



Complaint Number COC115
Councillor Julian Utting of Ross-on-Wye Town Council

Monitoring Officer Decision Notice following Initial Assessment

Summary

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

In summary, the complainant alleged that the subject member's posts on Facebook in May 2025, responding to the complainant's comments, 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 a Conservative member of Ross-on-Wye Town Council; the subject member is a Liberal Democrat member of Ross-on-Wye Town Council

The complaint regarding Councillor Utting is linked to published cases COC100-114.

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

The complaint concerned Facebook posts in May 2025. In one post, Councillor Utting challenged the complainant's assertion in a previous post, saying 'this is not true...'. The complainant said this amounted to calling her a liar and said she was worried about the impact this could have on her professional reputation.

Local assessment criteria

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

The complainant equated the phrase 'this is not true...' with the allegation that Councillor Utting has 'branded me a liar'. I did not accept this inference. Saying something is not true can be distinguished from calling someone a liar. The former challenges someone's recollection on a discrete point, whilst the latter is a slur on someone's general credibility and even character. That, in my view, is not what was inferred here and is not what any reasonable observer would understand from the post in question.

The subject member provided a response to the complaint. He refuted the allegation against him, and he highlighted the enhanced protection accorded to freedom of expression in the political sphere, which I will refer to more fully below.

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

In making this assessment I was mindful of the responsibilities of members under the Code of Conduct, and, whilst robust, none of the subject member's comments appeared to me to be disrespectful, bullying in nature, nor to bring the Council into disrepute.

I was mindful that this was a complaint by one member of Ross-on-Wye Town Council, against a subject member who is also a member of Ross-on-Wye Town Council. In my view, that raised the strong likelihood of a complaint made about events that occurred during political discourse, which was politically motivated and tit-for-tat.

To her credit, the complainant did attempt to speak with Councillor Utting about this complaint before it was submitted. However, her desired outcome of a public apology was always unlikely to elicit this response, since Councillor Utting accepted no wrongdoing on his part. In fairness to him, this accords with my assessment of events.

I also 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, which the subject member also referred to in his response. 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 on the part of Councillor Utting.

I do not believe it would be in the public interest to investigate this matter further, noting that views have been aired with the press and thus, are already in the public domain.

I have already offered advice to all members, that they remind themselves of the guidance I issued last year about respect; 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](#)

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 have consulted with two of the Council's Independent Members and they commented:

'I'm disappointed, though not surprised, to see yet another symptom of the tensions within this Town Council. I think it does no credit to the elected members. They need, I suggest, to reflect on their behaviour, and on how others see it.'

And

'I agree entirely ... they need to reflect on their behaviour and their social media posts. They appear to have given themselves free rein on saying whatever comes to mind. They need to take a step back and consider what they want to put on social media before doing so.'

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, as it fails the local assessment criteria, since no evidence of a breach of the Code of Conduct is identified on the part of Councillor Utting, 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.

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

8th July 2025