



REQUEST 18753

I request access to the following recorded information held by the Council, specifically relating to the official investigation into the conduct of former Councillor Maureen O'Bern regarding her attendance at the Southport disturbance in 2024:

1. Any and all final investigation reports, including any reports prepared by a barrister or external counsel, that relate to the formal investigation of an alleged breach of the Code of Conduct by former Councillor Maureen O'Bern concerning the Southport disturbance in 2024.
2. Any Decision Notice, Summary of Findings, or official statement issued by the Council's Standards Committee or Monitoring Officer regarding the outcome of this specific standards investigation.
3. The specific formal written decision regarding the allegation of a breach of the Code of Conduct in this matter, and any public sanctions or remedial action taken.

Please provide the information in an electronic format (e.g., PDF or email attachment).

RESPONSE

1. The Council does hold the information requested: the Investigation Report. However, the Council is refusing to disclose the information as it believes the exemption contained within s41 of the Freedom of information Act 2000 applies. The Report was supplied in confidence by the Investigator and is marked "Confidential" and "the report nor its content should be disclosed ". Its author did not intend the report to be disclosed and the Council believes that if it disclosed the report, disclosure would be actionable in law by the Investigator.

As the Investigation concluded that there had, in the opinion of the investigator, not been a potential breach of the Members Code of Conduct the report is not released from its confidentiality. Had there been a potential breach of the Code of Conduct and the matter proceeded to a hearing to determine if there had been a breach, the Report would have formed part of the Hearing documentation. Hearings are held in public unless there is a need for a private hearing taking account of the facts of the case.

2. A copy of the Decision Notice is attached.
3. As the matter did not proceed to a hearing no sanctions or remedial action were imposed. See 2 above for a copy of the Decision Notice

WIGAN COUNCIL

DECISION NOTICE

MEMBERS' CODE OF CONDUCT

Complainants: The identity of the Complainants are to remain anonymous

Subject Member: Cllr M O'Bern

Summary of Complaints:

The Complainants alleged that the Subject Member failed to comply with the Code due to comments made by her on social media about i) the protest following the Southport attacks; ii) Stephen Yaxley Lennon (a.k.a Tommy Robinson) and iii) the use of a house in multiple occupation.

Evidence and Information Considered:

1. The complaints.
2. The social media posts.
3. Response from the Subject Member.

Relevant Issues under the Code:

The Code applies only to the conduct of a member acting in their capacity as a councillor and not at any other time.

Decision:

In accordance with the Code and the Council's arrangements for dealing with complaints relating to it, the Subject Member was provided with copies of the complaints.

A formal investigation was conducted by an external investigator. The external investigator issued a report to the Monitoring Officer setting out his findings.

The Monitoring Officer has consulted with the Independent Person and confirms the external investigator's findings.

The Subject Member was not acting in her capacity as a councillor when she posted the comments about the Southport protests or Stephen Yaxley Lennon.

The Subject Member may have been acting in her capacity as a councillor when she posted about the use of a house in multiple occupation, but it cannot be established that the information was confidential.

The finding is that the Subject Member has not failed to comply with the Members' Code of Conduct.

This decision is final and there is no right of appeal against the decision. If, however, a party is unhappy with how their complaint has been handled, they may complain to the local government ombudsman whose contact details can be found at www.lgo.org.uk

A handwritten signature in black ink, appearing to read 'S. Ward', with a stylized flourish at the end.

Simon Ward
Strategic Lawyer – Corporate and Deputy Monitoring Officer
Wigan Council

4th August 2025