

According to figures from Anglesey council, Cllr Thomas received a basic allowance of £12,418 and an additional special responsibility allowance of £1,416 between April 2008 and the end of March 2009.

Cllr Thomas, who has represented Pentraeth since 1995, had been responsible for Highways, Transportation and Maritime from June last year until this January under a council coalition.

An Anglesey County Council spokesman said: "Cllr Hefin Thomas has advised the authority that he will be vigorously contesting the charge and that the matter is now in the hands of his solicitor." Incapacity Benefit is paid to people who can't work because of illness or disability who are not entitled to Statutory Sick Pay, or Statutory Sick Pay has run out.

(<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

# L

# BBC NEWS

## WALES

---

12 April 2011 Last updated at 17:40

### **Anglesey councillor falsely claimed incapacity benefits**

**An Anglesey councillor has been fined £750 and told to pay £115 costs after admitting falsely claiming incapacity benefit at Holyhead magistrates court.**

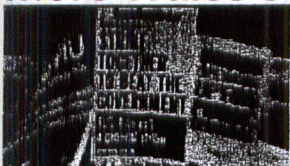
The charge was downgraded after it was accepted Hefin Wyn Thomas had made the false claims by mistake rather than through dishonesty.

Thomas, a farmer of Pentraeth, failed to declare his full allowance as a councillor on two claims.

He has repaid £7,726 falsely claimed for his back problems.

A spokesperson for Anglesey council said: "We are aware of the court case and its outcome. We will now be giving the matter further consideration."

### **More Wales stories**



40,000 workers on pensions strike

[\[/news/uk-wales-13971468\]](#)

Thousands of public sector workers in Wales are striking over pension changes, closing more than 1,000 schools and some government offices.

[Wales 'failing in key green aims'](#)

[\[/news/uk-wales-politics-13965601\]](#)

[Swansea match Rangel's ambitions](#)

[\[/sport1/hi/football/13966664.stm\]](#)



**BBC © 2011** The BBC is not responsible for the content of external sites. Read more.

# Appendix

# M

EIN CYF / OUR REF: GP/CT/THO326/1

EICH CYF / YOUR REF: 201100479

PARRY  
DAVIES  
CLWYD-JONES  
LLOYD

CYFREITHWYR ~ SOLICITORS

ymgorffori / incorporating  
Owens, Williams, W. R. Jones (Amlwch/Benllech)  
& Gwynfor Jones (Pwllheli)

Public Services Ombudsman for Wales,  
1 Ffordd yr Hen Gae,  
Pencoed.  
CF35 5LJ

13/09/2011



15 STRYD SALEM, AMLWCH,  
YNYS MÔN LL68 9BP  
TEL: 01407 831777 / 830665  
FAX: 01407 839141

TREM Y DON, BENLLECH,  
YNYS MÔN LL74 8TF  
TEL/FAX: 01248 852782

Dear Sirs,

**Re: Councillor H.W. Thomas, Isle of Anglesey County Council.**

We refer to our above-named client and his self-referral to Anglesey Council and your office following his appearance at Holyhead Magistrates' Court on 12<sup>th</sup> April 2011, to an offence of failing to provide information on material facts to the Department of Work & Pensions whilst claiming Incapacity Benefits following a back injury in July 2008.

Mr. Thomas visited the DWP Offices in Llangefni initially to ask whether he was entitled to benefit if rendered incapable of working full-time in his farming business because of this injury. He was advised that he could do so and spent considerable time with members of staff going through his personal details, income, expenditure etc. – including details of his wife's income and their joint assets.

Whether the question was asked or simply overlooked – Mr. Thomas failed to declare the allowances he received from the County Council in respect of his public office. As these are effectively "expenses" incurred in carrying out his role, he did not declare this as "income" and was duly awarded the benefit.

It was only after certain payments had been made that his position was reviewed by the DWP who duly explained that he would not have been eligible had that "income" been declared and that he was now to be investigated for making false representations to obtain benefit.

Mr. Thomas co-operated fully and attended the relevant interview in 2010. He made arrangements to make full voluntary repayments of all the monies received and was therefore not a little dismayed to find criminal proceedings commenced against him in March 2011.

*PARTNERIAID/PARTNERS:*

GERAINT CLWYD-JONES B.A. HONS. ALED W. JONES LL.B. HONS. NIA WYN LLOYD LL.B. HONS. GARETH PARRY B.A. HONS. LENA REES DAVIES LL.B. HONS. SION GWYN LL.B. HONS.

Gwasanaeth  
Cyfreithiol  
Cymunedol



Gwasanaeth  
Amddiffyn  
Troseddol



*YMGYNGHORWYR/CONSULTANTS:*

ELINOR C. DAVIES LL.B. HONS.  
MYRDDIN W. OWENS  
PETER EGAN LL.B. HONS.  
GWYNFOR JONES LL.B. HONS.

