

## **Appendix One**

### 1. Integrity: Pembrokeshire County Council

Report date

30/03/2022

Subject

CODE - Integrity

Outcome

CODE

Case ref number

202101091

Report type

CODE - No evidence of breach

Relevant body

Pembrokeshire County Council

It was alleged that a Councillor (“the Member”) posted videos on the social media platform, TikTok, which brought their office as a councillor and Pembrokeshire County Council (“the Council”) into disrepute.

The Ombudsman commenced an investigation into whether the Member may have breached paragraph 6(1)(a) of the Code of Conduct, that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

The investigation found that the Member posted a series of videos, some of which included TikTok sounds which contained expletives. The Member, who had been appointed to a school governing body, was suspended from the governing body while the matter was investigated by the Council. A number of witnesses were interviewed. Some considered the videos to be distasteful. The Council’s investigation found that the videos did not impact on the Member’s role as a governor.

The investigation found the Member was acting in his private capacity when he posted the videos. Relevant case law has established that for a breach of the “disrepute” provision to be found, a member’s conduct must impact upon their Council’s reputation and/or the role of elected member and go beyond affecting their personal reputation. While the nature of the videos may be considered distasteful by some, TikTok sounds are widely and easily available on TikTok and are often widely

reproduced by TikTok users in large quantities. TikTok is a social media platform in which users are required to be 13 years old and content of the type posted by the Member is widely and freely available without censorship. The videos were clearly intended to be humorous and to make people laugh. The videos were not directed at anyone and do not display any intent to cause harm or upset.

The Ombudsman found that there was no evidence of any failure to comply with the Code of Conduct of the relevant authority concerned.

## 2. Integrity : Pencoed Town Council

Report date

17/06/2022

Subject

CODE - Integrity

Outcome

CODE

Case ref number

202005940

Report type

CODE - Referred to the Adjudication Panel for Wales

Relevant body

Pencoed Town Council

I received a complaint that a Former Councillor of Pencoed Town Council had failed to declare a criminal conviction when he stood for election in 2018 and in doing so had breached the Code of Conduct for elected members.

My investigation found that the Former Councillor had been convicted of an offence in July 2015 and that this conviction disqualified him from standing as an elected member. The Former Councillor stood for election to Pencoed Town Council in November 2018 and could not have done so had they not made a false declaration on their nomination paper. The deception did not come to light until an article featured in a national newspaper in July 2020. The Former Councillor resigned once this information became public but had acted as a member for 1 year and 8 months when he was not eligible to do so.

I considered that the Former Councillor misled the Town Council as to their eligibility to be a Councillor and that their dishonesty, both when signing the declaration of acceptance of office and during the year and 8 months that they acted as a Councillor, was a serious abuse of office which goes against the principles that

underpin the Code of Conduct. The Former Councillor did not engage with the investigation and did not give any explanation for their actions or show any remorse.

I considered the Former Member's actions were suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct and my finding was that the matter should be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

APW heard the case on 10 June 2022 and found that the Former Councillor had been elected on a false premise and that his declaration of acceptance of office, undertaking to abide by the Code continuation in office took place on the same false premise. APW found that the Consent to Nomination and Guidance to Candidates were so clear that it was inconceivable that the Former Councillor was unaware of the fact he was disqualified from being elected and his actions were either deliberate or as the result of extreme recklessness.

APW found that the fact that the Former Councillor was disqualified from being elected and yet continued to act as Member went to the heart of public trust in democracy and undermined the Code and standards regime. The Former Councillor continued to deal with his constituents and act on a false premise and this constituted a clear breach of paragraph 6(1)(a) of the Code. It also noted that the significant media and public attention and disquiet, would inevitably bring both the office of Member and his Authority into disrepute.

APW concluded that the Former Councillor should be disqualified for 24 months from being or becoming a member of the Council or any other relevant authority within the meaning of the Local Government Act 2000.

### 3. Integrity : Powys County Council

Report date

12/02/2022

Subject

CODE - Integrity

Outcome

CODE

Case ref number

202104527

Report type

CODE - No evidence of a breach

Relevant body

## Powys County Council

The Ombudsman received a complaint that a Member (“the Member”) of Powys County Council (“the Council”) had breached the Code of Conduct when he appeared to be driving a vehicle during a virtual meeting. The Ombudsman reviewed the audio visual recording of the meeting and obtain information from the Police. He also considered an account provided by the Member. The Ombudsman found there was no available evidence to support the allegation that the Member was driving during the virtual meeting and concluded there was no evidence of a breach of the Code of Conduct by the Member.

### 4. Integrity : Gwynedd Council

Report date

09/05/2022

Subject

CODE : Integrity

Outcome

CODE

Case ref number

202004473

Report type

CODE - No evidence of breach

Relevant body

Gwynedd Council

The Ombudsman received a complaint that a Member (“the Member”) of Gwynedd Council (“the Council”) had breached the Code of Conduct when he shared material on his Facebook account which cast doubt on the existence of COVID-19 and about the vaccine, and when he appeared on a television show to discuss his views on COVID-19 and the vaccine.

The Ombudsman reviewed the member’s Facebook activity and his appearance on the television show. The former Chief Executive of the Council was interviewed and comments were sought from the Member.

The Ombudsman found that the Member was entitled to freedom of expression and to hold and express his views regarding the COVID-19 pandemic and the COVID-19 vaccine (under Article 10 of the European Convention on Human Rights, which is incorporated into UK law by the Human Rights Act 1998). The Member’s right to free speech allowed him to say things that may have been shocking or offensive to some people. The former Chief Executive’s evidence suggested that the Member

was not representing the 'Council's position'. The Member did not issue directions to members of the public in contravention of the public health measures in place at the time. Therefore, the Ombudsman did not consider there to be evidence that the Member breached the Code of Conduct.

#### 5. Integrity : Amlwch Town Council

Report date

05/05/2022

Subject

CODE : Integrity

Outcome

CODE

Case ref number

202103868

Report type

CODE - Discontinued

Relevant body

Amlwch Town Council

The Ombudsman received a complaint that a Member ("the Member") of Amlwch Town Council ("the Council") had breached the Code of Conduct when, in their role as a director of a charity, they made an application for an Economic Resilience Fund grant from the Isle of Anglesey County Council ("the County Council") without the authority of the charity and ignoring the views of other directors of the charity that it was not eligible for the grant. It was also alleged that the application made by the Member contained false information and that, once the funding was received, they attempted to transfer the funds into their personal account without authority.

The Ombudsman reviewed information received from the County Council, the Council, the Member and North Wales Police. The member said that her action, made in her personal capacity as a director of the charity, were in the interests of the charity and the community. The Member was unsuccessful in their attempt to transfer the funds into their personal bank account, and the funds were returned when the ineligibility was identified. North Wales Police confirmed that it was not investigating the allegations as the Council did not wish to pursue a complaint. This suggested that the Council was not of the view that there was any criminal or fraudulent intent on the Member's part.

