

**Decision issued under paragraph 69(2)
of the Local Government Act 2000
Case Number: 202409446
Complaint against Councillor Mike Stoddart (“the Member”)
of Pembrokeshire County Council (“the Council”)**

Summary of complaint

It was alleged that the Member did not declare a personal or prejudicial interest in matters being discussed when sitting on a planning delegation panel. It was also alleged that in the same meeting the Member made disparaging remarks regarding the process of planning delegation and the applications heard on the day.

How we decide whether to investigate

To decide whether to investigate a breach of the Code of Conduct (“the Code”), we apply a 2-stage test. First, we consider whether there is evidence to suggest that a breach of the Code may have occurred. Second, we consider whether it is in the public interest to investigate the matters complained about. We take into account 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 may have been breaches of the Code of Conduct

The Complainant alleged that the Member did not declare a personal or prejudicial interest in the matters being discussed. Whilst no evidence was provided to demonstrate the alleged interest, the Complainant believed that the Member had an interest because the applicant of the planning application had stood against him in the last County Council election. Whilst it is possible that close personal connections can include a relationship where parties have been in dispute, being political rivals is not sufficient in itself to constitute a close personal associate.

Turning now to the comments made by the Member. It was alleged that the Member suggested that the planning delegation process was a way for the friends of applicants to bypass the planning system. It may be helpful if I explain that everyone has the right to the freedom of expression under Article 10 of the European Convention on Human Rights, which is incorporated into UK law by the Human Rights Act 1998. When acting as an elected member and expressing political views or conducting political business, a member's freedom of expression is afforded enhanced protection, more so than an ordinary member of the public. Further, as politicians, members are likely to be afforded protection even where the language used by them may be inflammatory, provided the focus of it is political. Political comments are not confined to the Council chamber and can include comments members may make generally about their authority's policies or government policies. Political expression extends to all matters of public administration. The comments to which the Complainant refers, in my view, can reasonably be regarded as political expression and said to benefit from the enhanced protection afforded by Article 10. I do not consider that the comments are so inflammatory, violent or shocking that they could amount to a breach of the Code.

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

The conduct complained about does not meet the first stage of the test, as set out above, therefore, there is no need to consider the second stage of the test.

Outcome

The complaint should not be investigated.

Penderfyniad y Tîm Cod / Code Team Decision

a gymerwyd ar ran / taken on behalf of

Michelle Morris

Ombwdsmon Gwasanaethau Cyhoeddus / Public Services Ombudsman

13 March 2025