

Appendix

Case Number: 202201791

It was alleged that a Town Councillor failed to declare a personal and prejudicial interest in business being considered by the Council. The Complainant said that Councillor Thomas had an interest in the Council's decision not to support a request by local residents, to oppose a Land Registry application made by another member of the Council. It was alleged that the Councillor had an interest in the Council's decision because he was friends with the member, and he had since supported the member's application to the Land Registry.

The Ombudsman found that the member's actions suggested a breach of the Code and that he had failed to declare a personal and prejudicial interest and that he had made comments at council meetings when he should not have done so. However, the Ombudsman also noted that the advice given by other councillors and the Clerk was not as clear as it could have been. The Ombudsman was not persuaded that these events had, or were likely to have, an effect on the Council's reputation as a whole, as it was not clear whether the Member's input would have affected the Council's decision and it was a limited decision that only affected a small group of people in the area. The Ombudsman was also not persuaded that the Member had used his position inappropriately or in a way that suggested a breach of the Code because, if he had declared a personal and prejudicial interest, he would not have been prevented from writing the statement if he wished to do so in his personal capacity and the fact that he was a member of the Council did not give him an advantage in that situation.

The Ombudsman found that although the Member's actions suggested a breach of the Code, there was a limited effect of his actions, the mitigation provided by the unclear advice he received and the steps he has since taken to strengthen his understanding of his obligations, means that taking further action would not be in the public interest.

Finding: Under Section 69(4)(b) of the Local Government Act 2000, that no action needs to be taken in respect of the matters investigated.

Case Number: 202201793

The Ombudsman received a complaint that a Member a Town Council ("the Council") had breached the Code of Conduct ("the Code") by failing to declare a personal and biased interest when the Council made the decisions relating with the Land Registry request made by the Member.

The Ombudsman found that the Member's actions suggested a breach of the Code. The Member had failed to declare a personal and prejudicial interest and had made comments when he should not have done so. However, the Ombudsman also noted that the advice given by other councillors and the Clerk was not as clear as it could have been. The Ombudsman was not persuaded that this incident had, or was likely to have, an effect on the reputation of the Council as a whole, because it was a limited decision affecting a small group of people in the area only. The Ombudsman was also not persuaded that the Member had used his position inappropriately because if he had declared a personal and biased interest, he could have submitted his written comments, in his private capacity, in the manner the parties had others.

The Ombudsman found that although the Member's actions suggested a breach of the Code, there was a limited effect of his actions, the relief provided by the unclear advice he received and the steps he has since taken to strengthen his understanding of 'to obligations, means that taking further action would not be in the public interest.

Finding: Under Section 69(4)(b) of the Local Government Act 2000, that no action needs to be taken in respect of the matters investigated.

Case Number: 202302062

It was alleged that a community councillor approached the Complainant when she was drunk and questioned her about why she was late for Council meetings and "other personal matters".

No evidence was provided to prove the complaint, and the Ombudsman will not investigate unless there is fairly strong evidence to suggest that the member in question has breached the Code.

Everyone has a right to freedom of opinion under Article 101 of the European Convention on Human Rights, which is incorporated into UK law by the Human Rights Act 1998. In my view, it can reasonably be said that the comments complained of applies to freedom of speech. It was claimed that the comments were made when the Councillor was drunk and at an inappropriate time/place. Although I fully appreciate that the Complainant may feel personally offended by the Councillor's approach and comments, I do not consider that, on the evidence provided, they are offensive or intimidating enough to amount to disrespectful behaviour towards him (within the meaning of the Code) or in breach of the Code.

Outcome: The complaint should not be investigated.

Case Number: 202303249

It was alleged that the Councillor said untrue things at a council meeting and failed to deal properly with a concern about money collected by a local group for car parking on the day of a local event. The complainant considers the money collected for parking was rightly council money.

the concern about the Council having not collected parking fees is a matter for the Council as a whole, rather than for any individual Councillor (even if the Councillor was the chair of the Finance Committee at the time as alleged). The complainant is entitled to raise through the Council's complaints process. This is not a matter concerning an individual Councillor's ethical behaviour which could lead to a breach of the Code of Conduct for Members.

No evidence has been provided to suggest that the Councillor may have breached any provisions of the Code of Conduct for Members.

Outcome: The complaint should not be investigated.

Case Numbers: 202303259 & 202303399

The behaviour of a county councillor in his role as clerk to a community council.

There was no evidence to suggest that the Code was relevant when the councillor was acting as a clerk or that there was any link with her role as a county councillor.

Outcome: The complaint should not be investigated.

Case Number: 202304751

It is alleged that the Member failed to declare an interest as his partner works for a Community Association which was in favour of using local land for a scheme which is opposed by a Residents' Committee. It is also alleged that the Member was not impartial and that responses from the Member were substandard and disrespectful.

The Member is a County Councillor who can attend Community Council meetings as part of this role but is not a member of the Community Council. No evidence was provided to show that the Member had taken part in any business in the Community Council where he might have expected to declare an interest or ensure, in doing so, that he remained impartial when taking part or contributing to any decisions made.

While it is appreciated that the Complainant may not agree with the views expressed, there is nothing to show that the member's response was substandard or disrespectful and, in some instances, it would seem he is acting as a go-between sharing correspondence from those in opposition to the scheme and those in favour. Although he does express that he himself is in favour in one email, any agreement or disagreement with the Member's political views is a matter for the local electorate to determine through the democratic process. The Member, as any councillor or member of the public, is entitled to support schemes and projects within the local area. For these reasons, I am not persuaded that there is evidence to suggest that a breach of the Code has occurred.

Outcome: The complaint should not be investigated.