The Ombudsman also considered that the Member was not standing for re-election to the Council, the County Council or any other Town or Community Council within the County Council area. Therefore, the Ombudsman was no longer satisfied that an investigation into the complaint was in the public interest and decided to discontinue the investigation.

## 6. Integrity : Barry Town Council

Report date

08/11/2021

Subject

CODE : Integrity

Outcome

CODE

Case ref number

202003545

Report type

CODE

Relevant body

Barry Town Council

The Ombudsman received a complaint that a Member (“the Member”) of Vale of Glamorgan Council (“the Council”) and Barry Town Council (“the Town Council”), and the Council’s Planning Committee, had breached the Code of Conduct for Members by opening a coffee shop and wine bar without the correct change of use planning permission being in place.

The Ombudsman’s investigation found that the Member had been a joint director of the coffee shop and wine bar, and the business had opened before the Member’s change of use planning application was decided (in breach of planning control). The Ombudsman’s investigation also found that when a potential breach of the Code of Conduct regarding the situation was brought to the Member’s attention, the Member immediately resigned as a director and had no further involvement in the business. The Ombudsman concluded that, as a member of the Council’s Planning Committee, the Member had sufficient knowledge of relevant planning matters to understand the importance of adhering to planning regulations, and the Member should have considered his position, and sought advice about his role, before opening the business without correct planning permission.

The Ombudsman found that the Member’s conduct could reasonably be regarded as behaviour which might bring the office of Member of the Council into disrepute and

was therefore suggestive of a breach of 6(1)(a) of the Code of Conduct. The Ombudsman referred his investigation report to the Monitoring Officer of Vale of Glamorgan Council for consideration by its Standards Committee.

The Standards Committee of Vale of Glamorgan Council determined that the Member had breached 6(1)(a) of the Code of Conduct and suspended him for 1 month.

## 7. Integrity : Vale of Glamorgan Council

Report date

08/11/2021

Subject

CODE : Integrity

Outcome

CODE

Case ref number

202003631

Report type

CODE - Referred to Standards Committee/APW

Relevant body

Vale of Glamorgan Council

The Ombudsman received a complaint that a Member (“the Member”) of Vale of Glamorgan Council (“the Council”) and Barry Town Council (“the Town Council”), and the Council’s Planning Committee, had breached the Code of Conduct for Members by opening a coffee shop and wine bar without the correct change of use planning permission being in place.

The Ombudsman’s investigation found that the Member had been a joint director of the coffee shop and wine bar, and the business had opened before the Member’s change of use planning application was decided (in breach of planning control). The Ombudsman’s investigation also found that when a potential breach of the Code of Conduct regarding the situation was brought to the Member’s attention, the Member immediately resigned as a director and had no further involvement in the business. The Ombudsman concluded that, as a member of the Council’s Planning Committee, the Member had sufficient knowledge of relevant planning matters to understand the importance of adhering to planning regulations, and the Member should have considered his position, and sought advice about his role, before opening the business without correct planning permission.

The Ombudsman found that the Member's conduct could reasonably be regarded as behaviour which might bring the office of Member of the Council into disrepute and was therefore suggestive of a breach of 6(1)(a) of the Code of Conduct. The Ombudsman referred his investigation report to the Monitoring Officer of Vale of Glamorgan Council for consideration by its Standards Committee.

The Standards Committee of Vale of Glamorgan Council determined that the Member had breached 6(1)(a) of the Code of Conduct and suspended him for 1 month.

#### 8. Integrity : Pembrokeshire County Council

Report date

14/09/2021

Subject

CODE : Integrity

Outcome

CODE

Case ref number

202102047

Report type

CODE - No evidence of breach

Relevant body

Pembrokeshire County Council

The Ombudsman undertook an investigation against a Member ("the Member") of Pembrokeshire County Council ("the Council") to consider whether the Member misled him during the course of an ongoing investigation.

The Ombudsman considered whether the Member may have breached paragraph 6(1)(a) of the Code of Conduct ("the Code").

The Member had been interviewed as a witness in an ongoing investigation. Following his initial interview, information was sought from third parties which indicated that the information provided by the Member at interview was incorrect. The Member was subsequently interviewed on a second occasion and as there appeared to be discrepancies in the information provided by the Member, the Ombudsman began an investigation.

The Member provided a full statement to the Ombudsman in response to the allegation. The Ombudsman accepted the explanations provided by the Member regarding the discrepancies in his 2 interviews. Although the Ombudsman

considered that the Member could have been more clear in his interviews, he did not consider that there was a deliberate attempt on the Member's part to provide misleading information during the investigation. Therefore, the Ombudsman found no evidence of a breach of paragraph 6(1)(a) of the Code of Conduct.

## 9. Integrity : Caernarfon Royal Town Council

Report date

02/09/2021

Subject

CODE : Integrity

Outcome

CODE

Case ref number

202002555

Report type

CODE - Referred to Standards Committee/APW

Relevant body

Caernarfon Royal Town Council

The Ombudsman received a complaint from a member of Gwynedd Council and Caernarfon Royal Town Council that a Member ("the Member") of those Councils had failed to observe the Councils' Codes of Conduct for Members.

It was alleged that the Member failed to show respect and consideration to the complainant over several months, and his correspondence was suggestive of a course of conduct intended to bully and/or harass the complainant. It was alleged that the Member used, or attempted to use, his position improperly and brought his office or authority into disrepute by posting information provided to him as an elected member on Facebook, posting information which he knew was incorrect on Facebook, posting confidential information on Facebook and by being involved in a police incident. The complainant also said that the Member made vexatious, malicious or frivolous complaints to the Clerk, the Ombudsman and the police about the complainant.

The investigation considered whether the Member failed to comply with the following provisions of the Code of Conduct:

4(b) – members must show respect and consideration for others.

4(c) – members must not use bullying behaviour or harass any person.

5(a) – members must not to disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so.

6(1)(a) – members must not to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

6(1)(d) – members must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, their authority.

7(a) – members must not, in their official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.

During the investigation, it became apparent that the Member may have failed to comply with paragraph 6(2) of the Code of Conduct – members must comply with any request by the Ombudsman in connection with an investigation conducted in accordance with his statutory powers.

The investigation found that the Member had, over the course of several months, shared information about the complainant on Facebook and with professionals, associated with both Councils, about the complainant. The member also posted information, which should reasonably be regarded as confidential, about the complainant's family members. The investigation found that the Member approached the complainant in the street and began an altercation which required police involvement. The investigation also found that the Member made several complaints to the Clerk, the Police and to the Ombudsman, which lacked foundation and appeared to be motivated by malice or political rivalry.

The Ombudsman found that the member's behaviour was suggestive of a breach of paragraphs 4(b), 4(c), 6(1)(a), 6(1)(d), 6(2) and 7(a) of the Code of Conduct. He did not find a breach of paragraph 5(a) as the Member was not acting in his capacity as a member of the Council when he shared that information.

