

<b>Meeting:</b>	<b>Standards Committee</b>
<b>Date :</b>	<b>16 January 2012</b>
<b>Title :</b>	<b>Allegations made against Councillors</b>
<b>Author :</b>	<b>Monitoring Officer</b>
<b>Action :</b>	<b>For Information</b>

## 1. Background

The purpose of this report is to inform members of the developments since my previous report regarding allegations against councillors. The report is based on the information received from the Ombudsman.

## 2. Decisions

### Case 201100466

- Complaint against a Community Councillor regarding access to a private road and the misuse of refuse collection arrangements. The Ombudsman did not consider there to be direct evidence of the Councillor using his position for preferential treatment.
- The Councillor had failed to show local residents respect. The Ombudsman did not see a sufficient connection between the alleged behaviour and the Councillor's position.
- Threatening behaviour. The complainant had received advice from the police.
- Dispute between the complainant and the councillor regarding a boundary wall. Considered to be a private matter.

Decision: Not to investigate the complaint.

### Case 3018/201100769

- The complainant alleges that the Councillor has broken Paragraph 6 (d) of Gwynedd Council's Members' Code of Conduct that states that members must not make vexatious, malicious or frivolous complaints. The Ombudsman considers that there is no direct evidence to support the complaint that the Member had contacted the press with details of his complaint against another Councillor. Also the member had provided enough facts for the Ombudsman to support the complaint. It would be for the Ombudsman to decide if there was a basis for the complaint.

Decision: Not to investigate the complaint

### **Case 201101116**

Complaint made against a Councillor by a member of the public:

- That the Councillor harassed the complainant by visiting his home on more than one occasion and had behaved threateningly and unprofessionally towards the complainant's visitor. After investigating the complaint and the supporting evidence the Ombudsman has decided that the alleged behaviour does not constitute a breach of the code. Also because contradictory evidence was given by the Councillor it would not be possible for the Ombudsman to come to a definite conclusion about the incident.

Decision: Not to investigate the complaint.

### **Case 201102027**

- The Councillor used her 'Town Councillor' title whilst representing workers in an employment tribunal and therefore had used her position inappropriately. The misunderstanding about the Town Councillor's connection with the case had already been clarified and she had been reminded that her title should not be used for such roles; therefore it is unlikely that this conduct would lead to a sanction being imposed.
- The Councillor discussed the employment tribunal case in public and had made negative comments about the complainant's business in public. Although the code of conduct can apply to members in their private capacity on this occasion the Councillor was acting in her private capacity at a social event, not as a Town Council representative.

Decision: Not to investigate the complaint.

### **Case 3275/201102339**

Complaint against a Town Councillor:

- The complainant alleges that the Councillor came to his home, refused to leave and attacked him. The Ombudsman considers that it is not a matter that brings his office or Authority in to disrepute as the Councillor was acting in his private capacity at the time. Also the matter was dealt with in the Magistrate's Court where the incident occurred and the complainant had not provided sufficient evidence that the member had brought his office or Authority in to disrepute. Also, as the Councillor had presented conflicting evidence, it would be impossible for the Ombudsman to come to a definite conclusion about the case.

Decision: Not to investigate the complaint.

### **Case heard by the Standards Committee**

The Standards Committee conducted a hearing of eth allegations made against Cllr. A.M. Jones, Gwynedd Council. The Committee decided:

- That he should be suspended for 1 month,
- That he should undergo additional training with respect to the Code of Conduct
- That the relevant parts of the blog should be removed immediately
- That he should apologise to Cllr. Dyfed Edwards for the remarks in the blog.

Councillor Jones' period of suspension has now come to an end, and he has also written to Councillor Edwards to apologise. The Monitoring Officer will provide training for him shortly. Those entries on his blog dated 9 October 2009 and 24 February 2010 have been removed.

In accordance with the statutory requirements a notice was placed in the newspapers stating that a copy of the committee's report on the matter was available on the Council's website and at its offices (a copy of the report is attached for information).

### **3. Outstanding allegations**

#### **Case 201100673**

Complaint of bringing the councillors office or authority into disrepute.

The Ombudsman's investigation continuing.

#### **Case 201100986**

Complaint of bringing the Councillor's office or authority in to disrepute by making unfounded allegations about the personal and professional life of the Councillor.

The Ombudsman's investigation is continuing

**Case 3329/201102729**

Complaint by a fellow member of the Community Council that:

- The Councillor had not declared a personal interest when his planning application was being discussed.
- The Councillor failed to leave the room after members pointed out that he had a personal interest and had asked him to leave.
- The Councillor had asked the clerk for information regarding the planning application.

The Ombudsman's investigation is continuing.