

**CYNGOR GWYNEDD**  
**STANDARDS COMMITTEE**

**ANNUAL REPORT**

**2025 - 2026**

## **FOREWORD BY THE CHAIR**

Standards in public life is a topic that is receiving a lot of attention at the moment, emphasising the importance of individuals' behaviour in maintaining public confidence in the manner in which decisions are made on their behalf by their elected representatives. I am confident that this committee can continue to provide support and guidance to the members of Gwynedd Council and the members of the community, town and city councils within the county.

I would like to take this opportunity to thank Aled Jones and Sonal Khade. Their memberships came to an end during the year, and in Aled's case, this was after ten years of service to the Committee, including a period as Vice-chair. At the same time, it is a pleasure to welcome two new members, Carys Edwards and Neil Hawkins, who have recently been appointed as Independent Members.

**Hywel Eifion Jones**

**Chair of the Standards Committee**

## **FOREWORD BY THE MONITORING OFFICER**

Supporting and promoting high standards of behaviour is a core part of this work. This is achieved through a combination of being available to advise advice, proactive advice and training. In my opinion, training and understanding of the Code of Conduct gives members a foundation to be familiar with the fundamentals of the Code. This is particularly around the personal interest provisions, where they arise and how to respond. Not only from the point of view of propriety but also from the point of view of supporting proper preparation for meetings and undertaking your day-to-day functions. However, it is disappointing to note again that a number of members remain without attending the full courses that have been held. The Code of Conduct training regime will need to be given consideration in preparation for the 2027 election.

Ultimately, it is a consensus about the type of Council we want to see and work in that best represents the foundation. A culture of propriety does not predispose to healthy and forceful political debate. But, it does give the public confidence about the kind of quality of governance that exists in Gwynedd. This supports the focus of our work on interventions, guidance and support that develop and maintain the expected standards.

**Iwan Evans**  
**Monitoring Officer,**  
**Cyngor Gwynedd**

## INTRODUCTION

The Committee was established in 2001 under the Local Government Act 2000. The main role of the Committee is to promote and maintain high standards of conduct by the councillors and co-opted members of Gwynedd Council, and community and town councils in Gwynedd. It does this in many ways:

- Assisting the councillors and co-opted members to follow the Members' Code of Conduct
- Advising the authority regarding adopting or amending the Members' Code of Conduct
- Monitoring the implementation of the Members' Code of Conduct
- Advising, training or arranging training for councillors and co-opted members on matters relating to the Code of Conduct
- Determining complaints referred to it by the Public Services Ombudsman for Wales that members have breached the Code of Conduct
- Considering applications made by members for dispensation to allow them to participate in discussions despite them having a prejudicial interest under the Code.
- Considering matters referred to it under the Gwynedd Council local complaints resolution procedure.
- Overseeing the Gwynedd Council Members' Gifts and Hospitality Policy.

## The Annual Report

The Local Government Act 2000 was amended by the Local Government and Elections (Wales) Act 2021, making it now a statutory duty for standards committees to report to their authority. This must be done as soon as practicable after the end of the financial year, in relation to that year (i.e., the 12 month period ending on 31 March).

The report must describe how the committee's functions have been implemented during the year. In particular the report must include a summary of:

- What has been done to carry out the general and specific functions given to the committee by the 2000 Act?
- Reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales
- Actions taken by the committee after it has considered such reports and recommendations.
- Notices given to the committee by the Adjudication Panel for Wales

A report by a county council's standards committee must also include:

- The committee's assessment of the extent to which leaders of political groups on the council have complied with their new statutory duties in relation to standards of conduct.

The report may include:

- Recommendations to the authority about any matter in respect of which the committee has functions.

The authority must consider every annual report made by its standards committee before the end of 3 months which starts on the day the authority receives the report.

## COMMITTEE MEMBERS

Though the Standards Committee is a Gwynedd Council committee, the majority of its membership does not have any connection with the Council or local government ('Independent Members'). It also has a member who represents the interests of the community councils ('Community Committee Member'), as well as three elected members from Gwynedd Council. The Chair and Vice-chair of the Committee must be Independent Members.

### Independent Members

#### **Hywel Eifion Jones (member since 2019, Chair)**

Born and educated in Dyffryn Clwyd, Eifion was a senior manager with Barclays Bank and served for 34 years in a number of branches across North and Mid Wales. He has undertaken many public services roles including a County Councillor with Isle of Anglesey County Council and a member of the North Wales Police Authority. Currently, he is a Magistrate on the North West Wales bench and is a member of the Gwynedd Pensions Board, Gwynedd Council's Governance and Audit Committee and is the Chair of Adra . He is also a member of the Adjudication Panel for Wales which determines allegations of County and Community elected members breaching the code of conduct.