In relation to paragraph 6(2) of the Code of Conduct, the Ombudsman's Investigation Officer made reasonable and appropriate requests in connection with this investigation. The Investigation Officer also offered reasonable adjustments to afford the Member the opportunity to fully engage in the process. However, the Member deliberately failed to engage with my investigation in an attempt to obfuscate the process and that his actions were suggestive of a breach of paragraph 6(2) of the Code of Conduct.

The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

The Tribunal concluded that the Member had breached paragraphs 6(1)(d), 6(2) and 7(a) of the Code of Conduct. Accordingly, the Tribunal decided that the Member should be suspended from the Council for a period of 9 months or, if shorter, the remainder of his term in office. The Tribunal found that the Member had not breached paragraph 4(c) of the Code of Conduct. Whilst the Tribunal concluded that the Member had, "in principle", breached paragraphs 4(b), 6(1)(a) and 7(a) of the Code of Conduct, any restriction imposed would compromise a prima facie breach of the Member's Article 10 rights, the right to freedom of speech. The Tribunal, therefore, considered that restriction was not justified.

#### 10. Integrity : Gwynedd Council

Report date

02/09/2021

Subject

CODE : Integrity

Outcome

CODE

Case ref number

202002215

Report type

CODE - Referred to Standards Committee/APW

Relevant body

Gwynedd Council

The Ombudsman received a complaint from a member of Gwynedd Council and Caernarfon Royal Town Council that a Member ("the Member") of those Councils had failed to observe the Councils' Codes of Conduct for Members.

It was alleged that the Member failed to show respect and consideration to the complainant over several months, and his correspondence was suggestive of a course of conduct intended to bully and/or harass the complainant. It was alleged that the Member used, or attempted to use, his position improperly and brought his office or authority into disrepute by posting information provided to him as an elected member on Facebook, posting information which he knew was incorrect on Facebook, posting confidential information on Facebook and by being involved in a police incident. The complainant also said that the Member made vexatious,

malicious or frivolous complaints to the Clerk, the Ombudsman and the police about the complainant.

The investigation considered whether the Member failed to comply with the following provisions of the Code of Conduct:

4(b) – members must show respect and consideration for others.

4(c) – members must not use bullying behaviour or harass any person.

5(a) – members must not to disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so.

6(1)(a) – members must not to conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

6(1)(d) – members must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, their authority.

7(a) – members must not, in their official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.

During the investigation, it became apparent that the Member may have failed to comply with paragraph 6(2) of the Code of Conduct – members must comply with any request by the Ombudsman in connection with an investigation conducted in accordance with his statutory powers.

The investigation found that the Member had, over the course of several months, shared information about the complainant on Facebook and with professionals, associated with both Councils, about the complainant. The member also posted information, which should reasonably be regarded as confidential, about the complainant's family members. The investigation found that the Member approached the complainant in the street and began an altercation which required police involvement. The investigation also found that the Member made several complaints to the Clerk, the Police and to the Ombudsman, which lacked foundation and appeared to be motivated by malice or political rivalry.

The Ombudsman found that the member's behaviour was suggestive of a breach of paragraphs 4(b), 4(c), 6(1)(a), 6(1)(d), 6(2) and 7(a) of the Code of Conduct. He did not find a breach of paragraph 5(a) as the Member was not acting in his capacity as a member of the Council when he shared that information.

In relation to paragraph 6(2) of the Code of Conduct, the Ombudsman's Investigation Officer made reasonable and appropriate requests in connection with this investigation. The Investigation Officer also offered reasonable adjustments to afford the Member the opportunity to fully engage in the process. However, the Member deliberately failed to engage with my investigation in an attempt to obfuscate the process and that his actions were suggestive of a breach of paragraph 6(2) of the Code of Conduct.

The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

The Tribunal concluded that the Member had breached paragraphs 6(1)(d), 6(2) and 7(a) of the Code of Conduct. Accordingly, the Tribunal decided that the Member should be suspended from the Council for a period of 9 months or, if shorter, the remainder of his term in office. The Tribunal found that the Member had not breached paragraph 4(c) of the Code of Conduct. Whilst the Tribunal concluded that the Member had, "in principle", breached paragraphs 4(b), 6(1)(a) and 7(a) of the Code of Conduct, any restriction imposed would compromise a prima facie breach of the Member's Article 10 rights, the right to freedom of speech. The Tribunal, therefore, considered that restriction was not justified.

#### 11. Integrity : Neath Port Talbot Council

Report date

20/07/2021

Subject

CODE : Integrity

Outcome

CODE

Case ref number

202005795

Report type

CODE - No evidence of breach

Relevant body

Neath Port Talbot Council

The Ombudsman received a self-referred complaint that a Member (“the Member”) of Neath Port Talbot Council (“the Council”) had breached the Code of Conduct (“the Code”) in respect of comments he had made during a private Labour Party meeting during October 2019. The comments were secretly recorded and later published on social media on 5 March 2021.

The Ombudsman began an investigation of some of the comments made and considered whether the Member had breached the following paragraphs of the Code:

6(1)(a) – members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

7(b)(v) – members must not use or authorise others to use, the resources of their authority improperly for political purposes.

In the recording, the Member commented on school reorganisation. The investigation found that comments made about the relocation of a particular school appeared to have been made in the context of a report that identified that the school was at risk of being affected by a landslide. The comments were based on independent professional advice and were therefore not likely to amount to a breach of the Code.

The Member also made general comments about the Council’s school reorganisation plans. Whilst the Member clearly expressed his preliminary views on the matter, he did not appear to discount the possibility of other options. Neither did he indicate that he would not be willing to consider the advice of appropriate officers. That being so, the comments did not amount to a breach of the Code.

During the recording, the Member suggested that he would refuse funding for a proposal supported by another political party in favour of a contradicting Labour proposal and, in doing so, referred to his involvement in the repair of a cemetery road in Ystalyfera. The decision to fund the work on the road was made by the Council’s Capital Programme Steering Group. Whilst the Member was copied into correspondence, he was not involved in the decision to fund the work. As such, the Ombudsman concluded that there was no evidence to suggest that the Member misused his position in relation to this matter and there was no evidence of a breach of the Code.

The Member also made reference to “cutting out” another member when putting through a regeneration programme which that member had been campaigning about for several years. The investigation found no evidence of any deliberate action by

the Member to “cut out”, or exclude the other member from the programme. There was a failure to keep the member informed of developments, however, it was not the Member’s responsibility to do so and, in any event, a Council officer took ultimate responsibility for this oversight. There was no evidence of a breach of the Code by the Member.

The Member was informed that no evidence of breaches of the Code were found during the investigation.

