

**CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL**

<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>28 June 2022</b>
<b>REPORT TITLE:</b>	<b>Adjudication Panel for Wales Decisions</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To provide information about the matters considered by the Adjudication Panel for Wales to date (published since the last Committee meeting on 16 December 2021)</b>
<b>REPORT BY:</b>	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer</b>
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## 1. INTRODUCTION AND BACKGROUND

The Adjudication Panel for Wales (APW) was established by the Local Government Act 2000. It has two statutory functions:-

1. To form case tribunals, or interim case tribunals, to consider reports from the Public Services Ombudsman for Wales (PSOW) following investigations by the PSOW into allegations that a member has failed to comply with their authority's code of conduct; and
2. To consider appeals from members against the decisions of their own 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 published by the APW during the period since the Standards Committee meeting on the 16 December 2021. It is intended as a factual summary of the matters decided by the APW. The reported cases for the relevant period are currently available on the APW website

## 2. SUMMARY OF THE RELEVANT CASES

A summary of the relevant case/s is/are at **ENCLOSURE 1**.

### 2.1 Decisions made

APW/001/2021-022/CT: Councillor Jonathan Bishop 7/9/10 February 2022

APW/005/2021-022/CT: Councillor Perry Morgan 20 January 2022

APW/006/2021-022/CT: Councillor William Roy Owen 20 December 2022

## **2.2 Appeals adjudicated**

APW/003/2021-022/AT: Councillor Gareth Baines 13 January 2022

### **3. RECOMMENDATION**

To note the content of the case summaries.

Summary of Cases in Tribunal –December 2021- March 2022

Name	Summary of Facts	Decision Summary	Findings
<p>Councillor Ray Owen Caernarfon Royal Town Council ('the Town Council') and Gwynedd Council</p> <p>APW/006/2020-021/CT</p>	<p>An allegation that Councillor William Ray Owen had breached the Code of Conduct for Members of Caernarfon Royal Town Council and Gwynedd Council: Breach of paragraphs 4(b), 4(c), 6(1)(a), 6(1)(d), 6(2) and 7(a) of the Council's Code of Conduct.</p> <p>.</p> <p>Allegation 1: Issues around Prescriptions, Volunteers and other matters</p> <p>The Allegation was summarised by the Ombudsman as follows; "Shared information about the complainant on Facebook and with professionals, associated with both Councils, about the complainant" and engaged the following Paragraphs of the Code; -</p> <p>Paragraph 4(b); "You must show respect and consideration for others".</p> <p>Paragraph 4(c); "You must not use bullying behaviour or harass any person".</p>	<p>In relation to <b>Allegation 1</b>, the APW decided that:</p> <ul style="list-style-type: none"> <li>- On the basis of the findings of fact and the documentary evidence, the Case Tribunal found by unanimous decision that the Respondent failed to comply with Paragraph 7(a), but not Paragraphs 4(b), 4(c) or 6(1)(a) of the Code in relation to Allegation 1</li> </ul>	<p>Sanction:</p> <p>The Clerk to the Tribunal reported that there had been no previously reported instances of breach of the Code of Conduct in relation to the Respondent. The Case Tribunal carefully considered the current Sanctions Guidance of the Adjudication Panel for Wales and, in particular noted the public interest- "The overriding purpose of the sanctions regime is to uphold the standards of conduct in public life and maintain confidence in local democracy. Tribunals should review their chosen sanction against previous decisions of the Adjudication Panel for Wales and consider the value of its chosen sanction in terms of a deterrent effect upon councillors in general and its impact in terms of wider public credibility. If the facts giving rise to a breach of the code are such as to render the member entirely unfit for public office, then disqualification rather than suspension is likely to be the more appropriate sanction."</p> <p>The Respondent did not consider that he should be made subject to any formal sanction, and he was particularly concerned that he would no longer</p>

