

**Decision published under paragraph 69(2) of the
Local Government Act 2000
Case No.: 202600920**

Summary of the complaint

It was alleged that the Member, along with other authorities, had not been helpful in addressing the Complainant's concerns about disturbance, litter and public nuisance, caused by tourists parking near her home. It was also suggested that confidential information may have been shared inappropriately and that the Council is not impartial in its decision-making processes because of the Council members' involvement in a local community group.

How we decide whether to investigate

To determine whether a breach of the Code of Conduct (“the Code”) should be investigated, we implement a two-stage test. First, we consider whether there is evidence to suggest that the Code may have been breached. Secondly, we consider whether it is in the public interest to conduct an investigation into the issues that are subject to the complaint. We consider several public interest factors, such as:

- the seriousness of the alleged conduct
- whether the member has misused a position of trust or attempted to gain, for themselves or others, at the expense of the public
- whether it is necessary to investigate to maintain public confidence in elected members

- whether an investigation is proportionate under the circumstances or, would a referral to the Standards Committee or to the Adjudication Panel for Wales be appropriate, if it were proven.

My Decision

(1) Is there evidence to suggest that instances of breaching the Code may have occurred.

The issues complained about are unlikely to be synonymous with

breaching the Code. The complaint stated that in addition to referring her concerns to the Member, the Complainant had also contacted several different authorities and other elected members.

There is dissatisfaction with what the Complainant regards as a lack of engagement, and frustration that decisions including where yellow lines should be placed in the village or the opening hours of a local car park, are unfairly affecting her home. The Member, in being informed of the

complaint, said that she had responded to the Complainant, or others who could be associated with her, on several occasions.

The Ombudsman has the authority to consider two types of complaint: First, complaints that allege that a member of a relevant authority has breached the Code of Conduct adopted by their authority. Secondly, complaints about maladministration or service failure by some listed public bodies in Wales (and which include councils and town or community councils).

The Ombudsman's authority in relation to Code of Conduct complaints falls within a very specific remit - i.e. to consider whether there is evidence to suggest that the personal actions of the Councillor named may have breached the Code of Conduct.

The Ombudsman publishes guidance to members on their

obligations under the Code, and how his office will consider complaints about the actions of members and whether they are likely to be in breach of the Code. In assessing a complaint, however, the Ombudsman will consider each case on its own merits. In this case, there is insufficient information to support the view that the actions of an individual Member could be regarded as a potential breach of the Code.

Although the Ombudsman cannot consider these aspects of the complaint against the listed Member as a Code of Conduct matter, the complaint could be regarded as an administrative complaint against the relevant Council (as a body in its own right) or public body, depending on whether they come under the Ombudsman's jurisdiction. I cannot say that it is a complaint that the Ombudsman would accept for investigation, as it would need to be properly assessed first. Such a complaint would need to be presented separately, together with copies of any correspondence exchanged with the relevant Council or public body.

It was also suggested that confidential information may have been shared inappropriately and that the Council is not impartial in its decision-making processes because of the Council members' involvement in a local community group. No evidence was provided to uphold these aspects of 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) Is there a need to investigate in the public interest

The conduct that is the subject of the complaint does not satisfy 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.

Summary of the complaint

The Member was alleged to have behaved inappropriately when she posted a photo of a garden showing signs of hoarding on Facebook and asked the public to comment on whether they could live next door. The Complainant felt that the person responsible for the hoarding issue could do with help and support, rather than the court of public opinion.

How we decide whether to investigate

To determine whether a breach of the Code should be investigated, we implement a two-stage test. First, we consider whether there is evidence to suggest that the Code may have been breached. Secondly, we consider whether it is in the public interest to conduct an investigation into the issues that are subject to the complaint. We consider several public interest factors, such as:

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

My Decision

(1) Is there evidence to suggest that instances of breaching the Code may have occurred.

The issues complained about are unlikely to be synonymous with breaching the Code.

The screenshots provided displayed a photograph of a garden showing signs of hoarding. The comment attached to the post read, "Would you like to live next door to this?". A screenshot of the comments left was also provided, which included comments criticising the hoarding, but also a comment, possibly from the Complainant, saying "It's obvious that somebody needs help. Posting this on Facebook does not help." The Member's profile reflected her status as a Councillor.