#### **Mark Jones (member since December 2022, Vice-chair)**

Mark lives in Bangor and is a former police officer with 30 years experience in a variety roles, including as Head of Professional Standards for North Wales Police. He served as a Community Governor and Vice Chair at Ysgol Glanadda for 20 years. He is also a former Chair of Adra, where he continues to serve as a Board member

#### **Non Gibson (member since 2025)**

Non lives in Bethel, Arfon with over 23 years' experience as a Police officer completing her career as a sergeant. She has worked on a range of issues and Chaired the Early Intervention Team along with working on multi-agency issues and of course experience working within the justice system.

### **Aled Jones (member from 2016 - 2026)**

Aled is originally from Lampeter in Ceredigion. He read Welsh and Geography at Aberystwyth University. After graduating in 1999, he moved to Caernarfon to work with Cymen (Welsh translation company) and became a joint owner of the company in 2007. He now employs a team of almost 30 employees and over 20 freelance translators. He lives in Bangor with Tegwen and their children, Cai and Beca. He recently completed a post-graduate qualification in Leadership and Management ILM Level 5. The programmes create an environment where leaders are stimulated to exceed their potential, drive innovation, embed learning and to continue their development. His work as an interpreter has also given him an unique insight to the workings of government from the European Union to local community councils and is therefore in a privileged position to observe best practice in terms of conduct and standards.

### **Sonal Khade (member May – November 2025)**

Sonal lives in Pwllheli and has a background in finance and contract management in the public sector. Now self-employed. She has worked at a high level within local government and health leading on audit projects and issues.

## **Appointment of New Independent Members**

Aled Jones' second term of office came to an end after a period of 10 years of service to the Committee. Furthermore, Sonal Khade stepped down from the Committee during the year. The vacancies were therefore advertised in accordance with the statutory provisions and three applications were received.

An Appointments Panel was established, which comprised Mr Eifion Jones, Chair of the Standards Committee, Community Councillor Richard Parry Hughes (Community Member of the Standards Committee), Gwynedd Councillors Ioan Thomas, Chair of the Council and Anne Lloyd Jones Chair of the Democratic Services Committee and Mr Griffith Jones as the statutory lay member.

The Panel, supported and advised by the Monitoring Officer, interviewed the candidates, and having regard to the criteria set out in the person specification for the role,

the Panel recommended the appointment of Carys Edwards and Neil Hawkins. The appointments were confirmed by a meeting of the Full Council on 14 May 2026

### **Carys Edwards**

Carys who lives in Parc, Bala has held senior officer positions in the Isle of Anglesey County Council and the Welsh Government. She already serves as a lay member on the Governance and Audit Committee and the Governance and Audit Committee of Wrexham County Borough Council. She has also spent time on the management board of Grŵp Cynefin and the Management Board of Betsi Cadwaladr Health Board as an independent adviser.

### **Neil Hawkins**

Neil lives in Bangor and has a background in education and charity. Until 2021 he was Principal of Concord College, an international school. He chaired the charity "Humanists UK" until 2025 and serves as Chair of the charities "Befrienders Worldwide" and "Tough to Talk", suicide prevention charities.

### **Community Committee Member**

#### **Councillor Richard Parry Hughes (member since 2017)**

Richard was brought up on a farm in Llanaelhaearn and attended Pwllheli Grammar School, Glynllifon Agriculture College and Seale Hayne College (Plymouth University). He has a post-graduate degree in Farm Management. He worked for a veterinary partnership in Chwillog for three years and as a part-time lecturer in Coleg Glynllifon before purchasing Penfras Uchaf farm in Llwyndyrys where his family had been tenants for over three hundred years. He is married to Eleri and they have three sons. The former leader of Gwynedd Council, he continues to farm. He has extensive experience of committees and has held roles such as the chairman of the Wales Federation of Young Farmers' Clubs before being elected as member of public bodies. He was a member of Gwynedd County Council from 1992 to 1996 and a member of Gwynedd Council from 1996 to 2008. He led Gwynedd Council from 2003 to 2008 and was also a spokesperson for the Wales Local Government Association on the Environment and

Planning during this time. He is a keen member of Cwmni Drama Llwyndyrys and supports many other local organisations such as Antur Aelhaearn and Friends of Carnguwch Church. He volunteers as a case worker for the Farm Community Network. He has been a member of Llannor Community Council since 1992.

