



**RHONDA CYNON TAF COUNTY BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

**24 SEPTEMBER 2021**

**PUBLIC SERVICES OMBUDSMAN FOR WALES – SUMMARY OF COMPLAINTS  
AGAINST MEMBERS – 1<sup>ST</sup> APRIL 2020 – 31<sup>ST</sup> MARCH 2021**

**REPORT OF THE MONITORING OFFICER**

**1. PURPOSE OF THE REPORT**

- 1.1 To provide Members with a summary of complaints made against Members and submitted to the Public Services Ombudsman for Wales (the 'Ombudsman') for the period 1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021.

**2. RECOMMENDATIONS**

- 2.1 To note the contents of the report.

**3. BACKGROUND AND DETAILS OF COMPLAINTS**

- 3.1 In determining whether to investigate a breach of the Code of Conduct, the Ombudsman initially applies a two-stage test. At the first stage, he will aim to establish whether there is direct evidence that a breach of the Code has occurred. At the second stage the Ombudsman considers whether an investigation or a referral to a standards committee or the Adjudication Panel for Wales is required in the public interest. This involves the consideration of a number of public interest factors such as: whether the member has deliberately sought a personal gain at the public's expense for themselves or others, misused a position of trust, whether an investigation is required to maintain public confidence in elected members and whether an investigation is proportionate in the circumstances.
- 3.2 Members will note below the summary of anonymised complaints made against Members and submitted to the Ombudsman for the period 1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021:

Date Complaint Received by the Ombudsman	Body & Cllr	Nature of Complaint	Ombudsman Investigation Yes/No
9/4/20	Rhondda Cynon Taf CBC (Councillor)	<p>Mrs H complained Cllr F made comments in response to a post and discussion on her personal Facebook account in April 2020. They were unhappy that Cllr F made personal reference to their political viewpoint and personality traits and therefore failed to show her respect. They were concerned that the comments could be misinterpreted and may have a negative impact on relationships with friends and business colleagues where they were based and also Cllr F had not acted with cultural sensitivity. In particular the comments amounted to a breach of the following paragraphs of the Code:-</p> <ul style="list-style-type: none"> <li>• 4(b) – [Members] must show respect and consideration for others</li> <li>• 4(c) – [Members] must not use bullying behaviour or harass any person including other councillors, council officers or members of the public.</li> <li>• 6(1)(a) – [Members] must not conduct oneself in a manner which could reasonable be regarded as bringing the office of member or [the council] into disrepute at any time.</li> </ul> <p>Ombudsman confirmed that when assessing complaints of this nature it is necessary to consider the specific nature of the complaints made against the member complained about in the context of the duties and obligations placed on him/her by the Code.</p> <p>Ombudsman stated he has limited investigative resources and must decide which complaints should be investigated after considering the individual merits of each case. In exercising that discretion the Investigating Officer considered both the nature of the complaint made and whether the prospect of achieving a worthwhile outcome was sufficient to justify an investigation.</p> <p>It was concluded that having considered the information provided, it appears that at the time of the conduct Cllr F was not acting as a councillor but as a private individual. The Code of Conduct usually only applies when a member of a council is performing functions as a councillor or seeking in some way to rely upon their status as a councillor. The officer did not consider that Paragraphs 4(b) and 4(c) were applicable in relation to the social media posts. Within the exchange Cllr F was asked whether they were acting in an official capacity. Cllr F responded by stating that all posts on their personal account are their personal views. There was therefore no information to suggest that they were acting, or purporting to act, in an official capacity on that occasion.</p> <p>The Code of Conduct only applies when a councillor is acting as a private individual in very specific</p>	No