*RHEOLWR PRACTIS/PRACTICE MANAGER:*

*CYFREITHWYR CYNORTHWYOL/  
ASSISTANT SOLICITORS:*

PETER C. DAVIES LL.B. HONS.  
WINIFRED M. JONES LL.B. HONS.  
CATRIN ELERI ROBERTS LL.B. CYMRU  
SOPHIE MCANDREW LL.B. HONS.

*HEFYD YN - ALSO AT:*

CAERNARFON 01286 673381  
LLANGEFNI 01248 723106  
PWLLHELI 01758 703000

We were instructed to advise Mr. Thomas on his position and duly wrote to the DWP in Cardiff. It was clear from the evidence that Mr. Thomas had failed to provide relevant information in error or ignorance – as opposed to any wilful attempt to defraud. Our letter to the DWP dated 30<sup>th</sup> March 2011 points out the incongruous allegation of “dishonesty” under Section 111 of the Social Security Administration Act 1992. It offers a plea to the alternative allegation under Section 111, which involves no suggestion of dishonesty.

As can be seen from the DWP’s response dated 4<sup>th</sup> April 2011, they took no issue with this amendment and issued appropriate instructions to their Agent Solicitor for the Court hearing on the 12<sup>th</sup> April 2011.

At that Court hearing the allegation was duly amended and Mr. Thomas pleaded Guilty to an offence not alleging dishonesty. The DWP’s Solicitor accepted that this had been an unwitting error involving fairly complex forms; that Mr. Thomas has fully co-operated with the authorities, and had made a voluntary repayment of all the monies, thereby avoiding any loss to the public purse.

As you will note from the attached Attendance Note, the Magistrates gave Mr. Thomas full credit for his Guilty plea at the first available opportunity. Whilst they were concerned that a Councillor should find himself in this situation given his public profile, they accepted all of the mitigation and decided to reflect that by departing from their usual sentencing guidelines – which would normally be a Community Sentence as opposed to a simple financial penalty. In these particular circumstances they were satisfied that a financial penalty would suffice and they duly fined Mr. Thomas a total of £865.00 including costs. As we understand the position that sum was discharged within 28 days.

On our advice, Mr. Thomas then made a public apology to his constituents – which was reported in the local press. Subsequently he self-reported the matter to the County Council and to the Ombudsman. We would respectfully submit that this demonstrates that Mr. Thomas is a responsible individual who had done his best to abrogate the situation. Please note the letter from the Director of Legal Services regarding the steps taken by Mr. Thomas in this regard.

We note that the Ombudsman may not proceed with the complaint, but in the event that such a step is felt appropriate we wonder whether these representations might be taken into account?

If a complaint is pursued then we would respectfully argue for a reprimand given the specific circumstances and steps taken by Mr. Thomas in order to mitigate any harm. We understand that in many years service, Mr. Thomas has only previously been referred once to the Standards Committee, we after due consideration rejected the allegation then made against him. We would submit that he is therefore of good character and that this conviction should be treated as “out of character”. Indeed, we would respectfully point out that it arose in his personal capacity following injury – and not in his public role as a County Councillor. He has nevertheless apologised to all those who may have been embarrassed by this incident.

We respectfully ask you to consider whether it is in fact in the public interest to pursue a complaint in these circumstances. If despite the above representations you feel that one should proceed – may we please ask you to consider that a reprimand would in those circumstances then prove a sufficient sanction.

Thank you for taking the time to read these representations.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Gareth Parry', written over a light blue horizontal line.

**Gareth Parry**  
*Parry Davies Clwyd-Jones & Lloyd*

Encl



# Appendix

# N

COPY

Our ref: 201100479

Ask for Beverley Jones

Your ref: GP/CT/THO326/1

☎ 01656 641186

Date: 19 September 2011

✉ Beverley.Jones@ombudsman-wales.or

Mr Gareth Parry  
Solicitor  
15 Stryd Salem  
Amlwch  
Ynys Mon  
LL68 9BP

Dear Mr Parry,

Code of Conduct Complaint- Councillor Hefin Wyn Thomas

I write in reply to your letter of 14 September 2011 concerning the above.

I can advise you that the information you have provided will be taken into account in the Ombudsman's deliberations on this matter.

With regard to the penultimate paragraph of your letter, I would advise that it would not be for the Ombudsman to issue a reprimand on this matter as he is not empowered to do so. His role would be to decide on which one of the possible outcomes of the investigation as set out in Paragraph 69 (4) of the Local Government Act 2000 should apply.

Please advise me if you have any further queries on this matter.

