

Committee:	THE STANDARDS COMMITTEE
Date:	2 October 2017
Title:	Allegations against members
Author:	Monitoring Officer
Purpose:	For information

1. Background

The purpose of this report is to inform the Committee of the Ombudsman's decisions on formal complaints against members.

2. Decisions

Complaint 7294/20160752

A complaint by a town councillor that a fellow councillor had failed to disclose a close personal connection with a person who was in dispute with the council; that said connection formed a prejudicial interest; that she had concealed the fact in order to gain financial advantage. It was also alleged that the member had instructed the Clerk not to record and/or circulate minutes regarding the matter.

The Ombudsman investigated the complaint and reached the following conclusions:

- There was no evidence that a close personal connection existed
- There was no evidence that the member had sought to conceal interest or gain personal advantage
- While there had been problems with the council's minutes in the past, there was no evidence that the member had instructed the Clerk not to prepare minutes and circulate them

Complaint 14590/201702901

A complaint by a member of the public that a town councillor, by virtue of his position as chair of a local organisation, had made threatening comments towards him in relation to provision for disabled visitors to the organisation.

The Ombudsman resolved not to investigate the complaint for the following reasons:

- It appeared that the councillor was acting as a private individual at the time not as a councillor. The circumstances of the case meant that the Code of Conduct was not relevant to the member's conduct as an individual.

Complaint 201702393

A complaint by a member of the public that a town councillor had made sexist and misogynistic comments on his Facebook page.

The Ombudsman resolved not to investigate the complaint for the following reasons:

- It appeared that the councillor was using a personal Facebook account at the time. The Ombudsman did not see any reference to his status as a councillor or suggestion that he was acting as one at the time.
- Article 10 of the European Convention on Human Rights protected people's right to say some things despite the fact that they could be unacceptable to others.
- No individual or company was named in the comments
- The Ombudsman did not condone the comments and it could be said that they did bring him as an individual into disrepute
- Nevertheless, in the absence of a reference to a specific individual, the comments were not sufficiently offensive so as to bring the council or the role of councillor into disrepute

3. Open Cases

The situation in relation to other cases is as follows:

- **Ombudsman considering if he should investigate** **2**
- **Ombudsman investigating** **3**

4. Recommendation

The Committee is asked to note the information.