		<p>circumstances however Paragraph 6 of the Code applies at all times and in all capacities. Mrs H alleged that Cllr F had conducted themselves in a manner which has brought their office and the Council into disrepute and that their conduct and behaviour was likely to constitute a breach of Paragraph 6(1)(a) of the Code of Conduct. Mrs H further said that they had not displayed the council values of tolerance and respect, equality and fairness and appreciation of cultural difference. The comments made by Cllr F may be disputed, factually incorrect and/or based on assumption or opinion, but their comments were not in the Ombudsman's view capable of breaching any aspect of the Code. However, even if Cllr F's comments were capable of amounting to a breach of the Code they were not sufficiently serious to warrant investigation as the Ombudsman did not consider that a sanction would be likely. Accordingly, the second, public interest, stage was not met and therefore it would not be proportionate to investigate.</p> <p>Based on the information provided Ombudsman concluded that an investigation of the complaint against Cllr F was not proportionate or justified in the circumstances described.</p>	
22/4/20	Rhondda Cynon Taf CBC (Councillor)	<p>Mrs S complained Cllr D had breached the Code because of the nature of Facebook posts they had made relating to the closure of a local park due to the coronavirus pandemic. They stated that Cllr D had posted a video on Facebook indicating that they had travelled out of the County Borough to visit a park in another Local Authority area. They stated that this was against the 'lockdown' rules <i>[in place at that time]</i>.</p> <p>The Ombudsman found the complainant provided no evidence to substantiate their complaint and confirmed they will not investigate unless there is reasonably strong evidence to suggest that the member concerned has breached the Code of Conduct.</p> <p>In a separate complaint received by the Ombudsman concerning Cllr D which dealt with the same issue that complainant had provided some evidence.</p> <p>Ombudsman confirmed it appeared that at the time of the conduct being complained of Cllr D was not acting in their role as a councillor but as a private individual. The Code of Conduct usually only applies when a member of a council is performing functions as a councillor or seeking in some way to rely upon their status as a councillor. The Code of Conduct only applies to a councillor's actions as a private individual in very specific circumstances, that is, where the conduct alleged is of such a nature as to bring the Council or the office of councillor into disrepute. In the view of the Ombudsman this did not appear to be the case in this instance.</p>	No

		<p>In addition, the substance of the complaint was that Cllr D posted on Facebook about visiting the relevant Park, thereby breaking lockdown legislation. Ombudsman confirmed this would be a matter for the Police to investigate and enforce using their enforcement powers under the relevant legislation.</p> <p>Ombudsman found that there was not enough evidence to substantiate that a breach of the Code had occurred.</p>	
23/4/20	Rhondda Cynon Taf CBC (Councillor)	<p>Mr L complained Cllr D had breached the Code because of the nature of Facebook posts they had made relating to the closure of a local park due to the coronavirus pandemic. They stated that the tone of the posts was inappropriate and caused unnecessary additional stress to members of the public particularly so at that time. They felt that this demonstrated that Cllr D did not respect the views and opinions of others as they should as a councillor. They were also concerned that Cllr D had posted on Facebook that they had travelled out of area to visit a park in another local authority area. They stated that this was against the 'lockdown' rules <i>[in place at that time]</i>.</p> <p>The complainant provided screenshots of Facebook posts which Cllr D made and the Ombudsman considered the content and tone of those posts.</p> <p>The complainant did not specify which paragraph of the Code of Conduct they considered Cllr D to have breached, though referred to a failure to respect the views and opinions of others and those a councillor represents.</p> <p>Ombudsman determined that Cllr D was not acting in his role as a councillor in making the Facebook posts, but as a private individual. The Code usually only applies when a member of a council is performing functions as a councillor or seeking in some way to rely upon their status as a councillor. That does not appear to be the case there as they were not posting on Facebook as Cllr D, nor did they refer to their status as councillor in the posts in question. The Code only applies to a councillor's actions as a private individual in very specific circumstances, that is, where the conduct alleged is of such a nature as to bring the Council or the office of councillor into disrepute. Taking into account previous cases considered by the Adjudication Panel for Wales, this does not appear to apply to the Facebook posts that were provided with the complaint. The content and language of the posts was not sufficient to indicate a breach of the Code.</p> <p>In addition, the substance of the complaint was that Cllr D posted on Facebook about visiting the relevant Park, thereby breaking lockdown legislation. Ombudsman confirmed this would be a matter for the Police to investigate and enforce using their enforcement powers under the relevant legislation.</p>	No

