



**Summary of a report issued under section 69 of the
Local Government Act 2000
Case Number: 202102524**

The Ombudsman received a complaint that a Member (“the Member”) of Ynysybwl & Coed-y-Cwm Community Council (“the Council”) had breached the Code of Conduct. It was alleged that the Member had misled the Council and had behaved inappropriately towards the Clerk.

The investigation considered whether the Member had failed to comply with the following provisions of the Code of Conduct:

- 4(b) – Members must show respect and consideration for others.
- 4(c) – Members must not use bullying behaviour or harass any person.
- 4(d) – Members must not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, their authority.
- 6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 11(1) - Where a member has a personal interest in any business of their authority and they attend a meeting at which that business is considered, they must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

- 14(1)(a) - Where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee, withdraw from the room, chamber or place where a meeting considering the business is being held —

- (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and, in any event, before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

- (j) in any other case, whenever it becomes apparent that that business is being considered at that meeting.

- 14(1)(c) - Where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee, not seek to influence a decision about business.

- 14(2) – Where they have a prejudicial interest in any business of their authority they may attend a meeting but only for the purposes of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under statutory right or otherwise.

The investigation considered information obtained from the Council, including copies of minutes and other documents. Witness accounts were also obtained from the Complainant and other witnesses. An account was also obtained from the Member.

The investigation found that in relation to the declaration of interests, the Member's behaviour was not suggestive of a breach of the Code of Conduct. In relation to the allegation that the Member had bullied the Clerk, the investigation found that if the Member had concerns about the conduct of the Clerk, he should have raised these through the Council's employment

procedures. It found that the threat of escalating the matter when he had not raised his concerns through the appropriate channel first was an attempt to intimidate the Clerk. However, while this showed disrespect for the Clerk, which was suggestive of a breach of paragraph 4(b) of the Code of Conduct, as it was an isolated incident, it was not considered that the email was, in itself, evidence of bullying or harassing behaviour. Consequently, it was not considered that it would be in the public interest for any further action to be taken.

The Member was reminded of his obligation under the Code of Conduct to engage appropriately with the Council's new Clerk (once appointed) as a member of the Council and 'employer' of the new Clerk.

21 June 2023