## 12. Integrity : Saltney Town Council

Report date

15/06/2021

Subject

CODE : Integrity

Outcome

CODE

Case ref number

202004182

Report type

CODE - No evidence of breach

Relevant body

Saltney Town Council

A Member (“the Member”) of Saltney Town Council (“the Council”) self-referred to the Ombudsman as the Solicitors Regulation Authority (“the SRA”) had publicly issued a disqualification order related to their former employment as a paralegal.

The Ombudsman investigated whether the Member’s conduct may amount to a breach of paragraph 6(1)(a) of the Code of Conduct (“the Code”).

The Ombudsman obtained copies of the SRA’s decision documents and found that it had reached a finding of dishonesty against the Member on the basis that the Member had provided false information to clients on the progress of their cases.

There was no suggestion of any financial impropriety or criminal conduct on the Member's part.

The Ombudsman found that, whilst the Member may have brought themselves personally into disrepute as a result of the SRA's public decision notice, the Member's role as a paralegal was entirely related to their private life and had no connection to the Council or their role as a Councillor. Furthermore, the SRA's dishonesty finding related to the Member's inability to progress work. This being the case, the Ombudsman did not consider that the Member's actions amounted to a breach of paragraph 6(1)(a) of the Code.

### 13. Integrity : Gwynedd Council

Report date

09/05/2022

Subject

CODE: Integrity

Outcome

CODE

Case ref number

202004473

Report type

CODE - No evidence of breach

Relevant body

Gwynedd Council

The Ombudsman received a complaint that a Member ("the Member") of Gwynedd Council ("the Council") had breached the Code of Conduct when he shared material on his Facebook account which cast doubt on the existence of COVID-19 and about the vaccine, and when he appeared on a television show to discuss his views on COVID-19 and the vaccine.

The Ombudsman reviewed the member's Facebook activity and his appearance on the television show. The former Chief Executive of the Council was interviewed and comments were sought from the Member.

The Ombudsman found that the Member was entitled to freedom of expression and to hold and express his views regarding the COVID-19 pandemic and the COVID-19 vaccine (under Article 10 of the European Convention on Human Rights, which is incorporated into UK law by the Human Rights Act 1998). The Member's right to free speech allowed him to say things that may have been shocking or offensive to some people. The former Chief Executive's evidence suggested that the Member was not representing the 'Council's position'. The Member did not issue directions to members of the public in contravention of the public health measures in place at the time. Therefore, the Ombudsman did not consider there to be evidence that the Member breached the Code of Conduct.

#### 14. Promotion of equality and respect : Pembrokeshire County Council

Report date

17/06/2022

Subject

CODE - Promotion of equality and respect

Outcome

CODE

Case ref number

202000660

Report type

CODE - Referred to Standards Committee

Relevant body

Pembrokeshire County Council

The Ombudsman received a complaint that a Member of Pembrokeshire County Council ("the Council") had failed to observe the Code of Conduct for Members of the Council. It was alleged that the Member had published a post in June 2020 on the social media platform Facebook, which could be considered to be racist, and could have the potential to damage the reputation of the office of Member and of the Council.

The Ombudsman's investigation established that the Member had publicly published his post in order to raise concerns about the Council's decision to light up County

Hall in support of Black Lives Matter. The Member deleted his entire Facebook profile page some weeks later. Numerous complaints about the post were made to the Council and to the Ombudsman's office, and the Member was subject to local and national Press interest, as well as considerable comment on Facebook. The Member said that he considered the post to fall within his right to free speech because he did not believe he had really offended anybody, and the complaints that were made against him were politically motivated.

The Ombudsman accepted that the Member had the right to question the Council's decision to support Black Lives Matter, however the language used by the Member was offensive and went beyond what would be expected of a councillor in a political discussion. The Member had not taken advantage of opportunities to attend equality and diversity training or social media training.

The Ombudsman determined that the Member may have breached the Council's Code of Conduct, in particular paragraph 6(1)(a) as he could reasonably be regarded as having behaved in a manner which might bring the office of member, or the Council itself, into disrepute. The Ombudsman referred his investigation report to the Monitoring Officer of Pembrokeshire County Council for consideration by its Standards Committee.

The Standards Committee decided that the Member had made the post in his capacity as Councillor and censured him for breaches of paragraphs 4(b) and 6(1)(a) of the Code. It said it would have considered a suspension had the Member been re-elected at the recent Local Government elections.

#### 15. Promotion of equality and respect : Montgomery Town Council

Report date

11/05/2022

Subject

CODE : Promotion of equality and respect

Outcome

CODE

Case ref number

202100773

Report type

CODE - No evidence of breach

Relevant body

Montgomery Town Council

The Ombudsman received a complaint that a Member (“the Member”) of Montgomery Town Council (“the Town Council”) breached the Members Code of Conduct (“the Code”) by failing to show respect and consideration for others, bullying and harassment of the Former Clerk and members of the Town Council, and malicious and vexatious complaints.

The Ombudsman investigated whether the Member’s conduct may amount to a breach of paragraphs 4(a), 4(b), 4(c), and 6(1)(a) of the Code.

The investigation found that the Town Council had experienced challenging interpersonal issues over a period of time and previous to the complaint, had undergone a Local Resolution process which identified corporate and individual situations requiring change and improvement. The Ombudsman considered that in the light of the Local Resolution findings and the Member’s right to freedom of expression as a councillor, the alleged conduct was not suggestive of a breach of the Code. The Ombudsman did not consider that complaints made by the Member had been malicious or vexatious.

The Ombudsman’s Guidance recommends that when members are performing their public roles, they should afford the public, colleagues, opponents and officers the same courtesy and consideration they show to others in their everyday lives. In view of this, the Ombudsman recommended that members of the Town Council, as a whole, should reflect on their obligations under the Code to treat others with respect and consideration.

16. Promotion of equality and respect : Bishton Community Council

Report date

23/03/2022

Subject

CODE : Promotion of equality and respect

Outcome

CODE

Case ref number

202004326

Report type

CODE

Relevant body

Bishton Community Council

The Ombudsman received a complaint that a Former Member (“the Member”) of Bishton Community Council (“the Community Council”) had breached the Code of Conduct). It was alleged that the Member had been rude to the Clerk in a Council meeting, had ignored a request not to contact the Clerk and in doing so had bullied and harassed him. It was also alleged that the Member had failed to declare an interest in a settlement proposal.

The investigation considered the following paragraphs of the Code of Conduct:

4(b) – members must show respect and consideration for others

4(c) – members must not use bullying behaviour or harass any person

11 – disclosure of personal interests

14 – disclosure of prejudicial interests

During the course of the investigation, information from the Community Council was considered and witnesses were interviewed. The Member stood down from his role and did not participate in the investigation.

The investigation found that the Member had raised his voice to the Clerk at a meeting and offered a limited apology for his behaviour. It found that the Member did send an email to the Clerk but that this was a reply all email and at the time it was sent, a process was in place that all correspondence to the Clerk was being forwarded to the Chair. The investigation also found that the Member participated in the settlement proposal and agreement for the Clerk.

