



**Summary of a report issued under section 69 of the
Local Government Act 2000
Case Number: 202104296**

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 attempted to bully the Complainant.

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

- 4(c) – Members must not use bullying behaviour or harass any person.
- 6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

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

The investigation found that the Member took offence at being called a liar by the Complainant and instructed his solicitor to write to them. Whilst this could be considered to be a heavy-handed approach, the Member was entitled to respond to the comment about him in this way. As the Member took this action in his private capacity, it was not considered that the Code of Conduct was engaged, and this conduct was not suggestive of a breach of the Code of Conduct.

The Member also wrote directly to the Complainant. The investigation found that, as a private citizen, the Member was entitled take any steps he felt necessary prior to deciding whether to take legal action against the Complainant. However, the Member chose to copy the letter to the Chair and Vice Chair of the Council. It was found that, regardless of whether the Member wrote this letter in a private capacity, as he was a member of the Council and he copied the letter to the Chair and Vice Chair when the matter related to a matter which had been considered by the Council, this engaged the 'disrepute' provision in the Code of Conduct (which applies to a member's conduct at all times). The investigation found that by copying the letter to the Council, the Member intended to intimidate the Complainant and bring the personal dispute to the attention of the Chair and Vice Chair of the Council.

Although the conduct had the potential to amount to a breach of the 'disrepute' provision in the Code of Conduct, as it was an isolated incident and had no bearing on the Council's decision making, it was considered that the evidence may not be sufficiently strong for a finding of a breach of paragraph 6(1)(a) of the Code of Conduct to be taken by the local Standards Committee. It was not considered to be in the public interest for any further action to be taken.

The Member was reminded to take more care in relation to his engagement with the Council on matters relating to his personal business which may, or have the potential to give, the appearance of conflicting with his role as a councillor.

21 June 2023