

Report Date

09/13/2023

Case Against

Ffestiniog Town Council

Subject

Disclosure & register of interest

Case Reference Number

202201791

Outcome

No Action Necessary

The Ombudsman received a complaint that a Member (“the Member”) of Ffestiniog Town Council (“the Council”) had breached the Code of Conduct (“the Code”) by failing to declare a personal and prejudicial interest when the Council took the decision not to support a request by local residents to oppose an application to the Land Registry Tribunal which had been made by a fellow councillor, the Member’s friend. It was also alleged that the Member had subsequently sent a statement of support for his fellow councillor’s application.

The Ombudsman’s investigation considered whether the Member had breached the Code by failing to declare a personal and prejudicial interest, by using his position to create an advantage or disadvantage for someone and whether he had brought his office or authority into disrepute.

Information was obtained from the Council and witnesses were interviewed.

The Member acknowledged that his intention to write a statement of support for his fellow councillor’s application to a Land Registry tribunal meant that he held a personal and prejudicial interest and that he should have declared the interest and not participated in discussion of those matters at council meetings.

The Ombudsman found that the actions of the member were suggestive of breaches of the Code in that he had failed to declare a personal and prejudicial interest and had made representations at council meetings when he should not have done so. However, the Ombudsman also noted that advice given by other councillors and the Clerk was not as clear as it could have been.

The Ombudsman was not persuaded that these events had, or were likely to have, an effect on the reputation of the Council as a whole, because it was unclear whether the Member's input would have affected the Council's decision and it was a limited decision affecting only a small group of people in the area.

The Ombudsman was also not persuaded that the Member used his position improperly or in a way that was suggestive of a breach of the Code because, had he declared a personal and prejudicial interest, he would not have been prevented from writing the statement if he wished to do so in his personal capacity and the fact that he was a member of the Council did not give him an advantage in that situation.

The Member had not received training on the Code before the events that gave rise to the complaint. The Member signed an undertaking to abide by the Code before he took up his role. This should not have been taken lightly and should have alerted him to the fact that he was under a duty to understand the Code in order to abide by it. He has since attended training on the Code as well as several other courses and now better understands the requirements of the Code and his responsibilities as a member of the Council.

The Ombudsman found that although the Member's actions were suggestive of a breach of the Code the limited impact of his actions, the mitigation provided by the unclear advice he received and the actions he has since taken to address his understanding of his obligations, meant it would not be in the public interest to take further action.

The Ombudsman found that under Section 69(4)(b) of the Local Government Act 2000 no action needed to be taken in respect of the matters investigated.