The Ombudsman considered that the Member's behaviour at the meeting and in an email was suggestive of a breach of paragraph 4(b) of the Code of Conduct but was not sufficiently serious that it would warrant any interference with his right to raise concerns about the Council's administration or that it was likely a sanction would be imposed upon him. The Ombudsman did not consider the behaviour was sufficiently serious that it was suggestive of a breach of paragraph 4(c) of the Code of Conduct.

The Ombudsman considered that, in respect of the settlement, the Member's actions were suggestive of a breach of paragraphs 11 and 14 of the Code of Conduct. However, the settlement was the outcome desired by the Clerk and as such did not disadvantage him. The vote to approve the settlement would still have been carried as it was agreed unopposed. As the Member was no longer in post and relationships in the Community Council have improved the Ombudsman did not consider that it was in the public interest to take any further action in respect of that matter.

The Ombudsman found that under Section 69(4)(b) of the Local Government Act 2000, no action needed to be taken in respect of the matters investigated.

#### 17. Promotion of equality and respect : Bishton Community Council

Report date

23/03/2022

Subject

CODE : Promotion of equality and respect

Outcome

CODE

Case ref number

202003260

Report type

CODE - No action necessary

Relevant body

Bishton Community Council

The Ombudsman received a complaint that a Former Member ("the Member") of Bishton Community Council ("the Community Council") had breached the Code of

Conduct). It was alleged that the Member had been rude to the Clerk in a Council meeting, had ignored a request not to contact the Clerk and in doing so had bullied and harassed him. It was also alleged that the Member had failed to declare an interest in a settlement proposal.

The investigation considered the following paragraphs of the Code of Conduct:

4(b) – members must show respect and consideration for others

4(c) – members must not use bullying behaviour or harass any person

11 – disclosure of personal interests

14 – disclosure of prejudicial interests

During the course of the investigation, information from the Community Council was considered and witnesses were interviewed. The Member stood down from his role and did not participate in the investigation.

The investigation found that the Member had raised his voice to the Clerk at a meeting and offered a limited apology for his behaviour. It found that the Member did send an email to the Clerk but that this was a reply all email and at the time it was sent, a process was in place that all correspondence to the Clerk was being forwarded to the Chair. The investigation also found that the Member participated in the settlement proposal and agreement for the Clerk.

The Ombudsman considered that the Member's behaviour at the meeting and in an email was suggestive of a breach of paragraph 4(b) of the Code of Conduct but was not sufficiently serious that it would warrant any interference with his right to raise concerns about the Council's administration or that it was likely a sanction would be imposed upon him. The Ombudsman did not consider the behaviour was sufficiently serious that it was suggestive of a breach of paragraph 4(c) of the Code of Conduct.

The Ombudsman considered that, in respect of the settlement, the Member's actions were suggestive of a breach of paragraphs 11 and 14 of the Code of Conduct. However, the settlement was the outcome desired by the Clerk and as such did not disadvantage him. The vote to approve the settlement would still have been carried

as it was agreed unopposed. As the Member was no longer in post and relationships in the Community Council have improved the Ombudsman did not consider that it was in the public interest to take any further action in respect of that matter.

The Ombudsman found that under Section 69(4)(b) of the Local Government Act 2000, no action needed to be taken in respect of the matters investigated.

#### 18. Promotion of equality and respect : Llanvaches Community Council

Report date

14/03/2022

Subject

CODE : Promotion of equality and respect

Outcome

CODE

Case ref number

202005981

Report type

CODE - No evidence of breach

Relevant body

Llanvaches Community Council

The Ombudsman received a complaint that a Member ("the Member") of Llanvaches Community Council ("the Community Council") had breached the Code of Conduct ("the Code") regarding matters concerning a boundary dispute, work conducted by a Tree Surgeon and the disclosure of confidential information.

The Ombudsman investigated whether the Member's conduct may amount to a breach of paragraphs 4(b), 4(c), 5(a), 6(1)(a) and 7(a) of the Code of Conduct ("the Code").

The Ombudsman obtained documents which demonstrated that the boundary dispute had been resolved, and the Member had declared an interest and not been involved in, or sought to influence, the Community Council's decision regarding a formal request to plant saplings on the boundary. Interviews were undertaken with the complainant, the Tree Surgeon, and another Community Council Member. The

Ombudsman found that the Tree Surgeon had removed branches from a tree on Community Council leased land without authorisation, the Member had a legitimate reason to question the work being carried out, and he had not used abusive or offensive language. During the investigation it was established that the disclosure of confidential information was being considered as part of another complaint.

The Ombudsman did not consider that the Member's conduct concerning the boundary dispute or towards the Tree Surgeon was suggestive of a breach of the Code. However, he recommended that the Member should reflect on how he speaks about others and on his obligations under the Code to treat others with respect and consideration.

#### 19. Promotion of equality and respect : Pembrokeshire County Council

Report date

08/10/2021

Subject

CODE : Promotion of equality and respect

Outcome

CODE

Case ref number

202004458

Report type

CODE - Discontinued

Relevant body

Pembrokeshire County Council

The Ombudsman received a complaint that a Member ("the Member") of Pembrokeshire County Council ("the Council") had failed to observe the Code of Conduct for Members. It was alleged that the Member had made threatening comments about a member of the public, which could have brought the Council into disrepute. The Ombudsman decided to discontinue the investigation because the investigation established that the comments were made wholly in the Member's personal capacity and the tone and comments exchanged with the member of the public who made the complaint were of a similar tone and content to those the Member had made. In view of this, the Ombudsman concluded that it was no longer in the public interest for him to continue the investigation.

20. Promotion of equality and respect : Sully and Lavernock Community Council

Report date

12/07/2021

Subject

CODE : Promotion of equality and respect

Outcome

CODE

Case ref number

202000622

Report type

CODE - Referred to Standards Committee/APW

Relevant body

Sully and Lavernock Community Council

The Ombudsman received a complaint from an employee of Sully and Lavernock Community Council ("the Council") that a Member ("the Member") of the Council had failed to observe the Code of Conduct for Members.

It was alleged that, during an incident on a Council playing field concerning Council equipment, the Member verbally abused and bullied the employee and subjected the employee's father to abuse and provocation.

The Ombudsman concluded that the Member used abusive and offensive language towards the employee in front of other members and the employee's father, in an attempt to insult, belittle and undermine the employee. The Ombudsman concluded that the Member's actions were suggestive of bullying and provocation.

The Ombudsman determined that the Member's behaviour may have breached the Council's Code of Conduct, in particular 4(b) and 4(c) in a failure to show respect and consideration to others, and not to use bullying behaviour. The Ombudsman also found that the Member's conduct could reasonably be regarded as behaviour which might bring the office of Member of the Council into disrepute and was therefore also suggestive of a breach of 6(1)(a) of the Code of Conduct.

