

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	8 March 2017
REPORT TITLE:	Findings of the Adjudication Panel for Wales
PURPOSE OF THE REPORT:	To provide information about the matters considered by the Adjudication Panel for Wales
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1. INTRODUCTION AND BACKGROUND

The Adjudication Panel for Wales was established as a result of the Local Government Act 2000 at it has two statutory functions:-

- To form case tribunals or interim case tribunals to consider reports from the Ombudsman following investigations into allegations that a member has failed to comply with their authority's code of conduct; and
- To consider appeals from members against the decisions of their local authority's standards committee that they have breached the code of conduct (as well as deciding if permission will be given to appeal in the first instance).

This report includes decisions made by the Adjudication Panel during the period from April 2016 to March 2017 and it is intended as a factual summary of the matters before by the Adjudication Panel. It will not replace the report presented to the Committee when the Adjudication panel is addressing a complaint in relation to the Isle of Anglesey County Council.

2. April 2016- March 2017

To note the contents of **Appendix 1**.

2.1 Decisions made

25/07/2016 – Vale of Glamorgan Council and Barry Town Council – APW/002/2015-016/CT

2.2 Appeals adjudicated

27/09/2016 –Manorbier Community Council – APW/001/2016-017/AT

Crynodeb o'r Tribiwnlysoedd Achosion - Ebrill 2016-Mawrth 2017* (* hyd at 27.02.2017)
Summary of Cases in Tribunal – April 2016-March 2017* (* until 27.02.2017)

Name	Summary of Facts	Relevant Provision of Code	Decision Summary	Findings
Cllr Robert Curtis	<p>An allegation that Councillor Curtis had breached the Vale of Glamorgan Council and Barry Town Council Codes of Conduct by receiving a conviction for common assault. The circumstances that led to the conviction were that Councillor Curtis touched the leg of a female with whom he was bird-watching in a bird hide on Skomer Island.</p> <p>In accordance with the Councillor's wishes the Case Tribunal considered the matter by way of written representations.</p>	Breach of paragraphs 2(1)(d) and 6(1)(a) of the Vale of Glamorgan Council, and paragraphs 3 and 6 of Barry Town Council's Code of Conduct.	<p>Unanimous decision that the Councillor should be suspended from acting as a member of Barry Town Council and Vale of Glamorgan Council for a period of 3 months, or if shorter, the remainder of his term of office.</p> <p>The Councillor's conduct had led to a criminal conviction and negative press comment about the Councillor. However, it was deemed to be an isolated incident, unlikely to be repeated and the Councillor had apologised for his behaviour. The Councillor had self-reported and co-operated with the investigation process.</p>	<p>The Ombudsman had referred the matter to the APW due to the allegations made against the Councillor. The Councillor's conviction was not by itself evidence of a breach of the Code of Conduct; but the conduct amounted to an assault and was disreputable conduct in breach of the Code.</p> <p>The Case Tribunal considered that it was entitled to look at the conduct that led to the conviction and decide whether it amounted to a breach of the relevant codes of conduct.</p> <p>The Councillor had requested that, given the nature of the allegation, the Case Tribunal had at least one male member on the panel. The Case Tribunal was sympathetic to the Councillor's request but the membership of the APW did not include a male so there was no practical way to accede the Councillor's request.</p>

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				<p>It was found that the Councillor's conduct, of touching the leg of a female whilst bird-watching on Skomer Island, without her consent, was unacceptable and capable of bringing the Councillor's office into disrepute.</p> <p>The Councillor's unsolicited touching of a young woman causing her distress and a resulting police prosecution (in which the Councillor had pleaded guilty) was unacceptable conduct and would lower public confidence in local democracy.</p>

Crynodeb o'r Achosion yn y Tribiwnlysoedd Apêl - Ebrill 2016-Mawrth 2017* (* hyd at 27.02.2017)
Summary of Cases in Appeal Tribunal – April 2016-March 2017* (* until 27.02.2017)

Name	Summary of Facts	Relevant Provision of Code	Decision Summary	Findings
Cllr Lynda Parker	<p>An appeal was submitted against the decision of Pembrokeshire Council's Standards Committee that the Councillor had breached the Manorbier Community Council's Code of Conduct and should be suspended for 2 months.</p> <p>The Case involved allegations that the Councillor had breached paragraphs 14(1)(a), (c) and (e) of the Code of Conduct by failing to declare a prejudicial interest, failing to withdraw from the meeting when the matter was being considered and the Councillor had made representations in her capacity as Councillor and voted on the motion.</p> <p>The Councillor was alleged to have a prejudicial interest in a planning application made for a caravan park which was in close proximity to her home and in respect of which she had previously raised complaints.</p>	Breach of paragraphs 14(1)(a), (c) and (e) of the code of conduct.	<p>Unanimous decision that the matter be returned back to the Standards Committee with a recommendation that the Councillor should be suspended for a period of 3 months.</p> <p>The original suspension imposed by the Standards Committee was for a period of 2 months. The Councillor was also required to attend a training course regarding the Code of Conduct within 6 months. However, the APW's recommendation increased the suspension to 3 months. The issue of attendance at training courses was deemed to be outside the Appeal Tribunal's powers, however it concluded that such attendance would be beneficial to the Councillor.</p>	<p>The Councillor owned land adjacent to other land owned by her neighbour Mr Brown, who had submitted the planning application for Buttyland Caravan and Camping Park.</p> <p>The Councillor had previously raised a number of concerns with the local planning authority about breaches of planning permission by both Mr Brown and another unrelated business operating near her property.</p> <p>The Councillor had declared a personal interest in the planning application when attending a meeting of Manorbier Community Council where the planning application was being considered; but had failed to recognise that a) due to the close proximity of the caravan and camping site to her home, and b) her previous representation in relation to planning control matters involving Buttyland Caravan and Camping</p>

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				<p>Park, she also had a prejudicial interest.</p> <p>The Councillor's assertion that her judgment of the public interest test would not be affected due to her professional background as a town planner was mistaken; she had a personal interest (as declared by the Councillor) and so needed to consider the objective test in terms of public interest. She did not have the benefit of a dispensation from the Standards Committee.</p> <p>A 'pre-meeting' had been arranged at the home of a fellow Councillor to discuss the planning application, prior to the community councils meeting itself. This was a cause for concern by the Ombudsman. The Appeal Tribunal explained that it was "not empowered to make findings about the wisdom of such meetings but given that council business should be carried out in a transparent and accountable manner" it could</p>

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				<p>understand the Ombudsman's concerns.</p> <p>The Councillor, as a former town planner, could, as asserted by the Appeal Tribunal, reasonably be expected to understand and recognise a prejudicial interest in relation to a planning application.</p>