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	<p>Paragraph 6(1)(a); “You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute”.</p> <p>Paragraph 7(a); “You must not in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage”.</p> <p>The Details of Allegation 2: The alleged Assault</p> <p>The Allegation was summarised by the Ombudsman as follows: -</p> <p>“Approached the complainant in the street and began an altercation which required police involvement” and engaged the following Paragraph of the Code;</p> <p>-</p> <p>Paragraph 6(1)(a); “You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.”</p>	<p>The Case Tribunal came to the unanimous conclusion that the Respondent had not breached Paragraph 6(1)(a) of the Code regarding Allegation 2</p>	<p>receive an allowance as a County Councillor if he was suspended or disqualified. This was due to his claim that his allowance went towards medical treatment for a young relative.</p> <p>The Ombudsman stated that communications from the Respondent were difficult to follow and that he did not engage in the investigative process in a meaningful way.</p> <p>The Ombudsman noted that the complaints about Councillor L have lacked foundation and credibility and that the impact upon Councillor L has been significant, causing stress and upset. It pointed to numerous breaches over a sustained period.</p> <p>It said that the Respondent has referred to a longstanding grudge against Councillor L for perceived slights, but that he has not provided any evidence of poor behaviour by Councillor L to justify the nature of his behaviour towards him.</p> <p>Finally, the Respondent, as an elected member, is a trusted person in the community with a following on social media. Therefore, his behaviour towards Councillor L could only be interpreted as an attempt to damage Councillor L’s standing within the community. The Case Tribunal’s Findings on Sanction 9.5</p> <p>The Case Tribunal considered that the breaches of Paragraphs 6(1)(d), 6(2) and</p>

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	<p>The Ombudsman reached the following conclusions in relation to this Allegation; -</p> <p>The evidence suggests that the Respondent assaulted a fellow Councillor, with whom Councillor Larsen was distributing leaflets advertising the services of a volunteer group linked to Councillor L, during the Covid-19 pandemic.</p> <p>The Respondent approached Councillor L, who was at the time in the company of another councillor on 5 July 2020 and there was an altercation.</p> <p>The police were involved and although the Respondent refused to sign the relevant community resolution paperwork, the police considered it appropriate to issue the Respondent with words of advice</p> <p>The Details of Allegation 3: The disclosure of Personal Information</p> <p>The Allegation was summarised by the Ombudsman as follows; “Posted information, which should reasonably be regarded as confidential, about the complainant’s family members”</p>	<p>The Case Tribunal concluded that, although the action may have damaged his personal reputation, it would not reasonably be regarded as an action which would bring the Respondent’s office or authority into disrepute. The voluntary service was not set up by the Town Council or Gwynedd Council and the reader would have associated the Respondent’s Facebook post in this</p>	<p>7(a) to have been serious breaches which went to the heart of the Nolan principles in terms of lack of honesty, integrity, openness, and leadership and which had the potential to undermine local democracy. It noted that the Respondent had persisted in a course of conduct of exaggerated, unsubstantiated, and malicious complaints which continued to undermine these principles.</p> <p>The Case Tribunal considered that the Respondent’s actions had been deliberate or at best irrational and in the circumstances, disqualification was a potential sanction in this case due to the seriousness of the breaches and to make it clear that this was unacceptable conduct in public office.</p> <p>Nevertheless, the Case Tribunal was mindful that disqualification in this instance might have a particularly disproportionate effect on the Respondent, as it would be likely to prevent him from standing for election until 2027. In the exceptional circumstances of this case, the Case Tribunal considered that a lengthy suspension would be likely to deter repetition.</p>

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	<p>and engaged the following Paragraph of the Code; - Paragraph 6(1)(a); "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute."</p> <p>The Ombudsman reached the following conclusions in relation to this Allegation; - The Respondent disclosed personal information by posting on Facebook that a volunteer group that the Respondent was involved with, had delivered a meal to Councillor L's parents.</p> <p>As a volunteer during the Covid-19 pandemic, the Respondent was privy to information that he would reasonably be expected to treat as confidential.</p> <p>The information that Councillor L's parents were receiving meals from a volunteer organisation during the pandemic, could reasonably be considered to be confidential.</p> <p>The post identified Councillor L's parents as elderly and vulnerable and could have put them at risk.</p> <p>The post related to the Respondent's role as a volunteer</p>	<p>instance with his private/volunteer capacity rather than his official one.</p> <p>The Case Tribunal therefore concluded by unanimous decision that the Respondent had not breached Paragraph 6(1)(a) of the Code.</p>	<p>The Case Tribunal had regard to sanctions imposed in previous cases and to the principle that the sanction imposed should be the minimum necessary to uphold the standards of conduct in public life and maintain confidence in local democracy.</p> <p>The nature and extent of the breaches and the level of culpability of the Respondent in this case, together with the potential consequences of the breach upon another individual, albeit a political rival rather than a member of the public or an officer, placed these breaches at the higher end of the suspension range in the circumstances. A suspension would need to provide sufficient time for the Respondent to reflect on his conduct before contemplating re-entering local politics.</p> <p>Mitigating Factors</p> <p>The Case Tribunal had regard to the following mitigating factors</p> <p>The Case Tribunal was aware that the Respondent had referred to a range of health issues and personal circumstances and it had no reason to disbelieve that he was suffering from a degree of stress due to the Ombudsman's investigation.</p>

