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Document / Report #515

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Title	Motion for Debate - Restoration of Investigation Procedure
Date	13th February 2026

Proposed By: Cllr Alison Davies
Seconded By: TBC

Proposal

Should the Ombudsman report to the Town Clerk that any councillor is under investigation, the said councillor should stand down from the position of Chair or Vice-Chairmanship of Welshpool Town Council Committees and from any external duties where they represent Welshpool Town Council.

The standing down should last for the period of investigation.

Purpose

This Council has seen public respect and motivation to participate in the democratic process drastically reduce over the past 10 -15 years and this process will help to restore the standing of the Council by acknowledging that any such Ombudsman's investigation is taken seriously by Welshpool Town Council.

Background

Historic documents of Welshpool Town Council record the process and its utilisation when an Ombudsman is carrying out an investigation into a single, or number of Councillors.

Motion

It is proposed that this procedure by reinstated and also added to Standing Orders.

Town Clerk's Additional Note

The motion proposes that any councillor who is under investigation by the Public Services Ombudsman for Wales should stand down from the position of Chair or Vice-Chair of committees and from any external appointments during the period of investigation, and that this process be incorporated into Standing Orders.

Under the standards framework in Wales, matters relating to alleged breaches of the Code of Conduct fall within the jurisdiction of the Public Services Ombudsman for Wales and the Principal Authority's Standards Committee. The Town Council does not possess disciplinary powers over councillors in respect of conduct matters, and Standing Orders cannot introduce sanctions or restrictions that would amount to a parallel disciplinary process.

Members' attention is also drawn to the High Court judgment in R (Harvey) v Ledbury Town Council [2018] EWHC 1151 (Admin). In that case, a town council imposed restrictions on a councillor's committee roles and functions outside the statutory standards framework. The Court held that councils must not operate their own disciplinary regime alongside the statutory process and that measures linked to allegations or investigations, rather than proven breaches, may be unlawful if they amount to sanctions in substance. The judgment confirms that councils may organise their internal governance arrangements, but automatic restrictions tied to an investigation rather than a Council decision made on its merits carry legal risk.

Whilst the Council has general powers to organise its committees and make or review appointments to positions such as committee chairs or representatives on external bodies (see Standing Order 4 relating to committees and sub-committees), any decision to remove or require a councillor to stand down from such roles must be taken by resolution of Council on a case-by-case basis and framed as a governance decision rather than an automatic requirement linked solely to an Ombudsman investigation.

Members should note that an Ombudsman investigation does not represent a finding of breach, and introducing a mandatory requirement for a councillor to stand down could be interpreted as prejudging the statutory process or creating an additional sanction outside the legal framework. As drafted, the motion may therefore carry legal risk if incorporated into Standing Orders without amendment.

In conclusion, whilst Council retains powers to review committee appointments and external representations, Members should consider whether the proposed wording is legally robust before adopting it as a Standing Order. The Ledbury judgment indicates that an automatic requirement linked to an investigation may be open to challenge, and Members may wish to amend the proposal to allow Council discretion rather than imposing a mandatory process.