The Ombudsman referred his investigation report to the Monitoring Officer of Vale of Glamorgan Council for consideration by its Standards Committee.

The Member resigned shortly before the Standards Committee Hearing. The Standards Committee of Vale of Glamorgan Council determined that the Former Member had breached paragraphs 4(b), 4(c) and 6(1)(a) of the Code of Conduct and the Former Member received a censure.

## 21. Promotion of equality and respect : Gwynedd Council

Report date

05/10/2021

Subject

CODE : Promotion of equality and respect

Outcome

CODE

Case ref number

202002960

Report type

CODE - No action necessary

Relevant body

Gwynedd Council

The Ombudsman received a complaint that a Member ("the Member") of Gwynedd Council ("the Council") had breached the Code of Conduct ("the Code").

It was alleged that the Member posted a homophobic comment on Facebook. The Member was not acting in his official role as a member when he posted the comment, therefore, the investigation considered whether the Member breached paragraph 6(1)(a) of the Code, which says that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

The information gathered during the investigation showed that in October 2020, the complainant's newly appointed employee posted on Facebook, "think I work for the

best boss” and tagged the complainant. The Member, posting from his personal Facebook account, replied, “do you suck for a living?”.

The employee was contacted as part of the Ombudsman’s investigation, however, he did not provide the Ombudsman with a completed witness statement. The evidence gathered was put to the Member and he was interviewed as part of the investigation. During interview, he said that there was no homophobic intent behind his comment and, whilst he accepted in hindsight that his comment could be perceived as homophobic, he said that his intention was to point out his view that the employee was “creeping up” to his employer.

Whilst the Ombudsman appreciated why the complainant and others had interpreted the comment as homophobic, he did not consider the Member’s explanation to be wholly implausible given that “sucking up” is a term commonly used to describe sycophantic behaviour.

The Member said that he regretted his actions and that faced with the same circumstances again, he would not have commented on the Facebook post. He also said that he was willing to apologise to the complainant and his employee for the offence that he had caused, which the Ombudsman encouraged him to do.

The Ombudsman did not consider it in the public interest to take any further action in relation to this matter.

## 22. Promotion of equality and respect : Abertillery & Llanhilleth Community Council

Report date

02/08/2021

Subject

CODE : Promotion of equality and respect

Outcome

CODE

Case ref number

201906362

Report type

CODE - Referred to Standards Committee/APW

Relevant body

Abertillery & Llanhilleth Community Council

The Ombudsman received a complaint that a Member (“the Member”) of Abertillery & Llanhilleth Community Council (“the Council”) had breached the Code of Conduct.

It was alleged that the Member had shown a disregard for the principle of equality, by making comments about another member’s hearing impairment and deliberately making it difficult for that member to participate in Council meetings.

The investigation considered whether the Member failed to comply with the following provisions of the Code of Conduct:

4(a) – members must carry out their duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.

4(b) – members must show respect and consideration for others.

4(c) – members must not use bullying behaviour or harass any person.

During the investigation, it became apparent that the Member may have failed to comply with paragraphs 6(1)(a) (members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute) and 6(2) of the Code of Conduct (members must comply with any request by the Ombudsman in connection with an investigation conducted in accordance with his statutory powers).

Five witnesses were interviewed during the investigation: all were members of the Council. The investigation found that the evidence suggested that the Member had directly discriminated against another member by making discriminatory remarks about her disability during and immediately after a Council meeting on 30 October 2019, and by deliberately making it difficult for her to participate at Council meetings. The Ombudsman concluded that the Member’s behaviour was suggestive of a serious breach of paragraph 4(a) of the Code of Conduct.

The Ombudsman considered that the Member’s comments about the other member’s disability were a clear attempt to intimidate and undermine her. He

considered that the Member's behaviour was also suggestive of a breach of paragraph 4(b) of the Code of Conduct.

The Member denied that his actions breached the Code of Conduct, but he refused to be interviewed so that he could provide an account for the specific actions complained about. The other member said that she felt distressed and intimidated after the meeting on 30 October. Witnesses have also described the other member as being visibly upset during Council meetings. On balance, I consider that the Member behaved in a way that is suggestive of a breach of paragraph 4(c) of the Code of Conduct. The Ombudsman was also of the view that it would be reasonable to regard such conduct as capable of bringing the Member's office or authority into disrepute and was therefore suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.

In relation to paragraph 6(2) of the Code of Conduct, the Ombudsman's Investigation Officer made reasonable and appropriate requests in connection with this investigation. The Investigation Officer took extra steps, causing a delay in the process, to appease the Member and to help him feel comfortable with the process. The Investigation Officer also took steps to make reasonable adjustments to afford the Member the opportunity to fully engage. My view is that the Member deliberately failed to engage with my investigation in an attempt to obfuscate the process and that his actions were suggestive of a breach of paragraph 6(2) of the Code of Conduct.

The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

The Adjudication Panel for Wales concluded that the Member had breached paragraphs 4(a), 4(b), 4(c), 6(1)(a) and 6(2) of the Code of Conduct and suspended him for 10 months. It also recommended that the Member should undertake further training on the Code of Conduct, undertake Equality and Diversity training and provide the Complainant with a full written apology.

### 23. Promotion of equality and respect : Llantwit Fardre Community Council

Report date

30/07/2021

Subject

CODE : Promotion of equality and respect

Outcome

CODE

Case ref number

202002984

Report type

CODE - No evidence of breach

Relevant body

Llantwit Fardre Community Council

The Ombudsman received a complaint that a Former Member of Rhondda Cynon Taf County Borough Council (“the Council”) and Llantwit Fardre Community Council (“the Community Council”) had breached the Code of Conduct for Members (“the Code”) in using the term “Pikies” during a community WhatsApp group discussion.

The Ombudsman investigated whether the Former Member’s conduct may have breached paragraphs 4(a), 4(b) and 6(1)(a) of the Code. During the investigation the Member resigned from both the Council and Community Council. The Ombudsman’s investigation found that the community WhatsApp group was comprised of members of a village hall committee and at the time of the exchange the Former Member was not a Council or Community Council representative on the committee or WhatsApp group. The Ombudsman found the Former Member was not acting in his public role during the exchange and therefore paragraphs 4(a) and 4(b) of the Code were not engaged when he made the post in his private capacity, and these provisions of the Code were not engaged when the Former Member made his comment on WhatsApp.

The Ombudsman considered that had the Former Member been a Council or Community Council representative, his conduct could be suggestive of a breach of paragraph 6(1)(a) of the Code. However, the Ombudsman was not persuaded there was a sufficient link to the Former Member’s role to suggest the comment would affect the reputation of the Former Member’s office or authority. This being the case, the Ombudsman did not consider that the conduct was suggestive of a breach of paragraph 6(1)(a) of the Code.