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	<p>rather than as an elected member.</p> <p>4.4 The Details of Allegation 4: Threatening proceedings, certain actions, and complaints The Allegation was summarised by the Ombudsman as follows; “made several complaints to the Clerk, the Police and to the Ombudsman, which lacked foundation and appeared to be motivated by malice or political rivalry” and engaged the following Paragraphs of the Code; - Paragraph 6(1)(d); “You must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.” Paragraph 7(a); “You must not in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage.” The Ombudsman</p>	<p>Decision in relation to Allegation 4 On the basis of the findings of fact and the documentary evidence, the Case Tribunal found by unanimous decision that the Respondent had failed to comply with Paragraph 6(1)(d) for the following reasons.</p> <p>The Case Tribunal was satisfied that in relation to the multitude of threats of proceedings and complaints against Councillor L, the Respondent was acting in his capacity as an elected member. He wrote directly to the Clerk of the Town Council and to the Monitoring Officer of Gwynedd Council in his official capacity, using his Council e-mail address and signed them off as Councillor. The Case Tribunal was therefore satisfied that all provisions of the Code applied in principle to this Allegation, including Paragraph 6(1)(d). 8.4.7 The Case Tribunal was satisfied in the circumstances, that the Respondent had made a large number of vexatious, malicious and frivolous complaints against Councillor L on a range of subjects, which lacked any real foundation. He’d made these complaints to the Clerks of the Town</p>	<p>The Ombudsman also acknowledged that; “Although Councillor Owen has not presented evidence of his ill health, his behaviour is not as you would expect from someone who is well” and “Councillor Owen has indicated that he has pressures in his life which have contributed to his actions. It should also be noted that his behaviour towards Councillor Larsen appears to have worsened during the COVID 19 pandemic”. A record of over 20 years’ service in local government.</p> <p>The Respondent expressed some limited regret and noted that one of his comments had been “a bit strong”. He said that he had no malice against the Ombudsman’s Investigating Officer and that it was just his heath “kicking in”. He said that he had nothing against her and that he recognised that she was just doing her job.</p> <p>He referred to several apologies that he had made, and provided a copy of a written apology to Councillor L, although there was no evidence that he had communicated this apology to Councillor L.</p>

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	<p>reached the following conclusions in relation to this Allegation; -</p> <p>The Respondent made several references to seeking an injunction against Councillor L, including to third parties, and he regularly threatened to “take matters further” to apply pressure to various parties with whom he was in disagreement.</p> <p>The Respondent made numerous statements referencing an injunction, raising complaints, or involving the media, to the Town Clerk, the Chief Executive, the Social Care Team and to the PSOW. The Respondent also made similar comments on Facebook. Apart from seemingly seeking advice from a Romford-based solicitor on 16 September 2020, the PSOW had not seen any credible evidence that the Respondent had issued legal proceedings seeking an injunction as claimed, despite informing the PSOW’s officer on 20 September 2020 that he had instructed the solicitor to act.</p> <p>No Pre-Action Protocol letter had been received or any indication that an injunction had been sought against Councillor L by</p>	<p>Council, the Monitoring Officer, the Ombudsman and the police. There was little evidence that any of the threatened judicial steps had been carried out, save for an initial letter from a firm of solicitors in Romford and initial instructions to another firm of solicitors. He had made two complaints to the Ombudsman, however then failed to provide any evidence to substantiate these complaints and subsequently requested withdrawal of these complaints. 8.4.8 As an example, the Respondent had received a full explanation of how the prescriptions issue had arisen and about the concerns which had led to a change in methodology for release of prescriptions. The Respondent persisted in obsessively pursuing this matter however, despite the explanation from the Chief Executive of Gwynedd Council, which should have provided sufficient comfort to the Respondent, and which should have concluded the matter.</p> <p>The Case Tribunal had no hesitation in concluding that the motivation for the complaints included an element of malice in view of the stated intention to “get rid” of Councillor L as a priority. He had used various means and platforms</p>	<p>He briefly acknowledged a need to change his behaviour, and he had referred to being willing to attend further training. He also acknowledged that if he engaged in Council committees, then he would get answers to concerns. He said that he has removed himself from Facebook.</p> <p>Aggravating Factors</p> <p>The Case Tribunal had regard to the following aggravating factors: -</p> <p>The Respondent had long experience of local government and should have been immersed in the Nolan Principles and been well-versed in Code expectations.</p> <p>He had sought to unfairly blame others for the Respondent’s own actions, primarily Councillor L but also others including an officer of Gwynedd Council and the Clerk of the Town Council.</p> <p>The Respondent persisted with a pattern of behaviour that involved repeatedly failing to abide by the Code.</p> <p>He had not acted with candour during the investigation, for example, he had sent a formal complaint to the Ombudsman about Councillor L, giving</p>