		Ombudsman found that there was not enough evidence to substantiate that a breach of the Code had occurred.	
23/4/20	Rhondda Cynon Taf CBC (Councillor)	<p>Mrs F complained Cllr D had breached the Code because of the nature of Facebook posts they had made relating to the closure of a local park due to the coronavirus pandemic. They felt that their comments were inappropriate, aggressive and not representative of those they were representing. They stated that Cllr D had posted a video on Facebook indicating that they had travelled out of the County Borough to visit a park in another Local Authority area. They stated that this was against the 'lockdown' rules <i>[in place at that time]</i>.</p> <p>The Ombudsman found the complainant provided no evidence to substantiate their complaint and confirmed they will not investigate unless there is reasonably strong evidence to suggest that the member concerned has breached the Code of Conduct.</p> <p>In a separate complaint received by the Ombudsman concerning Cllr D which dealt with the same issue that complainant had provided some evidence.</p> <p>The complainant did not specify which paragraph of the Code of Conduct they considered Cllr D to have breached, though they have referred to Cllr D potentially bringing the Council into disrepute.</p> <p>Ombudsman determined that Cllr D was not acting in his role as a councillor in making the Facebook posts, but as a private individual. The Code usually only applies when a member of a council is performing functions as a councillor or seeking in some way to rely upon their status as a councillor. That does not appear to be the case there as they were not posting on Facebook as Cllr D, nor did they refer to their status as councillor in the posts in question. The Code only applies to a councillor's actions as a private individual in very specific circumstances, that is, where the conduct alleged is of such a nature as to bring the Council or the office of councillor into disrepute. Taking into account previous cases considered by the Adjudication Panel for Wales, this does not appear to apply to the Facebook posts that were provided with the complaint. The content and language of the posts was not sufficient to indicate a breach of the Code.</p> <p>Ombudsman stated that the Code of Conduct only applies to a councillor's actions as a private individual in very specific circumstances, that is, as the complainant referred to in their complaint, where the conduct alleged is of such a nature as to bring the Council or the office of councillor into disrepute (paragraph 6(1)(a)). Taking into account previous cases considered by the Adjudication Panel for Wales, the tone and content of the Facebook posts were not of a nature to suggest a breach of paragraph 6(1)(a).</p> <p>In addition, the substance of the complaint was that Cllr</p>	No

		<p>D posted on Facebook about visiting the relevant Park, thereby breaking lockdown legislation. Ombudsman confirmed this would be a matter for the Police to investigate and enforce using their enforcement powers under the relevant legislation.</p> <p>Ombudsman found that there was not enough evidence to substantiate that a breach of the Code had occurred.</p>	
26/5/20	Rhondda Cynon Taf CBC (Councillor)	<p>Mr V complained Cllr J had breached the Code because they failed to follow Government guidelines to keep green spaces open during the Covid-19 pandemic when it was decided that a Park within the County Borough would remain closed. They also complained Cllr J's comments implied that residents who lived within walking distance of the Park were somehow less respectful of others and less capable of adhering to social distancing rules. They considered that Cllr J had breached the Code.</p> <p>The Ombudsman confirmed that matters of public health, and health in general, are both devolved matters and the Welsh Government has extensive powers, and is responsible, to assess the extent and impact of the spread of the coronavirus in Wales and to take decisions accordingly; this is provided by legislation and guidance issued by the Welsh Government in Wales. The Department of Local Government and Public Services oversees local government in Wales and at that time it gave local authorities freedom on how to choose to act as regards parks in their areas, and whether or not they should remain open. Therefore, whilst the Covid-19 regulations did not require the closure of local parks, the Welsh Government considered the relevant local authority would possess the local knowledge to understand where a closure is necessary. Therefore, no matter what the UK Government says, decisions about parks and public spaces remain with the relevant Council for that area.</p> <p>The Park in question had been closed to clear and repair damage caused by Storm Dennis. The Council explained on its website, due to the Covid-19 pandemic, Council staff resources had been redirected to support primary Council Services and as a result some of the works to safely re-open the Park had not been completed. It was confirmed that the Park would remain closed to the public for a further 2 weeks for the repair works to be completed. Also that data had displayed that "...RCT had one of the highest number of confirmed cases per 100,000 of the population in Wales..." and therefore the Park should not re-open prior to the Bank Holiday weekend "...to minimise the risk of transmission" of the virus. The Park was then reopened with restricted hours, which was usual in the situation at that time.</p> <p>In the Ombudsman's view the evidence provided did not substantiate the complaint, and the matters alleged did not in fact constitute a breach of the Code.</p>	No

