



**Decision issued under paragraph 69(2)
of the Local Government Act 2000
Case Number: 202507741
Complaint against Councillor XXX (“the Member”)
of XXXX Town Council (“the Council”)**

Summary of complaint

It was alleged by a member of the public (“the Complainant”) that the Member had used her position as a Councillor improperly in an attempt to intimidate the Complainant and interfere with their business.

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 did not specify which provisions of the Code they believed the Member to have breached and minimal information was provided to support the complaint. It may be helpful if I explained that the Ombudsman's powers to obtain information do not come into effect unless, and until, we have formally commenced an investigation and we will only do so when we have been shown sufficient direct evidence that a councillor's actions may have breached the Code and we consider that it is in the public interest for us to use our limited resources to investigate the matter. It is the Complainant's responsibility to provide the initial direct evidence to support their complaint.

An elected member using their position improperly to disadvantage a person, could be considered conduct capable of breaching the Code, however, minimal supporting information was provided to substantiate these allegations. Whilst the Complainant alleged the Member had made reports and negative comments about their business and had left abusive notes on their vehicle, no further evidence of these allegations or how they amounted to a breach of the Code was provided. The Complainant was given the opportunity to provide further information to support the complaint but did not respond.

The Ombudsman is unable to commence an investigation on assertions alone and will not investigate a complaint unless there is reasonably strong evidence to suggest that the member concerned has breached the Code. In this case, evidence was not provided to substantiate the complaint.

(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.

Penderfyniad y Tîm Cod / Code Team Decision

a gymerwyd ar ran / taken on behalf of

Michelle Morris

Ombwdsmon Gwasanaethau Cyhoeddus / Public Services Ombudsman

20 February 2026



**Ombwdsmon
Ombudsman**
Cymru • Wales

Decision issued under paragraph 69(2)

of the Local Government Act 2000

Case Number: 202508392

**Complaint against Councillor xxxx (“the Member”)
of xxxxxxxx Community Council (“the Council”)**

Summary of complaint

It was alleged by a member of the public (“the Complainant”) that the Member had breached the Code of Conduct (“the Code”) by disclosing her identity to another person when this should have reasonably been considered confidential information.

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

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Rydym yn hapus i dderbyn ac
ymateb i ohebiaeth yn y Gymraeg.

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0300 790 0203
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We are happy to accept and respond
to correspondence in Welsh.

- 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 explained that at a Council meeting in February 2024 she provided key information to the Council related to an alleged fraudulent planning application. The Complainant said it had been agreed previously that the information would be presented to the Council 'in camera' and that this arrangement was put in place to protect her identity and personal safety due to the information she would be presenting. The Complainant then became aware, that at a Council meeting in August 2024, attended by the applicant of the planning application ("the applicant"), the applicant publicly identified her as the individual who provided the Council with the key information at the February 2024 meeting.

The Complainant believed the Member to be responsible for disclosing her identity to the applicant. She considered the Member had breached paragraph 5(a) of the Code which says a member must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature.

Having considered the information presented, I am not persuaded that there is evidence that identifies the Member as the specific individual who disclosed the Complainant's identity and the Ombudsman will not investigate unless there is reasonably strong evidence to suggest that the member concerned may have breached the Code.

In the absence of evidence demonstrating that the individual Member was responsible for the disclosure, I consider that any concerns of this nature would be more appropriately considered under the Council's administrative or data protection processes as opposed to breaches of the Code. This does not imply any finding of fault on the part of the Council and there is no suggestion that any wrongdoing has occurred. This distinction is made solely to identify the appropriate process for consideration by the

Complainant. The Complainant also raised concerns that the Member has a personal and/or business link to the applicant. Evidence was not provided to substantiate this aspect of the complaint.

The Complainant was invited to provide additional information and whilst further information was received, no additional details were provided as to the nature of the personal and/or business link and the significance of this alleged link.

Finally, the Complainant raised concerns that the Member is using an email address which is also used by a family member. Insufficient evidence was provided to substantiate this aspect of the complaint and the Complainant did not explain why she considered this to be a breach of the Code. In any event, it appears to me that the matter complained of would not, in itself, amount to a breach of the Code. If there are concerns regarding the privacy or security implications of the Member's email address, these should be raised with, and considered by, the Council.

It has been noted that there is insufficient evidence to substantiate the complaints made. However, even if there were further evidence to challenge this position, the events referred to took place in 2024. Given the passage of time, it is also very unlikely the Ombudsman would undertake an investigation on the basis it would not be considered in the public interest to consider something that happened some time ago.