24. Promotion of equality and respect : Rhondda Cynon Taf County Borough Council

Report date

30/07/2021

Subject

CODE : Promotion of equality and respect

Outcome

CODE

Case ref number

202002418

Report type

CODE - No evidence of breach

Relevant body

Rhondda Cynon Taf County Borough Council

The Ombudsman received a complaint that a Former Member of Rhondda Cynon Taf County Borough Council (“the Council”) and Llantwit Fardre Community Council (“the Community Council”) had breached the Code of Conduct for Members (“the Code”) in using the term “Pikies” during a community WhatsApp group discussion.

The Ombudsman investigated whether the Former Member’s conduct may have breached paragraphs 4(a), 4(b) and 6(1)(a) of the Code. During the investigation the Member resigned from both the Council and Community Council. The Ombudsman’s investigation found that the community WhatsApp group was comprised of members of a village hall committee and at the time of the exchange the Former Member was not a Council or Community Council representative on the committee or WhatsApp group. The Ombudsman found the Former Member was not acting in his public role during the exchange and therefore paragraphs 4(a) and 4(b) of the Code were not engaged when he made the post in his private capacity, and these provisions of the Code were not engaged when the Former Member made his comment on WhatsApp.

The Ombudsman considered that had the Former Member been a Council or Community Council representative, his conduct could be suggestive of a breach of paragraph 6(1)(a) of the Code. However, the Ombudsman was not persuaded there was a sufficient link to the Former Member’s role to suggest the comment would affect the reputation of the Former Member’s office or authority. This being the case, the Ombudsman did not consider that the conduct was suggestive of a breach of paragraph 6(1)(a) of the Code.

## 25. Promotion of equality and respect : Pembroke Dock Town Council

Report date

23/04/2021

Subject

CODE : Promotion of equality and respect

Outcome

CODE

Case ref number

202000789

Report type

CODE - Referred to Standards Committee/APW

Relevant body

Pembroke Dock Town Council

The Ombudsman received a complaint that a Former Member of Pembroke Dock Town Council (“the Council”) had failed to observe the Code of Conduct for Members of the Council. It was alleged that the Former Member had published a post on the social media platform Facebook, which could be considered racist and could have the potential to damage the reputation of the Council.

The Ombudsman’s investigation established that the Former Member had “liked” and “shared” the Facebook post, and that there had been a short delay before he took the post down. The investigation found that the Former Member had misled a local newspaper by stating that his Facebook account had been “hacked”, but had corrected this within 48 hours. It also found that the Former Member resigned as a member of the Council and was interviewed by police, who took no further action.

The Former Member said that he had not recognised the racist overtones when he shared the post, and was not a racist person. He apologised for any offense he might have caused. The Former Member accepted that he had the opportunity to attend Code of Conduct training which would have included training on equality issues. He had not attended, due partly to his disability, but accepted that he had not requested training in a manner more accessible to him.

The Ombudsman determined that the Former Member may have breached the Council’s Code of Conduct, in particular, paragraphs 4(a) and 4(b), as he may have

failed to have due regard to the principle of equality of opportunity for all people while carrying out his duties, and may not have shown due respect and consideration for others. The Ombudsman also found that the Former Member's actions could reasonably be regarded as behaviour which might bring the office of member, or the Council itself into disrepute, which may amount to a potential breach of paragraph 6(1)(a) of the Code of Conduct.

The Standards Committee of Pembrokeshire County Council determined that the Former Member had breached paragraphs 4(b) and 6(1)(a) of the Code of Conduct. The Former Member was given a censure.

#### 26. Promotion of equality and respect : Tywyn Town Council

Report date

17/12/2021

Subject

CODE Promotion of equality and respect

Outcome

CODE

Case ref number

201906873

Report type

Referred to Standards Committee

Relevant body

Tywyn Town Council

The Ombudsman received a complaint from the Chair of the Personnel Committee of Tywyn Town Council ("the Council") that a Member ("the Member") of the Council had failed to observe the Council's Code of Conduct for Members.

It was alleged that the Member had been disrespectful to the Clerk of the Council ("the Clerk") and had repeatedly undermined her. The complaint related to correspondence sent by the Member to the Clerk and correspondence sent by the Member about the Clerk.

The Ombudsman concluded that the Member's correspondence included derogatory personal comments which were disrespectful and that comments about the Clerk's experience were intended to undermine the Clerk. The Member also used gendered language when commenting on the Clerk.

The Ombudsman determined that the Member may have breached the Council's Code of Conduct, in particular, paragraphs 4(a), 4(b) and 4(c) as the Member failed to carry out their duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender; a failure to show respect and consideration, and bullying or harassing behaviour of the Clerk. The Ombudsman also found that the Member's actions could reasonably be regarded as behaviour which might bring the office of Member or the Council into disrepute and a potential breach of paragraph (6(1)(a) of the Code of Conduct.

The Ombudsman referred his investigation report to the Monitoring Officer of Gwynedd Council for consideration by its Standards Committee.

The Standards Committee censured Councillor Stevens as he resigned from the Council prior to the hearing. It said it would have suspended him for the fullest period possible and asked him to reflect on his behaviour.

#### 27. Disclosure and registration of interests : Grovesend and Waungron Community Council

Report date

01/04/2022

Subject

CODE: Disclosure and registration of interests

Outcome

CODE

Case ref number

202100010

Report type

CODE - No action necessary

Relevant body

## Grovesend and Waungron Community Council

The Ombudsman received a complaint that a Member (“the Member”) of Grovesend and Waungron Community Council (“the Community Council”) had breached the Code of Conduct. It was alleged that the Member had failed to declare a personal and prejudicial interest when considering a planning application for a housing development adjacent to their property. It was also alleged that, when work started on the housing development, the Member hindered lorries from entering the site and threatened the development contractor with a solicitor’s letter, saying she was acting on behalf of the Community Council.

The investigation considered the following paragraphs of the Code of Conduct:

6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

7(a) – Members must not, in their official capacity or otherwise, use or attempt to use their position improperly to advantage or disadvantage themselves or any other person.

11 – Members must disclose the existence and nature of a personal interest before participating in any business of their authority to which it relates.

14 – Members must, unless they have obtained dispensation from their authority’s standards committee, withdraw from a meeting which is considering any business of their authority in which they have a prejudicial interest and not seek to influence a decision about that business

During the course of the investigation, information from the Community Council and the development contractor was considered and witnesses were interviewed.

The investigation found that when the planning application came before the Community Council as part of a consultation process the Member was advised incorrectly that she did not need to declare an interest. The Ombudsman found that as the Member lived adjacent to the housing development and ran a business from her property, it was likely that she had both a personal and prejudicial interest in the planning application, and, therefore, she may have breached paragraphs 11 and 14 of the Code of Conduct.