The Member gave comments in response to being made aware of the complaint, explaining that she had no intention of offending by making the post and that she had deleted the post shortly after reading the objection. She has been in contact for over two years with local residents living adjacent to the site who have been complaining about the situation to her and to the local Community Council. The post was an attempt to draw attention to the need to take action but was not meant personally.

The Code normally only applies where a member of a council performs functions as a member or seeks to rely in some way on his or her status as a member. Given that the Member's personal Facebook page clearly refers to her role as a Councillor, I consider that she gave the impression that she was acting as a representative of the Council and that the Code of Conduct relates fully to posts on that page.

Where a complaint relates to the conduct of a Councillor who is exercising his or her right to freedom of expression, the Ombudsman must carefully consider whether an investigation and any sanction that may ultimately be imposed on the member would constitute an intervention proportionate to those rights.

In acting as an elected member and expressing a political opinion or conducting political business, the member's freedom of expression is afforded better protection, more so than an ordinary member of the public. Furthermore, as politicians, members are likely to be given protection even where the language they use may be inflammatory, on condition that the focus is political. Political comments are not confined to the Council chamber and may include comments that members may make generally. Political expression extends to all

aspects of public administration. The right to freedom of expression protects popular and unpopular expression, including speech that may shock others.

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 acceptable, and what is unacceptable, and each case must be considered on its own merits. Freedom of expression is not infinite and the more serious the conduct in question, the more justified it is to restrict expression using the provisions of the Code of Conduct.

I have taken into account that the Member was attempting to answer constituents' concerns and that she did not intend to cause offence but to highlight what she considered to be an issue that needed action. There is no evidence of bad language being used, but the post had the capacity to cause embarrassment to anyone affected. In my opinion, it can reasonably be said that the post falls within the realms of freedom of expression and, although it may have caused offence to the Complainant and/or other members of the public, it is not, in my view, evidence of a breach of the Code.

While I fully appreciate that the Complainant may have been offended by the Member's post and feels that there may have been other ways of addressing the situation, the evidence provided does not indicate disgraceful or offensive behaviour that would affect the Code and justify intervening in the Member's right to political expression on this occasion. However, the Member should be aware of how comments can be interpreted or perceived on social media.

2) Is there a need to investigate in the public interest

The conduct that is the subject of the complaint does not satisfy 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 published under paragraph 69(2) of the

Local Government Act 2000

Case No.: 202601300

Summary of the complaint

It was alleged that the Member had provided a statement to a local football league, making malicious and false allegations against the Complainant regarding behaviour at a football match for children under the age of 12 and on other occasions.

How we decide whether to investigate

To determine whether a breach of the Code should be investigated, we implement a two-stage test. First, we consider whether there is evidence to suggest that the Code may have been breached. Secondly, we consider whether it is in the public interest to conduct an investigation into the issues that are subject to the complaint. We consider several public interest factors, such as:

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

My Decision

(1) Is there evidence to suggest that instances of breaching the Code may have occurred.

At the time of the conduct that is subject to the complaint, the member was not acting as a councillor but as a private individual. The Code normally only applies where a member of a council performs functions as a councillor or seeks to rely in some way on his or her status as a councillor.

In light of this, most of the provisions of the Code (including the requirement to show respect and consideration to others) do not apply to the comments made by the Member in her personal capacity. However, the following paragraphs apply whether a member is acting in his or her professional or personal capacity:

6(1)(a) - You must not conduct yourself in a manner that could reasonably be regarded as bringing your office or your authority into disrepute;

7(a) - you must not use your position inappropriately; and

7(a) - you must not use your authority's resources inappropriately.

No evidence was submitted to indicate that the Member had used her position or the council's resources inappropriately. Therefore, we can only consider whether the Member, in making the comments, has brought her Council or her position as a councillor into disrepute.

Case law on the application of the Code of Conduct for members in Wales has established that, in order to find a breach of the "disrepute" provision, a member's conduct must affect the reputation of their Council and/or the role of an elected member and go beyond affecting their personal reputation.