		Complaints about a Council decision is considered a complaint about the Council as a whole, as a body corporate, rather than a Code complaint against an individual member.	
29/7/20	Rhondda Cynon Taf CBC (Councillor)	<p>Ms B complained Cllr Y had breached the Code because they made an unannounced visit to their father's property. During the visit they alleged Cllr Y was accompanied by another Councillor and that when her father approached the Councillors to ask them the purpose of the visit Cllr Y replied "what [had it] to do with [him]" and asked Ms B's father to produce his title deeds to the property. Ms B also alleged they called her father an "ignorant and arrogant man", "proceeded to mimic" him and did not respect the "2m Covid 19 government rule". Further later that day, Cllr Y returned to the area to ask several neighbours "what they thought of [her] dad as a person".</p> <p>Ombudsman considered whether Cllr Y's behaviour and comments were contrary to paragraphs 4(b) – failing to show respect and consideration for others and 6(1)(a) – not to conduct oneself in a manner which could reasonably be regarded as bringing the office or authority into disrepute.</p> <p>Ombudsman stated it was not clear in what capacity Cllr Y was acting when they visited father's property. They did not make an official appointment, state the nature of the visit or disclose whether they were acting on council business. The Code of Conduct usually only applies when a member of a council is performing functions as a councillor or seeking in some way to rely upon their status as a councillor. However, paragraph 6(1)(a) could still apply to the situation described.</p> <p>Either way Ombudsman was not satisfied as to the first part of the Ombudsman's test. Councillors have a wide freedom of expression in both their professional and personal capacity. Article 10 of the Convention (and common law), afforded Cllr Y the right to free speech, means that they can say certain things which, even if they may be shocking or offensive to some people, they nevertheless had the right to express them.</p> <p>Whilst the Ombudsman did not condone the comments or the way in which it was alleged Cllr Y conducted themselves on that day and consider that they may have personally brought themselves into disrepute with this alleged behaviour they did not consider on the evidence that their conduct would be considered as sufficiently offensive to amount to a breach of the Code.</p>	No
25/8/20	Rhondda Cynon Taf CBC (Councillor)	Mr P complained Cllr T had not responded to a number of telephone messages left for them in February 2020. As a result he considered that Cllr T's actions breached the Code. In particular, they considered that their actions amounted to a breach of Principle 9 – Accountability.	No

		<p>The Principle to which was referred does not form part of the Code however they form part of the Guidance as to how the Code should be followed by members.</p> <p>Having considered the information provided the Ombudsman found that a failure to respond was in any way a breach of the Code. Whilst any failure to respond to correspondence may amount to an administrative shortcoming or, at worst, something of a discourtesy they did not consider that it can reasonably be said to engage any paragraphs of the Code. It therefore appears to the Ombudsman that the matters which have been alleged, namely the failure to return telephone calls, did not in fact constitute a breach of the Code.</p> <p>Even if the Councillors failure to respond was capable of amounting to a breach of the Code (for example, if the failure to return your telephone call was capable of amounting to a failure to show respect), it is not sufficiently serious to warrant investigation. Accordingly, the second, public interest, stage was not met based on the information provided.</p>	
22/9/20	Rhondda Cynon Taf CBC (Former Councillor)	<p>The Ombudsman received a complaint that a Former Member of Rhondda Cynon Taf County Borough Council and a Community Council had breached the Code in using the term "Pikies" during a community WhatsApp group discussion.</p> <p>The Ombudsman investigated whether the Former Member's conduct may have breached paragraphs 4(a), 4(b) and 6(1)(a) of the Code.</p> <p>During the investigation the Member resigned from both the Council and Community Council. The Ombudsman's investigation found that the community WhatsApp group was comprised of members of a village hall committee and at the time of the exchange the Former Member was not a Council or Community Council representative on the committee or WhatsApp group. The Ombudsman found the Former Member was not acting in their public role during the exchange and therefore paragraphs 4(a) and 4(b) of the Code were not engaged when they made the post in their private capacity, and these provisions of the Code were not engaged when the Former Member made their comment on WhatsApp.</p> <p>The Ombudsman considered that had the Former Member been a Council or Community Council representative, his conduct could be suggestive of a breach of paragraph 6(1)(a) of the Code. However, the Ombudsman was not persuaded there was a sufficient link to the Former Member's role to suggest the comment would affect the reputation of the Former Member's office or authority. This being the case, the Ombudsman did not consider that the conduct was suggestive of a breach of paragraph 6(1)(a) of the Code.</p>	<b>Yes</b>