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	<p>the Respondent or his legal representative.</p> <p>The Respondent's complaints about Councillor L have lacked foundation and his claimed involvement with the media also lacked credibility. Nevertheless, the repeated comments to a number of different parties, made Councillor L feel undermined and intimidated.</p> <p>The Respondent made vexatious, malicious, or frivolous complaints about various agencies and made two untrue and entirely fabricated complaints that Councillor L had breached the Code of Conduct to the PSOW's officer.</p> <p>The Respondent also made a report of harassment against Councillor L to North Wales Police, although he did not wish to make a formal complaint.</p> <p>These complaints appear to be in retaliation for the complaints made about him.</p> <p>The Respondent has refused to provide the evidence he claimed to have in support of these complaints on two occasions. The complaints against Councillor L were unsubstantiated and</p>	<p>to attempt to achieve this result. It considered that the complaints were also vexatious and frivolous and led to an escalation of events and grossly disproportionate use of the complaint mechanisms of the various bodies during the pandemic. It noted that there appeared to be a pattern of behaviour in finding new issues and avenues through which to pursue his stated aim of getting rid of Councillor L. It therefore found that there was a prima facie breach of Paragraph 6(1)(d) of the Code.</p> <p>As to Paragraph 7(a) of the Code, the Case Tribunal considered that it was the same body of evidence which led to a finding of a breach of 7(a) in relation to Allegation 4 and Allegation 1 and, in the circumstances, it did not consider it necessary to re-visit this.</p>	<p>police crime reference numbers which did not relate to Councillor L.</p> <p>The Respondent, despite expressing regret, appeared not to understand or fully accept the misconduct and any consequences of his misconduct.</p> <p>The Respondent refused to accept the facts, despite clear evidence to the contrary in relation to the prescriptions issue.</p> <p>Article 10 ECHR Considerations The Case Tribunal recognised that the sanction of suspension comprised a prima facie breach of Article 10 in that the finding could be deemed to restrict the Respondent's right to freedom of expression.</p> <p>It considered however that the sanction was a penalty prescribed by law and needed to be of a length which was proportionate in all the circumstances, bearing in mind the public interest and the need to uphold law and justice and to protect the reputation and rights of others in a democratic society.</p> <p>The Case Tribunal recognised that suspension would impact upon the</p>

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	<p>therefore appear to be vexatious and malicious.</p> <p>4.5 The Details of Allegation 5: Failure to co-operate with the Ombudsman's investigation The Allegation was summarised by the Ombudsman as follows; "deliberately failed to engage with my investigation in an attempt to obfuscate the process" and engaged the following Paragraph of the Code; -</p> <p>Paragraph 6(2); "You must comply with any request of your authority Paragraph 6(2); "You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers".</p>	<p>Decision in relation to Allegation 5 The Case Tribunal considered that the Respondent had entirely failed to comply with the reasonable and appropriate requests of the Ombudsman in trying to conclude a fair investigation process. He failed to co-operate with the Ombudsman's investigator who was acting in accordance with the Ombudsman's statutory powers. He had returned the Ombudsman's file of evidence and, as a Councillor is expected to consider and respond to the Ombudsman's investigation, based upon the information within the file, this evidenced a failure or willingness to engage with a vital process in upholding the Code.</p> <p>As the Respondent has been able to correspond at length with the Ombudsman as well as other individuals and bodies, albeit without a clear focus, the Case Tribunal considered that the Respondent could and should have co-operated and responded fully and properly to the Ombudsman's investigation. He had been provided with several opportunities to give meaningful evidence and submissions to the</p>	<p>Respondent's Article 10 rights. It concluded however that a suspension for nine months was the minimum necessary to recognise the serious nature of the Respondent's breaches of the Code.</p> <p>The sanction was necessary in this case to uphold standards of conduct in public life, and also to protect the rights and reputation of others from unsubstantiated and unfair allegations.</p> <p>The Case Tribunal concluded by unanimous decision that Councillor Owen should be suspended from acting as a member of both Caernarfon Royal Town Council and Gwynedd Council for a period of nine months or, if shorter, the remainder of his term of office, with effect from 21 December 2021.</p> <p><u>Learning Point</u> This case shows how the tribunal differentiates between 'official' and 'unofficial' actions. The respondent avoided a more draconian sanction as the Tribunal decided that in some instances, the councillor was not acting in his capacity as a councillors but as a member of the public.</p>