Yours sincerely

Beverley Jones  
Senior Investigator

# Appendix

## O

**Personal details**

6 October 2011  
12:20 pm

Name Hefin Thomas  
Job Title Councillor  
Department Councillors  
Payroll No. Z01035

Title Mr  
Initials HW  
Forenames Hefin Wyn  
Known as Hefin  
Former name

Address Ty'n Pwll  
Pentraeth  
Ynys Mon  
Postcode LL75 8UL  
Tel. 01248 450566  
Notes

Birth date  
Sex M

Nationality Great Britain  
Ethnic origin White  
Disabled

**Councillors**

25-05-2011	Conducting a Scrutiny Review Panel - AM	0.50	Withdrawn
25-05-2011	Conducting a Scrutiny Review Panel - PM	0.50	Withdrawn
24-05-2011	Conducting a Scrutiny Review Panel - AM	0.50	Withdrawn
07-04-2011	Member Development: Commissioning - PM	0.50	Withdrawn
06-04-2011	Member Development: Commissioning - AM	0.50	Withdrawn
06-04-2011	Member Development: Commissioning	0.50	Withdrawn
10-03-2011	Effective Participation in Meetings - AM	0.50	Withdrawn
21-02-2011	Member training - Budget Workshop	0.50	
19-01-2011	Ian Bottrill - Political Protocols	0.50	
13-12-2010	Treasury Management	0.50	Failed to Attend
19-10-2010	WLGA Regional Programme Board Worksho	0.50	
28-07-2010	Scrutiny Development Workshop (pm)	0.50	Failed to Attend
14-06-2010	Ethical Operating of the Planning Com'ee	0.50	
28-04-2010	Refresher Code of Conduct (10am-1pm)	0.50	
20-04-2010	A Briefing on The Code of Conduct (am)		Failed to Attend
13-04-2010	The Role of Scrutiny (am)	0.50	Failed to Attend
24-03-2010	The Role of the Modern Member (pm)	0.50	
02-03-2010	Public Speaking at the Planning Committe	0.50	
10-02-2010	Planning Appeals Inspectorate for Wales	1.00	
18-11-2009	Planning Seminar	1.00	Withdrawn
23-09-2009	Planning Seminar	1.00	Withdrawn
23-03-2009	Basic Word	0.50	Withdrawn
25-02-2009	Planning Appeals Training	1.00	Withdrawn
24-02-2009	Authority as a Health Improvement Agency		Withdrawn
26-01-2009	Personal & Prejudicial Interests		Withdrawn
25-11-2008	Financial Matters		Withdrawn
21-11-2008	Leading Local Government in North Wales	1.00	Withdrawn
29-10-2008	Chairmanship Skills		Withdrawn

## Personal details

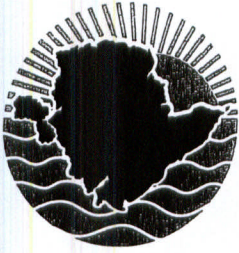
6 October 2011  
12:20 pm

Name Hefin Thomas  
Job Title Councillor  
Department Councillors  
Payroll No. Z01035

20-10-2008	Senior Executive Briefing - H&S		Withdrawn
30-09-2008	Leading Local Government In North Wales	1.00	Withdrawn
10-07-2008	Leading Local Government in North Wales	1.00	Withdrawn
09-07-2008	Constitution	1.00	Withdrawn
30-06-2008	Code of Conduct for Members		Withdrawn
27-06-2008	Data Protection & Freedom of Information		
28-11-2006	Planning Course	1.00	
23-10-2006	Health and Safety Presentation		
17-01-2003	After Care Services		
25-04-2002	The New Constitution	0.50	

# Appendix

P



**CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

Ms Beverley Jones - Senior Investigator  
Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend  
CF35 5LJ

P.S.O.W.

26 OCT 2011

P.S.O.W.

**ADRAN Y CYFARWYDDWR GWASANAETHAU  
CYFREITHIOL A PHWYLLGORAU  
DEPARTMENT OF THE DIRECTOR OF LEGAL AND  
COMMITTEE SERVICES**

**LYNN BALL LL.B., (Hons.) Cyfreithiwr/Solicitor  
CYFARWYDDWR GWASANAETHAU CYFREITHIOL A  
PHWYLLGORAU/SWYDDOG MONITRO / DIRECTOR  
OF LEGAL AND COMMITTEE SERVICES /  
MONITORING OFFICER**

CYNGOR SIR YNYS MON /  
ISLE OF ANGLESEY COUNTY COUNCIL  
Swyddfa'r Sir / Council Offices  
LLANGFNI  
Ynys Môn / Anglesey  
LL77 7TW

DX: 701771 - LLANGFNI

ffôn / tel: (01248) 752586  
ffacs / fax: (01248) 752132

E-Bost - E-mail: [LBXCS@anglesey.gov.uk](mailto:LBXCS@anglesey.gov.uk)

Ein Cyf - Our Ref. LB/CAH/CC-015201-LB  
Eich Cyf - Your Ref. 201100479

25 October, 2011

Dear Ms Jones

**RE: Complaint made to the Ombudsman by Councillor Thomas of Parc yr Odyn,  
Pentraeth, Anglesey**

I understand that you are conducting an investigation into a possible breach or breaches of the Code of Conduct by Councillor Hefin Thomas.