5/1/21	Rhondda Cynon Taf CBC (Councillor)	<p>Ms F complained Cllr L had made an unnecessary and rude comment about her after she had presented her views at a Committee meeting of the Council where members of the public were exercising a right to speak. Ombudsman considered this to be an allegation that Cllr L had breached paragraph 4(a) (show respect for others) of the Code.</p> <p>No evidence was provided to support the allegation and the Ombudsman will not investigate unless there is reasonably strong evidence to suggest that the member concerned has breached the Code of Conduct. The complainant had not provided the date that the meeting had occurred but the Ombudsman located the minutes on the Council's website. Having read the recorded minutes for the meeting, there is no indication of the Cllr L's alleged comments or any intervention from the Chair of the meeting. Ombudsman was of the view that there was insufficient evidence to support the allegation as there appears to be no independent information available to confirm it.</p>	No
14/5/20	Taff's Well & Nantgarw Community Council (Community Cllr)	<p>Com Cllr A complained that at a Community Council meeting Com Cllr S was coughing/sneezing in the direction of another member who is particularly vulnerable to infection. They also complained that Com Cllr S failed to prevent the Chair from departing from Standing Orders and that that Com Cllr S closed the meeting prematurely.</p> <p>Having considered the information submitted the Ombudsman did not consider that the conduct described was likely to amount to a breach of the Code.</p> <p>The Ombudsman was already investigating a complaint against a member of the Community Council and the events at the meeting referred to in this complaint as they were linked they were not persuaded that there was merit in considering them separately.</p>	No
22/4 + 4/5/20	Taff's Well & Nantgarw Community Council (Community Cllr)	<p>Com Cllr K complained that Com Cllr E was bullying and harassing them in relation to expenses claims, and medical condition(s). They also complained about issues relating to the management of - and events at - recent meetings (both during and after), including in respect of Standing Orders, threatening behaviour and comments made to/about Com Cllr K.</p> <p>The conduct being complained about was very closely linked to events already under investigation in relation to a complaint against Com Cllr K.</p> <p>Ombudsman was not persuaded that Com Cllr K provided evidence which suggested that Com Cllr E's conduct warranted investigation. From the information provided the Ombudsman did not consider that the language used (either in emails or, as reported, verbally) was capable of amounting to a breach of the Code which justifies investigation.</p>	No

		<p>Whilst the language may have been intemperate, having considered the exchanges as a whole the Ombudsman did not consider that the threshold for starting an investigation had been met. In respect of the concerns raised about Standing Orders and expenses claims, these are largely matters of corporate governance and the Ombudsman was not persuaded he would be justified in investigating them in isolation under the provisions of the Code.</p>	
14/5/20	Taff's Well & Nantgarw Community Council (Community Cllr)	<p>Mr W complained Com Cllr Q failed to properly control the meeting, including by not asking a councillor who was coughing and sneezing to either move away from other members or to leave the meeting room. They also complained that Com Cllr Q was threatening towards them in the car park after the meeting had concluded.</p> <p>The Ombudsman considered the information submitted and did not consider that the conduct described was likely to amount to a breach of the Code.</p>	No
18/6/20	Taff's Well & Nantgarw Community Council (Community Cllr)	<p>Com Cllr Z complained Com Cllr G said at a council meeting that they "are not a Christian as you are not born again". Com Cllr Z believes Com Cllr G breached the following paragraphs of the Code:</p> <ul style="list-style-type: none"> <li>- Paragraph 4 (a)</li> <li>- Paragraph 7</li> </ul> <p>Paragraph 4 (a) of the Code, requires that Councillors must carry out their duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.</p> <p>"Paragraph 7 of the Code states that, you must not – (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantages; (b) use, or authorise others to use, the resources of your authority – (i) imprudently; (ii) in breach of your authority's requirements; (iii) unlawfully (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed; (v) improperly for political purposes; or (vi) improperly for private purposes."</p> <p>The Ombudsman stated having considered the information available he did not consider sufficient evidence had been provided to substantiate the above alleged breaches of the Code, and the Ombudsman will not investigate a matter unless there is reasonably strong evidence to suggest that a member has breached the Code.</p> <p>Even if the conduct of which was complain amounted to a breach of the Code, and the alleged breach were to be proven, an investigation would not be in the public interest concluded the Ombudsman.</p>	No

