

<b>Committee :</b>	<b>STANDARDS COMMITTEE</b>
<b>Date:</b>	<b>18 April 2016</b>
<b>Title</b>	<b>Allegations against members</b>
<b>Author:</b>	<b>Monitoring Officer</b>
<b>Action:</b>	<b>For Information</b>

## 1. Background

The purpose of this report is to present information to the Committee regarding formal complaints made against members. The report is based on information received from the Ombudsman and the case references are his.

## 2. Complaints

### 2.1 Case No. 7294/201505281

Date Received: 07/01/16

#### Complaint

That a councillor had falsely accused the complainant (a fellow town councillor) of making derogatory, discriminatory and ageist remarks about her at a town council meeting, which were subsequently published in a local newspaper.

#### Decision

No investigation

Elected members should be respectful of their opponents any comments or debate should be confined to material issues and avoid personal attacks and offensive behaviour. However this view needs to be balanced against the individual's right to freedom of expression.

In this case the statements appear to be connected to a flyer/information originally issued by the complainant, and may be subject to the enhanced protection afforded by Article 10 of the Human Rights Act.

In view of this the Ombudsman was not persuaded that an investigation was in the public interest although it was a "borderline decision". The Ombudsman wrote to the councillor to remind her to consider her obligations under the Code of Conduct.

**2.2 Case No. 9945/201505396**

Date received: 12/01/16

**Complaint**

That the councillor had distributed misleading information about the complainant (a fellow town councillor) stating that she had voted at a meeting of the planning committee. She was not a member of the committee but attended as an observer only.

**Decision**

No investigation.

The councillor had not been present at the meeting but on the basis of the evidence available it was not unreasonable for an individual to assume that the complainant had been involved in the planning committee in relation to the item in question. She had also taken the opportunity to clarify her position in a newspaper article. It was not in the public interest to investigate the complaint. The information handed out was broadly of a political nature and was not disrespectful or offensive in tone.

### **2.3 Case No. 10076/201505713/14**

Date received: 25/01/16

#### **Complaint**

The councillor had harassed the complainant (a fellow town councillor) by making an unfounded complaint to the Ombudsman that he was guilty of harassing him. He had also used council stationery when doing so. He also alleged that the councillor had failed to declare an interest.

#### **Decision**

No investigation.

The Ombudsman had previously decided not to investigate the harassment complaint and nothing would be gained in re-opening the matter. The councillor was undertaking council business when his concerns about harassment came to light. Whilst the councillor had left the meeting in question, he had not openly informed the council of the reason for doing so, which is required under the code. An investigation would not be in the public interest but the Ombudsman would remind the councillor of his duties under the code.

### **3. Recommendation**

The Committee is asked to note the information.