(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.

Penderfyniad y Tîm Cod / Code Team Decision

a gymerwyd ar ran / taken on behalf of

Michelle Morris

Ombwdsmon Gwasanaethau Cyhoeddus / Public Services Ombudsman



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Decision issued under paragraph 69(2)

of the Local Government Act 2000

Case Number: 202508393

**Complaint against Councillor xxxx (“the Member”)
of xxxxxxxx Community Council (“the Council”)**

Summary of complaint

It was alleged by a member of the public (“the Complainant”) that the Member had breached the Code of Conduct (“the Code”) by disclosing her identity to another person when this should have reasonably been considered confidential information.

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 explained that at a Council meeting in February 2024 she provided key information to the Council related to an alleged fraudulent planning application. The Complainant said it had been agreed previously that the information would be presented to the Council 'in camera' and that this arrangement was put in place to protect her identity and personal safety due to the information she would be presenting. The Complainant then became aware, that at a Council meeting in August 2024, attended by the applicant of the planning application ("the applicant"), the applicant publicly identified her as the individual who provided the Council with the key information at the February 2024 meeting.

The Complainant believed the Member to be responsible for disclosing her identity to the applicant. She considered the Member had breached paragraph 5(a) of the Code which says a member must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature.

Having considered the information presented, I am not persuaded that there is evidence that identifies the Member as the specific individual who disclosed the Complainant's identity and the Ombudsman will not investigate unless there is reasonably strong evidence to suggest that the member concerned may have breached the Code.

In the absence of evidence demonstrating that the individual Member was responsible for the disclosure, I consider that any concerns of this nature would be more appropriately considered under the Council's administrative or data protection processes as opposed to breaches of the Code. This does not imply any finding of fault on the part of the Council and there is no suggestion that any wrongdoing has occurred. This distinction is made solely to identify the appropriate process for consideration by the Complainant.

The Complainant also raised concerns that the Member has a personal and/or business link to the applicant. Evidence was not provided to substantiate this aspect of the complaint. The Complainant was invited to provide additional information and whilst further information was received, no additional details were provided as to the nature of the personal and/or business link and the significance of this alleged link.

It has been noted that there is insufficient evidence to substantiate the complaints made. However, even if there were further evidence to challenge this position, the events referred to took place in 2024. Given the passage of time, it is also very unlikely the Ombudsman would undertake an investigation on the basis it would not be considered in the public interest to consider something that happened some time ago.

(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.

Penderfyniad y Tîm Cod / Code Team Decision

a gymerwyd ar ran / taken on behalf of

Michelle Morris

Ombwdsmon Gwasanaethau Cyhoeddus / Public Services Ombudsman

14 April 2026



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**Penderfyniad a gyhoeddwyd o dan baragraff 69(2)
Deddf Llywodraeth Leol 2000
Rhif Achos: 202509749
Cwyn yn erbyn y Cyngorydd XXXX (“yr Aelod”)
o Gyngor XXXX (“y Cyngor”)**

Summary of complaint

It was alleged that the Member should have been precluded from standing for election due to being subject to a bankruptcy order.

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.

Essentially, the Complainant alleged that the Member had committed electoral fraud by standing for election and failing to disclose his bankruptcy order. The Complainant provided a link to a Notice of Dividend (“the Notice”). The Notice appears to confirm that the Member was subject to a bankruptcy order in June 2009. The Notice shows the Member was later discharged from the proceedings but no further details are available. It may be helpful to explain that bankruptcy in itself is not an automatic disqualification from standing for election and this depends on the order that has been made. It is not the role of the Ombudsman however to consider whether the Member has committed electoral fraud. This is a matter the Complainant would need to report to the Police or raise with the Electoral Commission.

Paragraph 6(1)(a) of the Code says a member must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. The Ombudsman’s guidance outlines that conduct which results in a criminal conviction, especially if it involves dishonest behaviour may bring a Member’s Council into disrepute. In the absence of a conviction for electoral fraud however there is no evidence to suggest that the Member’s alleged actions were capable of bringing his role or his Council into disrepute.

It appears to me therefore that insufficient evidence has 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.

Penderfyniad y Tîm Cod / Code Team Decision

a gymerwyd ar ran / taken on behalf of

Michelle Morris

Ombwdsmon Gwasanaethau Cyhoeddus / Public Services Ombudsman

11 March 2026