		<p>While the Ombudsman does not condone discourteous or unnecessarily adversarial conduct on the part of councillors, the Ombudsman generally regards this sort of behaviour in a council meeting as a matter for the Chair of that meeting to address. On the basis of the information provided, even if the comment was capable of amounting to a breach of the Code, on the basis of the assessment of the severity of the breach alleged and experience of previous cases, the Ombudsman was not persuaded that a sanction would follow were the case to be referred to a standards committee. Accordingly, the second limb of the Ombudsman's two-stage test was not met</p>	
22/1/21	Com Cllr Council Not Disclosed (to protect identity of complainant)	<p>Ms G complained Com Cllr V had used a bullying tone towards them in emails and that their behaviour towards other Councillors and third parties negatively affected the Council.</p> <p>Given the information provided the Ombudsman considered that the following paragraphs of the Code were relevant:</p> <ul style="list-style-type: none"> <li>• 4(b) – [Members] must show respect and consideration for others.</li> <li>4(c) – [Members] must not use bullying behaviour or harass any person.</li> <li>• 6(1)(a) – [Members] must not conduct [themselves] in a manner which could reasonably be regarded as bringing [their] office or authority into disrepute.</li> </ul> <p>A number of emails were provided in evidence. Com Cllr V emails clearly related to Council business. When making such comments, Com Cllr V was entitled to some level of protection by both common law and Article 10 of the European Convention on Human Rights ("the ECHR"), incorporated into domestic law by the Human Rights Act 1998 ("the HRA").</p> <p>A Councillor's criticism of a Clerk's performance attracts a level of enhanced protection as political comment under Article 10 of the ECHR. However, the right to enhanced protection afforded to Councillors making political comment does not extend to gratuitous or offensive personal comment, nor to any discriminatory comments. The Ombudsman also takes into account the impact of caselaw on complaints of disrespectful conduct by members. The High Court case cited held that if a member is expressing political views, they are entitled to an enhanced level of protection.</p> <p>The Ombudsman was not persuaded that the content of Com Cllr V's emails could reasonably be considered as gratuitous or offensive personal comment, and there is no evidence to suggest that they used discriminatory language in their emails.</p> <p>Ms G said that Com Cllr V considers that further hours are required for them to complete their work. Ombudsman stated Com Cllr V was entitled to their view and their email in response to minutes of a particular meeting indicated that they had requested</p>	No

