

Appendix

D

Our ref: 201100479

Ask for Beverley Jones

 01656 641186

Date: 10 August 2011

 Beverley.Jones@ombudsman-wales.org.uk

Councillor H.W. Thomas
Parc Yr Odyn
Pentraeth
Anglesey
LL75 8UL

Dear Councillor Thomas,

Code of Conduct Complaint

I am writing to let you know that the Ombudsman has decided that your self referral should be investigated. He has asked me to begin an investigation but you should be aware that the Ombudsman may discontinue the investigation at any time. Should this occur, you would be advised of the reasons.

I will contact you further when I have the information I require to hand.

Yours sincerely

Beverley Jones
Senior Investigator

Appendix

E

Deciding when the Code applies to you

See paragraphs 2 and 3

The Code applies to you:

1. Whenever you act in your official capacity, including whenever you are conducting the business of your authority or acting, claiming to act, or give the impression you are acting, in your official capacity as a member or as a representative of your authority.
2. At any time, if you conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute or if you use or attempt to use your position to gain an advantage or avoid a disadvantage for yourself or any other person or if you misuse your authority's resources.

Where you act as a representative of your authority on another relevant authority, or any other body including a Police Authority, you must, when acting for that other authority, comply with their Code of Conduct. When you are nominated by your authority as a trustee of a charity you are obliged when acting as such to do so in the best interests of that charity, in accordance with charity law and with the guidance which has been produced by the Charity Committee (see its website:

www.charity-commission.gov.uk).

If you are acting as a representative of your authority on another body, for example on the board of a housing association, which does not have a code of conduct relating to its members, you must comply with your authority's own code unless it conflicts with any legal requirements that the other body has to comply with.

If you refer to yourself as councillor, the Code will apply to you. This applies in conversation, in writing, or in your use of electronic media. For example, if you have a blog or use Twitter or another social networking service in your role as councillor, then the Code will apply to any comments you make there. Even if you do not use your title, if the content is clearly related to your role, the Code will apply.

Example

If you are nominated by your authority as the director of a company (a stock transfer housing association for example) you are obliged to act in the best interests of the company. If it has a code of conduct for its directors – you must abide by it. If it doesn't, you must comply with your authority's code, except on the rare occasions where it conflicts with any legal obligations the company may have. If you are suspended from office for any reason, you must still observe those elements of the Code which apply, particularly as set out in paragraph 2(1)(d) while you are suspended.

Preventing access to information

See Paragraph 5(b)

You must not prevent any person from accessing information which they are entitled to by law. This includes information under the Freedom of Information Act 2000 or those copies of minutes, agendas, reports and other documents of your authority which they have a right to access. To find out more about what types of information the public can access, contact the Information Commissioner's Office by visiting www.ico.gov.uk or by calling 0845 630 6060 or for specific queries, you should ask your monitoring officer or clerk.

Any information that you produce in your official capacity is liable to be subject to the disclosure requirements of the Freedom of Information Act, and your authority may be required to release it in response to a request. If you do not provide the information to the relevant officer of your authority on request, you will be in breach of the Code.

Your authority needs to decide whether to disclose information or whether it may be covered by an exemption. Even if you believe that information you hold is exempt, you must provide it to your authority's relevant officer to allow the authority to reach a decision. As well as being a breach of the Code, it is a criminal offence if information is destroyed after a Freedom of Information request has been received.

Disrepute

See Paragraph 6.1(a)

You must not behave in a way which would reasonably be regarded as bringing your office or authority into disrepute at any time.

As a member, your actions and behaviour are subject to greater scrutiny than those of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on your office or your authority.

Dishonest and deceitful behaviour will bring your authority into disrepute, as may conduct which results in a criminal conviction, especially if it involves dishonest, threatening or violent behaviour, even if the behaviour happens in your private life. Making unfair or inaccurate criticism of your authority in a public arena might well be regarded as bringing your authority into disrepute. Inappropriate emails to constituents might well bring the office of member into disrepute.

As outlined in the case example on page 15 above, you must also conduct yourself in an appropriate manner with others within the confines of a council's building, regardless of whether or not your conduct is likely to be in the public domain.

Example

A community councillor had been abusive to a shop proprietor and two members of her staff and had attempted to obtain a discount on a private purchase by saying it was being bought on behalf of the community council, and when his request for a discount was refused he had made threats against the business. The Adjudication Panel found that the member had brought the office of member into disrepute and suspended him for 9 months.

Appendix

F

Hefin Wyn THOMAS

Parc yr Odyn

Pentraeth

Anglesey

LL75 8UL

DOB: 08/06/1953 Age: 57

Gender: Male

Case Number: **1100046173**
Defendant Present: Yes
Informant: Phillip SLOUGH
Post-Hearing Custody Status:

1 **SS92036**

On 11/07/2008 at Anglesey dishonestly made a false representation, namely that the information provided on a Incapacity Benefit claim form was correct and complete whereas it was not as he had failed to declare that he was working, to the Department for Work and Pensions with a view to obtaining a benefit for yourself.

