



## **Not for Publication by Herefordshire Council**

**Complaint Number COC101  
Councillor Daniel Lister of Ross-on-Wye Town Council**

### **Monitoring Officer Decision Notice following Initial Assessment**

#### Summary

The Council received a complaint that Councillor Lister had failed to comply with the Code of Conduct of Ross-on-Wye Town Council as follows.

In summary, the complainant alleges that the subject member's contribution to posts on Facebook in May 2025, alleging unethical and illegal behaviour on the part of the complainant, were in breach of the following parts of the Code of Conduct:

1. Section 1.1 I treat other councillors and members of the public with respect
2. Section 2.1 I do not bully any person
3. Section 5.1 I do not bring my role or local authority into disrepute

A copy of the code of conduct is linked here: [Code-of-conduct-ADOPTED-October-2022.pdf](#)

The complaint was accepted as it passed the jurisdictional test.

#### Background

The complainant is Liberal Democrat of Ross-on-Wye Town Council. .

The subject member is an independent member of Ross-on-Wye Town Council.

The complainant says that Cllr Lister commented on two posts on Facebook which accused him, along with other Liberal Democrats, by name, of unethical and illegal behaviour for holding a political party pre meeting about which candidates the Liberal Democrats would nominate and support for roles at the Annual Meeting of the Council on 12<sup>th</sup> May 2025.

It is not contested that a meeting between some of the Liberal Democrat members of the Town Council met on 29<sup>th</sup> April 2025.

The background to the events leading to the complaint have been described in local media: [Ross-on-Wye councillors' row over 'predetermination' claim | Hereford Times](#).

Draft minutes of the Town Council's meeting of 12<sup>th</sup> May 2025 are linked here: [Full Council](#)

The complainant added that being accused of unethical and illegal behaviour can have serious repercussions.

The Complainant considered that the subject member had breached paragraphs 1.1, 2.1, and 5.1 of the Councillor Code of Conduct of Ross-on-Wye Town Council.

### Local Assessment Criteria

I considered the Local Assessment criteria, sufficient evidence having been provided to enable me to do so.

The subject member provided a response to the complaint, which I considered. The subject member recognised that the Code of Conduct does apply, since the comments on social media related to Council business.

The subject member contended that nothing was said on social media that breaches the Code of Conduct.

I have read the relevant posts, and, in my view, there is no evidence of any breach of the Code of Conduct in the complaint submitted by the complainant.

In reaching this view, I was mindful of the responsibilities of members under the Code of Conduct, including the duty to treat others with respect.

I was also mindful that this is a complaint by one member of Ross-on-Wye Town Council, against another subject member, who is a member of Ross-on-Wye Town Council. Inevitably, in my view, that raises the strong likelihood of comments having been made in the context of political discourse.

I highlight the rights of members, under Article 10 of the Human Rights Act 1998, part of the European Convention on Human Rights, to freedom of expression. Caselaw has referred to the application of Article 10 as follows:

In the case of **Heesom v Public Service Ombudsman for Wales [2014] EWHC 1504 (Admin)**, Hickinbottom J formulated the following propositions in relation to Article 10 rights in the political sphere: -

(i) *"The enhanced protection accorded to freedom of expression in the political sphere applies to all levels of politics, including local.*

(ii) *Article 10 protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated. Whilst, in a political context, Article 10 protects the right to make incorrect but honestly made statements, it does not protect statements which the publisher knows to be false.'...*

The principles formulated in Heesom were re-iterated in the case of **Robinson v Buckinghamshire Council [2021] EWHC 214 (Admin)**, Mrs Justice Lang stating at paragraph 94 of the judgment:

*"...the Claimant was entitled to the enhanced protection afforded to the expression of political opinions on matters of public interest, and the benefits of freedom of expression in a political context outweighed the need to protect the reputation of the other councillors against public criticism, notwithstanding that the criticism was found to be a misrepresentation, untruthful, and offensive."...*

In summary, I do not believe any evidence was submitted that was indicative of a breach of the Code of Conduct.

I do not believe it would be in the public interest to investigate this matter further, noting that the views of both the complainant and the views of those who supported the unsuccessful nominee for the role of Deputy Mayor, have been aired with the press and thus, are already in the public domain.

I noted that the subject member took the opportunity, in his response, to address what I assume was considered to be relevant context to the social media posts. However, since this did not form part of the complaint, I have not dealt with the substance of those representations here.

I would take this opportunity to offer advice to all members, that they remind themselves of the guidance I issued about respect last year, and the LGA guidance to councillors about their use of social media. These are linked here:

[Guidance on respect - Councillors' code of conduct](#)  
[Guide to the role of councillors on social media | Local Government Association](#)

In summary, these guidance notes urge an attention to members' responsibilities under the Code of Conduct, particularly around respect. The LGA guidance includes the following, which is, in my view, pertinent in this case:

'Party politics can also be one of the main triggers for abuse and aggression on social media which can be particularly corrosive if it is between councillors of different political parties on the same council. Residents do not like to see their councillors being rude or hostile to one another on social media. It is vital that any political disagreements are handled politely and with respect to opponents.'

The Council may reach one of the three following decisions on a complaint, after initial assessment:

1. No further action should be taken; or
2. The matter should be dealt with through a process of informal resolution in the first instance;  
or
3. The matter should be referred for formal investigation.

### **Comments from Independent Persons**

I consulted with two of the Council's Independent Members and they agreed with my assessment and decision.

One commented: 'I am surprised that the political division evident in these complaints is so significant at Town Council level. However, given that the division exists, there is nothing that I see as unreasonable in the behaviour described.'

Perhaps of more concern is that these complaints appear to be from the majority against the minority. This may not bode well for future working of the council.

I agree with your assessment.'... and added it is hoped: '...that differences of opinion between councillors will be dealt with in future within the council's own procedures...'

The second Independent Person agreed with the comments above, and my assessment of the matter. They highlighted the relevance of the LGA guidance in this case, suggesting that, before posting on social media, councillors should be advised:

'... as representatives of the local public, to take a step back and ask: is the comment I'm about to post appropriate/reasonable/useful/informative, and if it isn't, then don't post it.'

**Monitoring Officer Decision**

I have had regard to the complainant's views as submitted in the complaint; the response from the subject member; and the evidence submitted by each at Initial Assessment.

I have taken into account the views of the Independent Persons.

**I confirm my decision that: -**

The complaint is rejected because it fails the local assessment criteria, since no evidence of a breach of the Code of Conduct is identified on the part of Councillor Lister, and it is not in the public interest to investigate this matter further.

Accordingly, I do not intend to take any further action in this case.

I do offer the advice indicated above regarding members' use of social media.

A copy of this decision will be published on the Council's website in accordance with section 5b of the Transparency Arrangements in the Council's adopted procedure. This will be for a period of 6 months from the date of publication.

A copy will be provided to the Complainant and Subject Member, and to the Clerk to the Town Council, as Proper Officer.

There is no right of appeal against this decision notice.

Claire Porter  
Monitoring Officer  
Herefordshire Council  
19.06.2025