		<p>discussion on working hours to be included in a Council meeting agenda, which appears to be the appropriate way to raise their concerns/opinions.</p> <p>They also made their views on the Council's website/Facebook strongly, but Ombudsman did not consider that, in doing so, they had made any personal comment about/to Ms G. Again, they found they were entitled to their views and could not see that their emails in this regard were gratuitous or offensive.</p> <p>The Ombudsman was of the view that Com Cllr V was disrespectful when, in response to an email stating Ms G was taking "well deserved leave", they responded to say "Agree, except your reference to Well [sic] deserved leave". This was an unnecessary comment and the Ombudsman noted how this made Ms G feel. Whilst this may amount to a breach of paragraph 4(b) of the Code, given that it is disrespectful to Ms G, they did not consider that this comment alone was sufficiently serious to warrant investigation.</p> <p>The Ombudsman also noted concerns about Com Cllr V's reference to a recent judgment against Barnard Castle Town Council ("the judgment"), in which it was found to have unfairly dismissed its Deputy Town Clerk. The wider context of Com Cllr V's email relates to Council minutes, and they expressly agreed with the Chairperson's comments in thanking Ms G for their continued support. Com Cllr V's reference to the judgment is therefore incongruous and the Ombudsman understood Ms. G's interpretation of it.</p> <p>Taking into account the wider context of Com Cllr V's email, and as they appear to make a wider political point that the Council needs to be transparent, it was unclear why they chose that as an example. They did not consider that it could be reasonably argued, having considered the email in full, that Com Cllr V was stating that Ms. G acted in a similar way to the judgment's Deputy Town Clerk or that their comment could be considered a legitimate threat to Ms G's job. The Ombudsman was not persuaded that an investigation by his office solely to understand why Com Cllr V included reference to the judgment would be proportionate.</p> <p>However it was noted Com Cllr V should be mindful of how their comments are perceived by others. Furthermore, Com Cllr V should ensure that any concerns they had about Ms. G's performance should be raised respectfully and in accordance with the Council's protocols. Com Cllr V should also ensure that any correspondence with Ms. G was respectful in tone and language.</p> <p>Concerns were also raised about the way in which Com Cllr V communicated with, and makes comment on, County Councillor X. It was not uncommon for members to say things about political opponents which others</p>	
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		<p>may consider to be rude or offensive. However, it was not the purpose of the Code to inhibit free speech and the robust expression of political differences. Furthermore, as per the case law cited previously, elected members are expected to have a “thicker skin”. Indeed, Councillor X responses to Com Cllr V demonstrated a robust exchange of views.</p> <p>Having considered the emails the Ombudsman was not persuaded that Com Cllr V used any gratuitous language and they did not consider there to be evidence that Com Cllr V has breached the Code in relation to their comments about/correspondence with Councillor X.</p> <p>In regard to Com Cllr V’s actions in contacting the County Council to discuss whether an Officer was legitimately ill after declining to attend a meeting, the Ombudsman agreed that this appeared to be inappropriate and may amount to a breach of paragraph 6(1)(a) of the Code. However as the officer was a Senior Officers of a local authority they are expected to have a thicker skin and, this being the case the Ombudsman did not consider that it would be proportionate to further consider this matter as the actions complained about are unlikely to attract a sanction from a Standards Committee or the Adjudication Panel for Wales, given the case law cited. However Com Cllr V was warned they should reflect on their actions and be mindful regarding further conduct of this nature.</p> <p>Ombudsman concluded by saying that having taken into account the HRA, ECHR, and public interest test and having had regard to the sorts of conduct which are likely to attract a sanction from a Standards Committee or the Adjudication Panel for Wales they did not consider that, on the basis of the information provided, it would be proportionate to investigate Ms. G’s complaint.</p>	
23/3/21	Ynysybwll Community Council (Community Cllr)	<p>Com Cllr Y complained Com Cllr O wrote to a local Rugby Club without the consent of the Community Council. They contended that the content of Com Cllr O’s letter brought the Council into disrepute. Given the complaint made the Ombudsman considered the following paragraph of the Code to be relevant:</p> <ul style="list-style-type: none"> <li>• 6(1)(a) – [Members] must not conduct [themselves] in a manner which could reasonably be regarded as bringing [their] office or authority into disrepute.</li> </ul> <p>It appeared to the Ombudsman that the matters which are being alleged do not in fact constitute a breach of the Code. Com Cllr O’s letter to the Rugby Club did not state that they were writing on behalf of the Council. The letter referred to the minutes of a Council meeting. Com Cllr O enclosed a “draft letter” for use by the Rugby Club “in case there is a window of opportunity” for it.</p> <p>The draft letter referred to an underspend by the</p>	No

		<p>Council and requested a meeting between the Council and the Rugby Club to work towards “a mutually beneficial situation”. Com Cllr Y did not allege or provide any evidence that the information regarding the Council’s budget was confidential and not for disclosure to members of the public. The Ombudsman considered that referring to an underspend by the Council would amount to a breach of the Code.</p> <p>It appeared to the Ombudsman that Com Cllr O was attempting to assist the Rugby Club in obtaining funds and/or working more closely with the Council. They explicitly stated that they would declare an interest in the matter at Council meetings. Whilst the Rugby Club may not have appreciated the draft letter they wrote the Ombudsman could not see that in drafting a letter for the Rugby Club’s consideration/use that Com Cllr O breached the Code.</p>	
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#### **4. LEGAL IMPLICATIONS**

- 4.1 There are no legal implications arising from this report.

#### **5. CONSULTATION**

- 5.1 There are no consultation implications arising from this report.

#### **6. EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 There are no equality and diversity implications arising from this report.

#### **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no financial implications arising from this report.

**LOCAL GOVERNMENT ACT 1972**  
**AS AMENDED BY**  
**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**STANDARDS COMMITTEE**  
**24 SEPTEMBER 2021**  
**REPORT OF THE MONITORING OFFICER**

**Background Papers:** Freestanding matter

**Contact:** Mr. Andy Wilkins (Director of Legal Services & Monitoring Officer)  
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