

Extract from 'Our Findings'

Relevant body: Conwy County Borough Council

Report date: 07/09/2023

Subject: Duty to uphold the law

Case ref number: 202205954

The Ombudsman received a complaint that a Member ("the Member") of Conwy County Borough Council ("the Council") had breached the Code of Conduct ("the Code") by participating and voting in a Council meeting, which he attended virtually, while appearing to be driving.

The Ombudsman's investigation considered whether the Member had breached the Code by bringing his office or authority into disrepute.

Information was obtained from the Council, including minutes from the relevant Council meetings and videos of the incidents that led to the complaint. Information was also obtained from the Member and from the Police.

The video footage from the first Council meeting showed the Member to be driving a vehicle whilst participating in the meeting and the Member acknowledged that this was the case. The Member felt it important that he attend all meetings. Subsequent videos showed the car either to be stationary or that the Member was in the passenger seat.

The Police said it had not received a complaint and it would not now be in the public interest to investigate the matter. It is not the Ombudsman's role to determine whether the Member's actions would have amounted to criminal behaviour. However, the Police decision does not mean the Member's actions were considered acceptable.

The Ombudsman found that the actions of the Member were suggestive of a breach of the Code. The public rightly expect elected members to engage fully with Council business and to attend a meeting whilst driving a vehicle demonstrated poor judgement and had the potential to bring the Council into disrepute.

The Ombudsman considered that there was evidence of a single incident where the Member was driving and interacted with the meeting, and that it did not appear to be indicative of

repeated behaviour. That subsequent videos showed the Member to be in the passenger seat or in a stationary vehicle suggests the Member had not repeated the behaviour and has learned from this complaint.

The Ombudsman found that although the Member's actions were suggestive of a breach of the Code, that he had not repeated the behaviour since, and the lack of a criminal investigation 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.

This decision will be held on record and will be taken into account if there is any future similar behaviour by the Member.