Contrary to section 111A(1)(a) and (3) of the Social Security Administration Act 1992.

ASN/Seq No.: 110000000000191704L/

WDRNOFF

Withdrawn in favour of another offence.

2 **SS92001**

On or about 11/07/2008 at Anglesey in the county of Anglesey, for the purpose of obtaining for yourself a benefit or other payment under relevant social security legislation or for any other purpose connected with that legislation, made a statement or representation, namely that application form for Incapacity Benefit was correct and complete whereas it was not as it omitted to declare that he was working, which you knew to be false.

Contrary to section 112(1)(a) and (2) of the Social Security Administration Act 1992.

ASN/Seq No.: 110000000000191704L/001

Plea: Guilty - 12/04/2011

ACNOTE

FO

Fined £750.00.

FVS

To pay victim surcharge of £15.00.

FCOST

To pay costs of £100.00.

11026330W DEPARTMENT OF WORK AND PENSIONS, BLOCK 1, GOVERNMENT BUILDINGS, ST AGNES ROAD, GABALFA, CARDIFF, CF14 4YJ

GPTAC

Defendant's guilty plea taken into account when imposing sentence.
Time To Pay: To be paid by 10/05/2011

BALANCE

Appendix

G

Case Ref: 201100479

Created by Beverley Jones **on** 10/08/2011 11:54:16

Title: Telecon with DWP- Ann Ledsham

Category: Telephone Call

Activity Date: 10/08/2011

Body:

Ann Ledsham rang in response to my enquiry re Cllr Thomas.

I advised her that of course I would send in a written request but briefly outlined what we already knew about the case and what we needed. She is involved with data protection but thought the fraud team may be best placed to deal with the enquiry. She said she would make enquiries and let me know. Her number is 01978 316080.

Beverley Jones

Appendix

H

Beverley Jones

From: Airey Mike JCP FIS WALES [MIKE.AIREY@JOBCENTREPLUS.GSI.GOV.UK]
Sent: 18 August 2011 11:27
To: Beverley Jones
Subject: as discussed - restricted

Beverley,

As discussed, we have taken advice from our Data Protection Team Legal Group and can disclose the following:

The person in question appeared in Holyhead Magistrates Court on the 12th April 11 where he pleaded guilty. He was fined £750, ordered to pay £100 costs and a £15.00 victim surcharge.

The total overpayment relating to the offence was £7,726.25 (incapacity benefit), the whole amount was re-paid prior to the court case.

Hope this is sufficient,

Regards,

Mike Airey

Team Fraud Investigator | Jobcentre Plus | Benefit Centre Directorate | 4A, Coed Pella Road | Colwyn Bay | LL29 8LR | Courier address Colwyn Bay Jobcentreplus | 01492 614861 | Mobile: 07825273816 | www.dwp.gov.uk

Ymchwilydd Twyll Tîm | Canolfan Byd Gwaith | 4A, Ffordd Coed Pella | Bae Colwyn | LL29 8LR | 01492 614861 | Symudol: 07825273816 | www.dwp.gov.uk/cymraeg

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Appendix

I

Beverley Jones

From: Airey Mike JCP FIS WALES [MIKE.AIREY@JOBCENTREPLUS.GSI.GOV.UK]
Sent: 18 August 2011 11:53
To: Beverley Jones
Subject: FW: as discussed - restricted

Beverley,

Further to my e mail below, I believe that you also require the period of the overpayment involved (as follows):

03/11/05 to 02/05/06 (£1,495)

10/07/08 to 24/01/10 (£6,231)

Regards,

Mike

Mike Airey

Team Fraud Investigator | Jobcentre Plus | Benefit Centre Directorate | 4A, Coed Pella Road | Colwyn Bay | LL29 8LR | Courier address Colwyn Bay Jobcentreplus | 01492 614861 | Mobile: 07825273816 | www.dwp.gov.uk