The Complainant explained that, in addition to allegations about what happened at a postponed football match, he was saying that the Member had also accused him of making an obscene gesture towards her and others when she was standing in a car park as he drove his vehicle away, and said that this was impossible as he had never driven.

The Complainant felt that in making this statement, the Member had shown a lack of honesty and integrity and had failed to uphold the Nolan Principles. The Code is based on these Principles, that were designed to promote the highest possible standards. These

Principles draw on the Seven Principles of Public Life first set out in the 1995 Nolan Report, "Standards in Public Life", which include "honesty" and "integrity and propriety".

Dishonest and fraudulent conduct can bring a Member's authority into disrepute, even if the conduct takes place in their private life. However, I do not consider it to be conduct that is likely to have brought the Member's position as a councillor or Council into disrepute on this occasion.

There was no evidence to show that the conversation or the Member's comments had been reported in the press or that they had reached any audience beyond the football match and the league investigating the incident. It is likely that, if anyone had been aware of the conversation or the Member's comments, they would have thought that this was an unpleasant private dispute being broadcast publicly. Due to the limited duration of the conversation, the fact that it was a single incident, that there was no press report about the incident and that the impact of the incident would have been limited and controlled, it is likely that anyone with knowledge of the facts would consider this to be a matter of little relevance to the council concerned or her official or political role as a Member. It is also possible that the Member made a mistake rather than deliberately misrepresented the situation. Therefore, this is not considered to be conduct that is likely to bring her position or her authority into disrepute, on this occasion.

(2) Is there a need to investigate in the public interest

The conduct that is the subject of the complaint does not satisfy 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 published under paragraph 69(2) of the
Local Government Act 2000
Case No.: 202604071**

Summary of the complaint

It was alleged that the Member, by failing to respond to correspondence sent to him about an abandoned vehicle, had failed in his duty to uphold the law, had failed to show respect and consideration (4(b)) and had brought his office/authority into disrepute (6(1)(a)).

How we decide whether to investigate

To determine whether a breach of the Code should be investigated, we implement a two-stage test. First, we consider whether there is

evidence to suggest that the Code may have been breached.

Secondly, we consider whether it is in the public interest to conduct an investigation into the issues that are subject to the complaint. We consider several public interest factors, such as:

- the seriousness of the alleged conduct
- whether the member has misused a position of trust or attempted to gain, for themselves or others, at the expense of the public
- whether it is necessary to investigate to maintain public confidence in elected members
- whether an investigation is proportionate under the

circumstances or, would a referral to the Standards Committee or to the Adjudication Panel for Wales be appropriate, if it were proven.

My Decision

(1) Is there evidence to suggest that instances of breaching the Code may have occurred.

The issues complained about are unlikely to be synonymous with breaching the Code.

The Complainant provided a copy of an e-mail she had sent, dated 7 August 2026, to the Council, the Member and North Wales Police, noting her concerns about the abandoned vehicle.

The Member responded on being informed of the complaint, stating that there were only 10 days between the date on which the e-mail was sent by the Complainant and the time he received the notice. He did not accept that failing to respond to an e-mail within less than 10 days was in breach of the Code.

He added that he had become aware of the matter in mid-July 2026 after seeing a discussion on it on social media among local residents. He provided evidence that he had been corresponding with the Council on this matter since 21 July. The Member sent further correspondence on 29 July, 4 August, 5 August and 16 August, displaying his decisive efforts to move the matter forward.

He also stated that he had contacted North Wales Police about this matter, had received a phone call from them around the end of July, and provided evidence of correspondence with them on 16 August 2026. He also said that he had contacted the Driver and Vehicle Standards Agency.

Later correspondence provided by the Complainant referred to the lack of action taken by “Gwynedd Council officers” which, in her opinion, showed “severe maladministration and unreasonable operational delay”

The Ombudsman has the authority to consider two types of complaint: First, complaints that allege that a member of a relevant authority has breached the Code of Conduct adopted by their authority.

Secondly, complaints about maladministration or service failure by specific listed public bodies in Wales (which include councils and town or community councils).