## **Gwynedd Council Members**

### **Councillor Beth Lawton (member since 2017)**

Beth lives in Brynchrug and is the owner of a local factory. She is a County Councillor for the Dro Dysynni area which includes the villages of Brynchrug, Abergynolwyn and Llanegryn. She is also a Community Councillor and the chair of the Ysgol Craig y Deryn Governing Body. She is active on several committees in the community including Abergynolwyn Carnival, Brynchrug Rural Fair, Tywyn Hospital Appeal Committee and many others. She is a member of Merched y Wawr and leads at Abergynolwyn Eisteddfod. She is a member of Cyngor Gwynedd's Care and Housing Scrutiny Committee and Education and Economy Scrutiny Committee and has been Chair of both committees since becoming a member. She is also a director and Chair of the Byw'n Iach Leisure Company.

### **Councillor Anne Lloyd Jones (member since 2017)**

Anne lives and runs a farm tourism business in Tywyn, and she has represented Tywyn on Gwynedd Council since 1995 and was previously a member of the Meirionnydd District Council for eight years.

She was first elected member of Tywyn Town Council in 1985 and was Mayor in 1991, and again in 2004 and was Chairman of Gwynedd Council in 2009. She is former Chairman of Gwynedd Council Planning committee and the Democracy Services Committee and founder member of Cartrefi Cymunedol Gwynedd.

She was a member of the Meirionnydd Community Health Council and is currently Chair of the Tywyn and District Hospital Appeal Fund. She is also the Treasurer of the local NSPCC branch since 1989.

She is a member and a former chair of Ysgol Penybryn Governing Body and is also a member of the Governing Body of Ysgol Uwchradd Tywyn. Anne was the Chair of Mid

Wales Tourism between 2001 and 2016, a founding member and former president and treasurer for the Tywyn Inner Wheel Club.

Anne is married to John and they have three daughters and twin granddaughters.

### **Councillor Dewi Owen (member since 2022)**

Dewi farms in Aberdyfi and has been a County Councillor for Aberdyfi and Pennal for fifteen years, and on Aberdyfi Community Council for twenty-five years. He was elected Chair of Gwynedd Council in 2014. Dewi has been Chair of several scrutiny committees and is currently Chair of the Democracy Services Committee on Cyngor Gwynedd, and has joined the Standards Committee since 2022.

Dewi is Chair of Governors of Ysgol Uwchradd Tywyn, and a member of several local committees, such as the Meirion County Show, the Farmers' Union of Wales and 'Aberdyfi Advertising & Improvements Committee.

## **The Monitoring Officer**

The Council's Monitoring Officer, Iwan Evans, along with officers from the Legal Service and the Democratic Service support the Standards Committee in its work. The Monitoring Officer has a statutory role to ensure that the Council, its members and its officers act appropriately and lawfully.

### **Contact Details**

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## THE COMMITTEE'S WORK DURING 2025 - 2026

The Committee's work over the year has included the following (the Committee's full work programme can be seen in **Appendix 1**):

### Cases which appeared before the Standards Committee

No complaints of a breach of the Code of Conduct were referred to the Committee by the Ombudsman during the year.

### Other complaints

The Committee is also notified of the Ombudsman's decisions on complaints that were not referred to the Committee for a decision, and a summary of these is provided in **Appendix 2**.

### Dispensations

The Code of Conduct for Members provides that a councillor cannot participate in a discussion if he/she has a 'prejudicial interest'. However, a member has the right to apply to the Committee for permission to participate despite having this interest, i.e. dispensation.

No applications were received during the year.

### The National Standards Committees Forum for Wales

The National Forum of Welsh Standards Committees has now been established, in order to share good practice co-ordinate events and create a support network for committee chairs. The meetings are attended by the chairs of all Welsh standards committees along with representation from the authorities' Monitoring Officers to provide professional advice. The secretariat is provided by the Welsh Local Government Association.

## Support for Community, Town and City Council Members

There are 3 elements of support that can be offered to members and clerks of community councils on matters relating to the Code of Conduct:

1. Advice on specific issues –by contacting the Monitoring Officer or the Deputy Monitoring Officer.
2. Gwynedd Council website - Standards Committee includes information and guidelines as well as links to other useful websites.
3. Training – the intention is to hold a virtual training session in the form of a webinar. This would create a resource that members could watch when it suits them rather than having to rely on sessions held in specific places and times.

