

**Report Date**

10/20/2023

**Case Against**

Monmouthshire County Council

**Subject**

Promotion of equality & respect

**Case Reference Number**

202201568

**Outcome**

No Action Necessary

The Ombudsman received a complaint that a member (“the Member”) of Monmouthshire County Council (“the Council”) may have breached the Code of Conduct by the comments the Member made in a public Council meeting about a missing person. It was alleged that the comments were insensitive to the missing person’s family.

The Ombudsman’s investigation considered whether the Member’s conduct may have breached paragraphs 4(b) and 6(1)(a) of the Code of Conduct. Information was obtained from the Council. Witnesses, including the complainant, were interviewed. The Member was interviewed. Information was obtained from the Police.

The Ombudsman’s investigation found that the Member had been asked for help by a constituent, who was also related to the missing person. The Police did not share any information with the Member about the missing person. The Ombudsman found that the Member’s explanation that he was acting on behalf of his constituent in making the comments appeared reasonable. However, the Ombudsman found that the Member should have been mindful of the sensitive and upsetting nature of the matter. The complainant found the Member’s comments upsetting and distressing to hear and the Ombudsman noted that the comments were made in a full Council public meeting. She considered that the public nature of the comments and references to the missing person could be considered as disrespectful to the family of the person who was missing. The Ombudsman found that discussing such a sensitive and upsetting matter as part of Council business may have failed to show respect and consideration to the complainant and accordingly, were in breach of paragraph 4(b) of the Code.

The Member said that he was representing his constituent in making the comments and that his comments were made as part of a political point. This meant that careful consideration of the enhanced protection councillors have, which permits the use of language in political debates which might, in non-political contexts be regarded as inappropriate or unacceptable had to be carefully considered. In view of this, the Ombudsman was not persuaded that the conduct was likely to have brought the Member's office of councillor or his Authority into disrepute (in breach of paragraph 6(1)(a) of the Code of Conduct).

The Ombudsman acknowledged that the Member was asked for help by a constituent and had explained that he was trying to help his constituent in making the comments complained about. It was noted that the Member had not received information which he had been asked to keep confidential and his comments were made as part of a political debate. In view of this, the Ombudsman did not consider that further action was needed in the public interest. The Ombudsman reminded the Member of the need to be mindful when commenting on sensitive matters in any future council meetings.

The Ombudsman found that under Section 69(b) of the Local Government Act 2000, my finding is that no action needs to be taken in respect of the matters investigated.