The Ombudsman's authority in relation to Code of Conduct complaints falls within a very specific remit - i.e. to consider whether there is evidence to suggest that the personal actions of a specific Councillor may have breached the Code of Conduct.

The Ombudsman publishes guidance to members on their obligations under the Code, and how his office will consider complaints about the actions of members and whether

they are likely to be in breach of the Code. In assessing a complaint, however, the Ombudsman will consider each case on its own merits. In this case, there is insufficient information to support the view that the actions of an individual Member could be regarded as a potential breach of the Code. Although it could have been useful had the Member shared the actions that he was taking with the Complainant, the evidence he provided clearly indicates that he had been pursuing this matter on behalf of constituents.

Although the Ombudsman cannot consider these aspects of the complaint against the Member as a Code of Conduct matter, the complaint could be regarded as an administrative complaint against the relevant Council (as a body in its own right) or public body, depending on whether they come under the Ombudsman's jurisdiction. I cannot say that this is a complaint that the Ombudsman would accept for investigation, as it would need to be properly assessed first. Such a complaint would need to be presented separately, together with any copies of correspondence exchanged with the relevant Council or public body.

(2) Is there a need to investigate in the public interest

The conduct that is the subject of the complaint does not satisfy 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: 202604064

Summary of complaint

The complaint, submitted by the (“the Complainant”), alleged that the Member tried to unlawfully remove her from her position and replace her with another inexperienced councillor.

Decision

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

The Complainant said that the Member was canvassing other councillors for a vote of no confidence, which she perceived to be a direct attempt to obstruct and interfere with a full forensic audit, accounting and IT investigation that was underway.

The Code requires Members to treat others with respect and consideration. This does not mean that that councillors cannot participate in robust debate with political opponents, but this should be measured. Article 10 of the European Convention on Human Rights (“ECHR”) provides the right to freedom of expression and information, subject to certain restriction. Freedom of expression is a right that applies to all information and ideas not just those that are favourable to fellow councillors. Members have enhanced protection when comments they make are of a political nature.

If the Member expressed the alleged opinion, it was his view on the governance of the Council and its committees and not a personal attack on the Complainant herself. The Complainant may not agree or like the opinion of the Member but the alleged statement was not offensive, outrageous, intimidatory or undermining, and as it was a political statement, it would benefit from the enhanced protection available.

No evidence was provided to support the Complainant’s assertion that the Member attempted to canvass other councillors for a vote of no confidence. No evidence was provided that the Member took any administrative action himself or attempted to persuade or put pressure on anyone else to do so. The Complainant alleged that the Member was attempting to obstruct and interfere with an ongoing investigation involving outside agencies. No evidence was provided to support this aspect of the complaint.

The Ombudsman will not investigate unless there is reasonably strong evidence to suggest that the member concerned may have breached the Code.

While the comments the Member may have made have caused some concern to the Complainant, the evidence provided is not indicative of outrageous or offensive behaviour which would engage the Code and 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

Complaints Ref: 202604080, 202604081, 202604082, 202604084, 202604085, 202604086, 202604088, 202604089

Summary of complaint

It was alleged that one of the members present at a meeting had breached the Code of Conduct ("the Code") by disclosing confidential information to the media. The complaint was made by one of the members present at the meeting asking the Ombudsman to investigate to establish which of the members disclosed the information. The complainant referred all members present, including herself, to the Ombudsman.

My Decision

(1) Whether there is evidence to suggest that there may have been breaches of the Code of Conduct. The Code is clear that members must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature. The evidence provided by the Complainant suggested that the information discussed at a Council meeting ought to have reasonably been regarded as confidential. The evidence also suggested that this information was subsequently disclosed to the media. Having considered the information provided by the Complainant, I am not persuaded that there is evidence that identifies the Member as the specific individual who has disclosed the information and in the absence of evidence demonstrating that the Member was responsible for the disclosure, the Ombudsman cannot investigate. It may be helpful if I explained that the Ombudsman's role is to consider and, when appropriate, undertake investigations of complaints that an individual member has breached the Code, rather than to independently establish the identity of the individual responsible for the disclosure.

(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.