

**Decision issued under paragraph 69(2) of the
Local Government Act 2000
Case Number: 202205952**



Summary of complaint

It was alleged that the Member has undertaken a sustained Social Media hate campaign against the complainant since 2017. The complainant said that the Member's brother had threatened him because he had written to the Council, and this has been addressed by the Police. The complainant says others have witnessed the behaviour, but he has not indicated what has been witnessed, nor provided statements. Therefore, I cannot consider whether, even if proven, it would amount to a breach of the Code of Conduct. It is also of note that the alleged witnesses are linked to the Council and are aware of the Code of Conduct process. It is open to them to make a complaint if they consider it appropriate to do so.

What we do

In determining whether to investigate a breach of the Code, the Ombudsman applies a two-stage test. The first stage is a consideration of whether there is evidence to suggest that a breach of the Code may have occurred. The second stage is a consideration of whether it is in the public interest to undertake an investigation of the matters complained about. This involves the consideration of a number of public interest factors such as the seriousness of the alleged behaviour, whether the member misused a position of trust or has sought to gain, for themselves or others, at public expense, whether an investigation is required to maintain public confidence in elected members, whether an investigation is proportionate in the circumstances or whether, if proven, a referral to a Standards Committee or the Adjudication Panel for Wales would be appropriate.

My Decision

(1) Whether there is evidence to suggest that there have been breaches of the Code of Conduct.

Evidence has not been provided to substantiate the complaint, and the Ombudsman will not investigate unless there is reasonably strong evidence to suggest that the member concerned has breached the Code.

It should also be noted that the actions of the Member's brother cannot be considered by the Ombudsman and the appropriate body to consider complaints of that nature is the Police.

(2) Whether an investigation is required in the public interest

As no evidence has been provided, of a breach of the Code of Conduct, an investigation is not required.

Outcome

The complaint should not be investigated.



Sinead Cook

Rheolwr Ymchwilio Cynorthwyol/Assistant Investigation Manager

4 January 2023