

<b>Committee:</b>	<b>THE STANDARDS COMMITTEE</b>
<b>Date:</b>	<b>1 October 2018</b>
<b>Title:</b>	<b>Allegations against members</b>
<b>Author:</b>	<b>Monitoring Officer</b>
<b>Purpose:</b>	<b>For information</b>

## **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 16956 / 201801619**

Complaint from a member of the public that a member of Gwynedd Council had not asked another elected member to speak on a planning application at the Planning Committee, having declared a prejudicial interest in the matter.

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

He did not consider this to breach the Code. The member was not obliged to choose another member to speak at such in such a situation.

### **Complaint 16956/201801620**

A member of the public complained that a county councillor had not considered a planning application objectively when sitting on the Planning Committee.

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

- There was no evidence to support the allegation that the member failed to consider the advice of officers and failed to consider the matter objectively.

### **Complaint 16915/201801525**

A complaint from a member of the public that a member of a community council failed to declare a personal interest when considering an application to divert a public right of way and had come to a decision on the issue before the meeting as he had submitted a form supporting the change in 2014.

The Ombudsman decided not to investigate the following reasons:

Although support for the proposed change could be an interest, the Ombudsman did not consider that, given all the circumstances, there would be a public interest in further investigation even if that interest were to be definitively proved. Among the factors taken into consideration were the time that had passed since the submission of the form, that it had been submitted in a personal capacity and the limited nature of the councillor's influence on the final decision.

#### **Complaint 16915/201801526**

A complaint from a member of the public that a member of a community council failed to declare a personal interest when considering an application to divert a public right of way and had come to a decision on the issue before the meeting as he had submitted a form supporting the change in 2014.

The Ombudsman decided not to investigate the following reasons:

Although support for the proposed change could be an interest, the Ombudsman did not consider that, given all the circumstances, there would be a public interest in further investigation even if that interest were to be definitively proved. Among the factors taken into consideration were the time that had passed since the submission of the form, that it had been submitted in a personal capacity and the limited nature of the councillor's influence on the final decision.

#### **Complaint 201802213**

Complaint by a fellow member, that a member of a town council failed to declare a prejudicial personal interest in a matter discussed by the council, as a trustee and a member of the management committee of the property in question.

The Ombudsman decided not to investigate the following reasons:

- The member did not appear to have breached the Code as the item was in relation to a request to the county council for information. There was no discussion or vote that could have resulted in any personal gain to the member or the management committee.

#### **Complaint 7294/201802446**

Complaint by a fellow member that a member of a town council had acted unacceptably by:

- Sending emails that constituted bullying or harassment
- Refusing to accept the decision of the town council on a specific issue
- Refusing to condemn comments made by others on Facebook that the complainant considered to be threats aimed at him

The Ombudsman decided not to investigate the following reasons:

- Copies of emails had not been provided by the complainant, but on the basis of what he was saying, it was unlikely that the Ombudsman would have investigated, as they appeared to be political in nature and were not highly offensive or outrageous.
- There was no evidence that the member had tried to force officers to do anything that would prejudice officers' professional integrity.
- There was no evidence that the councillor had contributed to the comments on Facebook and the member was not obliged to criticise those comments

### 3. Analysis of the Complaints

Below is an analysis of the nature of this year's complaints to date:

<b>Member who is subject of the complaint</b>	
Member of community council	7
Member of Gwynedd Council	2
Member of Gwynedd Council and community council	0
<b>Nature of the complainant</b>	
Councillor	3
Member of the public	6
Officer	0
<b>Nature of the allegation</b>	
Overall conduct	3
Declaration of Interest	6
<b>Outcome</b>	
No Investigation	9
Investigation	0
Referral to the Standards Committee	0
Referral to the Adjudication Panel for Wales	0

### 4. Open Cases

The situation in relation to other cases is as follows:

- **Ombudsman is considering if he should investigate** **1**
- **Ombudsman investigating** **1**

### 5. Recommendation

The Committee is asked to note the information.