct (“the Code”), we apply a 2-stage test. First, we consider whether there is evidence to suggest that a breach of the Code may have occurred. Second, we consider whether it is in the public interest to investigate the matters complained about. We take into account a number of public interest factors such as:

- the seriousness of the alleged behaviour
- whether the member misused a position of trust or has sought to gain, for themselves or others, at public expense
- whether an investigation is required to maintain public confidence in elected members
- whether an investigation is proportionate in the circumstances or whether, if proven, a referral to a Standards Committee or the Adjudication Panel for Wales would be appropriate.

My Decision

(1) Whether there is evidence to suggest that there may have been breaches of the Code of Conduct

The Complainant alleges that the comments made by the Member during the Council meeting on 10 December 2025 are misleading and humiliating. In particular, the Complainant raised concerns that the Member had said ‘a letter has been sent to [the trustees] explaining the issues in simple terms, that every person would understand’. The Complainant’s view however was that the letter the Member referred to is highly technical, legal and requires expert interpretation. The Member further expressed the view that the Complainant had cost the Council thousands of pounds in legal fees. The Complainant said this was untrue and malicious.

Everyone has the right to the freedom of expression under Article 10 of the European Convention on Human Rights, which is incorporated into UK law by the Human Rights Act 1998. It may be helpful to explain that, when acting as an elected member and

expressing political views or conducting political business, a member's freedom of expression is afforded enhanced protection, more so than an ordinary member of the public. Further, as politicians, members are likely to be afforded protection even where the language used by them may be inflammatory, provided the focus of it is political. Political comments are not confined to the Council chamber and can include comments members may make generally about their authority's policies or government policies. Political expression extends to all matters of public administration. However, a member's right to freedom of expression is not absolute and must be balanced against the need to protect the rights and interests of others. The legal principles on this issue do not provide clear boundaries for what is, and what is not, acceptable, and each case must be considered on its own merits. Freedom of expression is not limitless and the more egregious the conduct concerned, the more justified it becomes to restrict expression using the provisions of the Code.

I am not persuaded that the comments unfairly discredit the Complainant, it appears to me that they represent an opinion rather than a statement of fact. I am of the view that such comments can reasonably be regarded as political expression and would therefore benefit from enhanced freedom of expression.

Appreciating that the Complainant disagrees with the comments made, they are not sufficiently egregious or disproportionate that a restriction is necessary for the protection of the rights and interests of others. Criticism and disagreement of views forms part of democratic discourse and does not, in itself, amount to a failure to treat someone with respect. The Member is entitled to hold and share his views, even if others do not agree, or indeed, are offended by them. It is not uncommon for elected members to say things which others may consider to be rude or offensive however it is not the purpose of the Code to inhibit free speech and the robust expression of political differences. The Complainant said he considered the Member's comment to be slanderous, this however is a legal issue and the Complainant would need to seek legal advice regarding allegations of slander.

Evidence has not been provided to substantiate the complaint, and the Ombudsman will not investigate unless there is reasonably strong evidence to suggest that the member concerned may have breached the Code.

(2) Whether an investigation is required in the public interest

The conduct complained about does not meet the first stage of the test, as set out above, therefore, there is no need to consider the second stage of the test.

Outcome

The complaint should not be investigated.