The investigation found that whilst the Member may have influenced other members at the meeting, the Community Council as a whole submitted its objections to the planning application. However, the planning application was ultimately agreed by the County Council, and the development went ahead. Therefore, the Member's participation and the objection to the planning application from the Community Council did not cause a disadvantage to the applicant. The Ombudsman also considered that the evidence gathered during the investigation did not support the allegation that the Member had hindered lorries and threatened the contractor with a solicitor's letter or suggested that the Member had used her position improperly or brought her office as a member or the Community Council into disrepute in breach of paragraphs 6(1)(a) or 7(a) of the Code of Conduct.

The Ombudsman determined that the incorrect advice provided some mitigation for the Member's actions and, as the conduct did not affect the outcome of the planning application, it was unlikely a sanction would be imposed, and it was not in the public interest to pursue the matter. The Ombudsman therefore found that under Section 69(4)(b) of the Local Government Act 2000 no action needed to be taken in respect of the matters investigated.

#### 28. Disclosure and registration of interests : Conwy Town Council

Report date

12/05/2021

Subject

CODE : Disclosure and registration of interests

Outcome

CODE

Case ref number

202004765

Report type

CODE - Discontinued

Relevant body

Conwy Town Council

An Officer of Conwy Town Council complained that a Member had breached the Code of Conduct for Members when they failed to declare a personal and prejudicial

interest in Council business and leave the room while that business was discussed at two Conwy Town Council meetings. The Member had previously been suspended for one month by the Standards Committee for similar conduct.

The Ombudsman considered whether the Member may have breached paragraphs 6(1)(a), 11(1), and 14(1)(a)(ii) of the Code of Conduct.

The Member resigned from Conwy Town Council during the course of the Ombudsman's investigation. The Ombudsman decided to discontinue the investigation as it was no longer in the public interest to pursue the matter further.

#### 29. Disclosure and registration of interests : Conwy Town Council

Report date

12/05/2021

Subject

CODE : Disclosure and registration of interests

Outcome

CODE

Case ref number

202004764

Report type

CODE - Discontinued

Relevant body

Conwy Town Council

An Officer of Conwy Town Council complained that a Member had breached the Code of Conduct for Members when they failed to declare a personal and prejudicial interest in Council business and leave the room while that business was discussed at two Conwy Town Council meetings. The Member had previously been suspended for one month by the Standards Committee for similar conduct.

The Ombudsman considered whether the Member may have breached paragraphs 6(1)(a), 11(1), and 14(1)(a)(ii) of the Code of Conduct.

The Member resigned from Conwy Town Council during the course of the Ombudsman's investigation. The Ombudsman decided to discontinue the investigation as it was no longer in the public interest to pursue the matter further.

### 30. Duty to uphold the law : Llansantffraed Community Council

Report date

24/06/2022

Subject

CODE : Duty to uphold the law

Outcome

CODE

Case ref number

202004442

Report type

CODE - Referred to Standards Committee/APW

Relevant body

Llansantffraed Community Council

The Ombudsman received a complaint that a Member ("the Member") of Llansantffraed Community Council ("the Council") had breached the Code of Conduct. It was alleged that the Member was involved in an incident with a Council contractor ("the Contractor"), following which there was a Police investigation. The Member subsequently pleaded guilty to a charge of causing bodily harm by wanton and furious driving. The investigation considered whether the Member failed to comply with the following provision of the Code of Conduct:

6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

A witness account was obtained from the Clerk and information was obtained from the Police and the Court. The Member declined to cooperate with the Ombudsman's investigation. The investigation found that the nature of the criminal offence involving the Council's Contractor, the impact upon the young boys hurt in the incident, and the publicity surrounding the incident, which referred to the Council, suggested that the Member's actions may have brought her office and the Council into disrepute and were suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct. The

report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

The Tribunal concluded that the Member had breached paragraph 6(1)(a) of the Code of conduct by bring their office as Councillor into disrepute. Accordingly, the Tribunal decided that the member should be disqualified for 12 months from being or becoming a member of the authority or of any other relevant authority.

### 31. Duty to uphold the law : Bodelwyddan Town Council

Report date

06/09/2021

Subject

CODE : Duty to uphold the law

Outcome

CODE

Case ref number

202100504

Report type

CODE - No action to be taken

Relevant body

Bodelwyddan Town Council

The Ombudsman received a complaint that a Member (“the Member”) of Bodelwyddan Town Council (“the Council”) had breached the Code of Conduct (“the Code”) when they shared confidential CCTV images on the Council’s Facebook page in a post published in March 2021.

The Ombudsman investigated whether the Member’s actions may have amounted to a breach of paragraphs 5(a) and 6(1)(a) of the Code.

The Ombudsman obtained relevant information from the Council and considered the Member’s comments. The Ombudsman found that the Member had published a mostly obscured image from the Council’s CCTV footage on the Council’s Facebook page. As the CCTV images should reasonably be considered to be confidential and should not be shared publicly in this way, the Ombudsman considered that the

Member's actions may be capable of amounting to a breach of paragraphs 5(a) and 6(1)(a) of the Code.

However, the Council had provided no training on the Code, the use of its social media, or the use of its CCTV to the Member. Moreover, the Council had no policies or procedures in place in relation to the use of its social media or the use of its CCTV. The Member had also apologised to their fellow Council members and removed the image quickly when requested. The Ombudsman therefore did not consider any further action to be necessary. He did, however, suggest that the Member seek training on the Code as soon as possible and that the Council should promptly consider whether it has appropriate CCTV, data protection, and social media policies and/or procedures in place.

### 32. Selflessness and stewardship : Newport City Council

Report date

13/07/2021

Subject

CODE : Selflessness and stewardship

Outcome

CODE

Case ref number

202001914

Report type

CODE - Referred to Standards Committee/APW

Relevant body

Newport City Council

The Ombudsman received a complaint from the Practice Manager of a GP Practice ("the Practice") in the area of the Aneurin Bevan University Health Board ("the Health Board"), that a Member ("the Member") of Newport City Council had failed to observe the Code of Conduct for Members.

It was alleged that the Member used their position as a member of the Council improperly when they advocated on behalf of a patient of the Practice.

The Ombudsman concluded that the Member had made 2 telephone calls to the Practice in which she sought to improperly rely on her position as a Member of the Council, and as a Council representative on the Health Board, in order to speak to an on-call doctor about the patient's healthcare. The Ombudsman also concluded that the Member had made a complaint to the Health Board containing information which was critical of the Practice staff and did not accurately reflect the content of the telephone conversations. The Ombudsman was of the view that the complaint was an attempt by the Member to use their position to undermine the actions of the Practice and create a disadvantage for it.

The Ombudsman therefore determined that the Member may have breached paragraph 7(a) of the Council's Code of Conduct for Members and referred his investigation report to the Monitoring Officer of Newport City Council for consideration by its Standards Committee.

The Standards Committee concluded that the Member had breached paragraph 7(a) of the Code of Conduct and suspended her for 3 months. It also recommended to the Council that she be removed from her position on the Health Board.