While your findings will obviously depend upon the evidence which emerges, should you be required to make a decision about whether any action needs to be taken against Councillor Thomas, I would be grateful if you could give due weight to the steps which the Councillor took by way of mitigation.

The Councillor sought Monitoring Officer advice, which he followed. The actions which he took were to:-

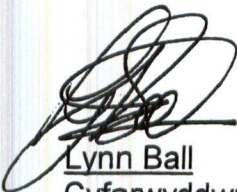
- stand down as Group Leader;
- stand down as Vice Chair of the Planning and Orders Committee and Licensing Committee;
- refuse the offer of a seat on the Council's Executive;
- issue a public apology in person to the full Council;
- agree not to take on any special responsibilities until after May 2012;
- self-report to the PSOW.

Subject to its factual findings, I consider that the Council's Standards Committee would attribute much significance to Councillor Thomas' prompt and unequivocal actions, when informing their decision about whether to impose any sanction.

Additionally, guidance on sanctions allows appropriate consideration to be given to the wider impact of any penalty imposed. As the role of the PSOW, and the Standards Committee, involves raising standards generally, as well as dealing with individual cases, there would seem to be a strong argument for ensuring that Councillor Thomas is given explicit credit for the remedial actions which he sought to take.

Many thanks

Yours sincerely



Lynn Ball

Cyfarwyddwr Gwasanaethau Cyfreithiol a Phwyllgorau/Swyddog Monitro  
Director of Legal and Committee Services/Monitoring Officer



# Appendix

# Q

## Beverley Jones

---

**From:** ask  
**Sent:** 01 November 2011 17:12  
**To:** MEIRION JONES  
**Subject:** RE: Cllr H W Thomas - 201100479

Dear Mr Jones

Thank you for your email which has been forwarded to Ms Jones for attention.

Yours sincerely

Complaints Advice Team

*Public Services Ombudsman for Wales/Ombwdsmon Gwasanaethau Cyhoeddus Cymru*  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend/Pen-y-bont ar Ogwr  
CF35 5LJ

Telephone/Ffôn: 01656 641150 - 0845 6010987 (local call rate)  
Fax/Ffacs: 01656 641199

---

**From:** MEIRION JONES [<mailto:RMJCS@anglesey.gov.uk>]  
**Sent:** 01 November 2011 17:17  
**To:** [Beverley.Jones@ombudsman-wales.org](mailto:Beverley.Jones@ombudsman-wales.org)  
**Cc:** LYNN BALL  
**Subject:** Cllr H W Thomas - 201100479

Dear Beverley Jones,

I refer to your letter of 28 October and our conversation of this afternoon.

I confirm that the current Code of Conduct was adopted by this Council on 9/5/2008 following the May 2008 election, and all the Councillors completed suitable undertakings at that time. That Code continues to be the current Code. What has been amended has been the Council's Constitution, but that has not affected the Code whatsoever.

The Constitution has been revised again recently, and the current version is Version 2 and dated 21 October 2011, and can be seen on the Council's website. The same Code continues to be seen at 5.1 of the Constitution.

I hope that this is sufficient for your purposes.

Yours sincerely,

Meirion Jones,  
Solicitor to the Monitoring Officer

\*\*\*\*\*

\*\*\*\*\* This email and any files transmitted with it are confidential and may be legally privileged. They may be read copied and used only by the intended recipient. If you have received this email in error please immediately notify the system manager using the details below, and do not disclose or copy its contents to any other person.

The contents of this email represent the views of the sender only and do not necessarily represent the views of Isle of Anglesey County Council. Isle of Anglesey County Council reserves the right to monitor all email communications through its internal and external networks.

Mae'r neges e-bost hon a'r ffeiliau a drosglwyddyd ynghlwm gyda hi yn gyfrinachol ac efallai bod breintiau cyfreithiol ynghlwm wrthynt. Yr unig berson sydd â'r hawl i'w darllen, eu copïo a'u defnyddio yw'r person y bwriadwyd eu gyrru nhw ato. Petaech wedi derbyn y neges e-bost hon mewn camgymeriad yna, os gwelwch yn dda, rhowch wybod i'r Rheolwr Systemau yn syth gan ddefnyddio'r manylion isod, a pheidiwch â datgelu na chopïo'r cynnwys i neb arall.

Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Môn. Mae Cyngor Sir Ynys Môn yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

# Appendix

# R