## The Duty of Political Group Leaders

Section 52A(1)(a) of the 2000 Act (as emended by the 2021 Act) requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group. A “group” for this purpose is defined as 2 or more members who give notice to the Proper Officer that they wish to be treated as a group for the purposes of political balance requirements and the allocation of seats on Council Committees

The guidance makes it clear that this duty does not make leaders of a political group accountable for the behaviour of their members, as conduct is a matter of individual responsibility. However, they do have a role in taking reasonable steps in maintaining standards, setting an example, using their influence to promote a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues as soon as they arise. A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code.

Section 62(3) of the 2021 Act amends section 54 of the 2000 Act to extend the specific functions of a Standards Committee to include monitoring compliance by leaders of political groups with the new duty to promote and maintain high standards of conduct by members of their group. Political group leaders and Standards Committee should agree on the form and frequency of a report from each group leader to the Committee, which would then consider each report and provide feedback to the group leaders. Standards Committee must also provide advice and training or arrange to train group leaders on the new duty. At the start of each Council term this should take place within six months of the election and be reviewed at least annually. The guidance also suggests that the Standards Committee may wish to meet with group leaders periodically to review arrangements.

In November 2023, the Standards Committee met with the leaders of the three political groups on the Council – Plaid Cymry, the Independents and Liberals/Labour Group to agree how this duty should be monitored and the nature and frequency of information that should be submitted to the Committee. This is now the basis for maintaining and monitoring the system.

During this year a meeting was held between the Group Leaders and the Monitoring Officer. The has been held again this year. The working relationship with each Leader is positive and supportive. While the situation regarding attendance at training is disappointing, we can be confident that the Leaders appreciate and have supported efforts to address this issue. This positive relationship gives confidence that the benefits of the new regime can be further built upon.

### THE STANDARDS COMMITTEE'S WORK PROGRAMME 2025-2026

#### 9 June 2025

- Self Assessment of the Committee's work during 2024/25
- Community Council Training
- Approval of the Standards Committee's Annual Report 2024/25
- Report on Declaration of Personal Interests at Meetings
- Regular report on allegations against members
- Consideration of the Ombudsman's decision on a complaint against a Community Councillor

#### 3 November 2025

- Report on the Gift and Hospitality Register
- Review of the Internal Resolution Procedure
- Consideration of the Ombudsman's Annual Report 2024/25
- Minutes of the National Forum of Standards Committees
- Regular report on allegations against members

#### 23 February 2026

- Report on the Membership of the Standards Committee
- Proposed Work Programme 2026 -2027
- Regular report on allegations against members
- Reforms to the Principles and Code of Conduct for Members
- Report on Members' Gift and Hospitality Register

### DECISIONS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

#### **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.

## **Complaint 202407933**

That a member of a town council had made a false report to the Police about the Complainant.

### **Decision**

Not to investigate. The member was not acting as a member at the time. It was further considered whether it might have brought the authority or member into disrepute. The police

concluded that there was insufficient evidence and they did not want to pursue the matter. There was therefore no suggestion or conclusion that the report made was false or a waste of Police time.

#### **Complaint 202408934**

That a town council member falsified records when acting in her employment. It was also alleged that she had failed to declare an interest when the funding of a local scheme was discussed.

#### **Decision**

Not to investigate. The member was not acting in her capacity as a member and no evidence had been presented to suggest that the alleged conduct, which had not been proven, brought the council into disrepute. No evidence was also presented to support the claim that the member failed to disclose an interest.

#### **Complaint 202409315**

A complaint by a member of the public, that a member of a town council behaved in an aggressive manner at a meeting with the staff of a local business and also failed to disclose that another member had a personal interest in connection with the business at the annual meeting of the council. It was also alleged that, at a separate meeting, he had made vexatious complaints to HMRC about the company. It was finally alleged that the member had been shouting and yelling at the council clerk.

#### **Decision**

Not to investigate. No evidence had been presented to support the allegations.

#### **Complaint 202409316**

That a town council member is trying to harm a local company by abusing his position as a councillor. The Complainant alleged that the Member harassed staff and tried to get them to

leave their jobs. It was also alleged that the Member had made malicious and vexatious complaints about the company to Natural Resources Wales and that he had given negative reports about the business at Council meetings, while failing to report positive news.

### **Decision**

No investigation. No evidence was presented to support 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. It is the responsibility of the Complainant to provide direct evidence in support of their complaint.

### **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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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. Any agreement or disagreement with the way in which the Member deals with local issues is a matter for the local electorate to determine through the democratic process.

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