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-----Original Message-----

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To: 'Beverley.Jones@ombudsman-wales.org.uk'
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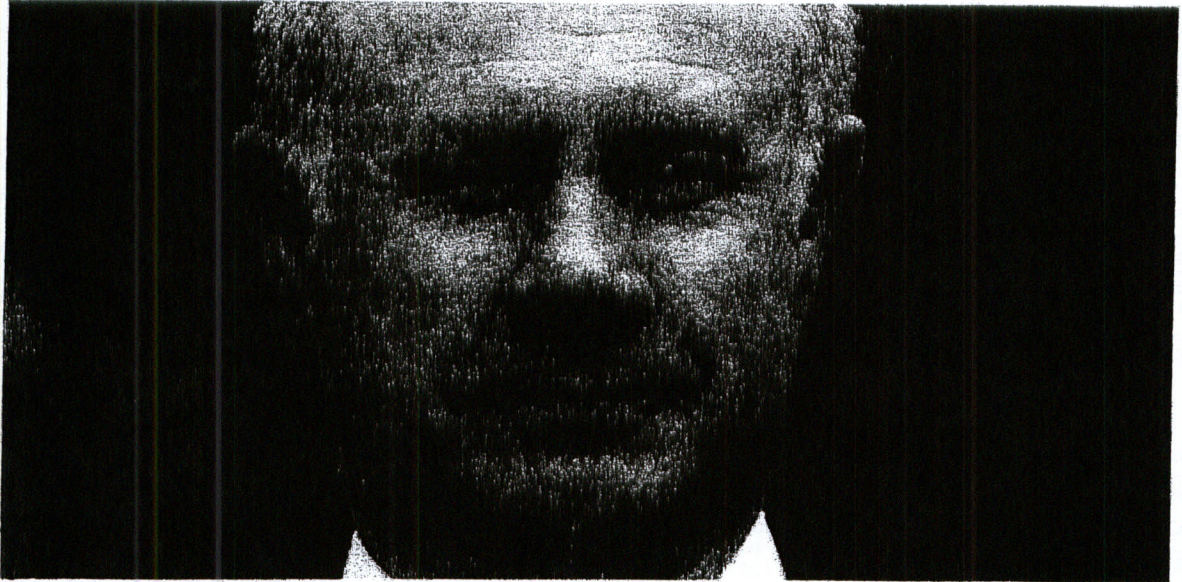
Appendix

J

Anglesey councillor to face court over benefit claim

by Owen R Hughes, DPW West

Mar 29 2011 (<http://www.dailypost.co.uk/news/north-wales-news/2011/03/29/>)



Anglesey councillor Hefin Thomas

A LONG serving councillor has been accused of failing to declare his council earnings while claiming around £7,700 in incapacity benefit.

Hefin Thomas, who represents Pentraeth on Anglesey, has been charged with making a false statement while claiming the benefit.

The former portfolio holder for Highways and Maritime is alleged to have failed to declare the full allowance income he received for his work as a county councillor.

It relates to an application for incapacity benefit after he was injured.

Cllr Thomas did not want to comment yesterday ahead of the case. But a source close to him said he would be strongly denying the charge and was keen to clear his name.

The case, brought by the Department of Work and Pensions, is understood to relate to a time when Cllr Thomas, a farmer, was recovering from a back injury. Cllr Thomas, leader of the Menai group, is due to appear at Holyhead Magistrates Court on April 12.

The date the charge refers to goes back to July 2008, when Cllr Thomas was an opposition councillor.

He added: "If he had taken more advice, detailed advice, he would not have found himself in this predicament."

Outside court, Cllr Thomas, Menai group leader, said: "I am pleased it was accepted this was a clerical error and it was proven that I had not been dishonest. I want to thank my friends and family for their support and say thank you for the overwhelming support from my constituents."

(<http://ad.uk.doubleclick.net/click;h=v8/3b12/0/0/%2a/o;44306;0-0;0;26988509;31-1/1;0/0/0;;~aopt=2/1/16/0;~sscs=%3f>)

Appendix

K

Anglesey councillor admits failing to declare allowances

DPW West

Apr 13 2011 (<http://www.dailypost.co.uk/news/north-wales-news/2011/04/13/>)

A LONG serving councillor has admitted failing to declare his council earnings while claiming around £7,700 in incapacity benefit.

Hefin Thomas, who represents Pentraeth, Anglesey, was charged with making a false statement while claiming the benefit after a back injury prevented him from doing farm work.

Yesterday he admitted failing to declare the full allowance income he received for his work as a county councillor.

His guilty plea came after the charge was reduced after the Department of Work and Pensions (DWP) accepted it had not been a "dishonest" claim and had been an error by Cllr Thomas.

He was fined £750 and ordered to pay £100 costs. He has already fully repaid the benefit money.

After the case Cllr Thomas welcomed the fact the DWP had accepted this had been a "mistake" and not a deliberate fraud. The case related to two periods of incapacity after a back injury. The first claim dated back to 2005 when Cllr Thomas was unable to work for six months. Over this period he claimed £1,495.

A second claim was made between July 2008 and January 2010, during which £6,231 was paid to the former portfolio holder for Highways and Maritime. He had not declared his council income the claims.

But Gareth Parry, defending, said that Cllr Thomas did seek advice on his claim from the DWP office in Llangefni.

On the dishonesty claim within the original charge, he said: "He took strong exception to that."

He said the lesser charge that did not allege dishonesty was an "important distinction" for Cllr Thomas who had a previous good character and "served his community well".

He added that once the dishonesty element of the charge was removed he had entered a guilty plea at the first opportunity.