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		<p>Ombudsman. He had also been provided with opportunities to supply specific evidence that he was medically unable to engage with the specific process of an Ombudsman's investigation or to engage the assistance of a friend or appoint a legal or other representative to assist. There was no evidence produced however of any significant health condition which prevented engagement with the Ombudsman's investigation.</p> <p>The Case Tribunal considered that the Respondent's various attempts at obfuscation appeared to be designed to delay or confuse the process and to deflect from the allegations. The unwillingness to respond to questions, but conversely to respond at length and in bullish terms about other issues, meant that the Respondent had deliberately failed to engage with the statutory process to investigate complaints against him.</p> <p>The Case Tribunal also considered that the Respondent had not responded to reasonable adjustments made by the Ombudsman in relation to the investigation, including engaging through a representative, despite having professional support from an</p>	

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		<p>advocate, and having the opportunity to respond to written questions rather than participate in a formal interview. The Case Tribunal did not doubt that the Respondent was finding the investigation process stressful, however he continued to act as a ward Member on the Town Council and on Gwynedd Council and he was receiving support. The Case Tribunal considered that he had gone out of his way to disrupt and avoid the statutory process.</p> <p>In the circumstances, it was the Case Tribunal's unanimous decision that the Respondent had breached Paragraph 6(2) of the Code. It considered that Article 10 ECHR was not relevant in the context of a refusal to co-operate with processes and to respond to questions. Even if it was relevant and the failure to comply with reasonable requests of the Ombudsman could be seen to be, in itself, a political expression, the Case Tribunal considered the Respondent's behaviour towards the Ombudsman's investigation and the Investigating Officer to be so egregious that Article 10(2) should apply. It considered that it was necessary to invoke the Code to</p>	

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		protect and uphold the law and the reputation and rights of others.	
<p>Councillor Perry Morgan Abertillery and Llanhilleth Community Council Breach of paragraphs 4(a), 4(b), 4(c), 6(1)(a), and 6(2) of the Council's Code of Conduct.</p> <p>APW/005/2021-022/CT</p>	<p>That the Respondent ridiculed Councillor Lucas who has a hearing impairment of which the Respondent was aware, during the council meeting of 30 October 2019. It was alleged that the Respondent said "I can say what I like about her, she can't hear me anyway" and "there should be a law against having a disabled deaf woman here, what use is she going to be?"</p> <p>That the Respondent made discriminatory remarks ridiculing Councillor Lucas immediately after the Council meeting on 30 October 2019 and making the following comments: "what you going to do? If I want to talk about you I will, you won't hear it".</p> <p>That the Respondent's behaviour during council meetings, specifically talking across others and engaging in conversation with Councillor White was a deliberate attempt to cause difficulty for Councillor Lucas</p>	<p>On the basis of the findings of fact, the Case Tribunal found by a unanimous decision that there was a failure to comply with the authority's code of conduct as follows:</p> <p>Paragraph 4(a) of the Code states that you must carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;</p> <p>Paragraph 4(b) of the Code states that you must show respect and consideration for others;</p> <p>Paragraph 4(c) of the Code states that you must not use bullying behaviour or harass any person.</p> <p>Paragraph 6(1)(a) of the Code states that you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.</p>	<p>Sanction</p> <p>The Case Tribunal considered all the facts of the case and gave careful consideration to the Sanctions Guidance and the Nolan Committee's Principles for Public Life.</p> <p>The tribunal applied the five-stage approach as set out in paragraph 33 of the Sanctions Guidance and concluded that the breaches were serious and their consequences for Councillor Lucas in particular were serious. It was clear however from the evidence, that the Respondent's behaviour had consequences for others too. The breaches related to comments made on the basis of Councillor Lucas' hearing impairment.</p> <p>The tribunal carefully considered whether disqualification was appropriate but concluded that suspension was the broad type of sanction that was appropriate in this case. The tribunal considered the number and nature of the breaches, and the mitigating and aggravating factors as</p>

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	<p>That the Respondent failed to engage with the Council's microphone system in a deliberate attempt to cause difficulty for Councillor Lucas and that the Respondent put his hand over his mouth when speaking in a deliberate attempt to cause difficulty for Councillor Lucas who partly relied on lip reading.</p> <p>That the Respondent deliberately failed to engage with the Ombudsman's investigation.</p>	<p>Paragraph 6 (2) of the Code states that you must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.</p> <p>The findings of fact are that the Respondent ridiculed Councillor Lucas during the Council meeting on 30th October 2019 and made the comments in the car park immediately after that meeting constitute breaches of 4(a) and (b and 6(1) (a). The comments were clearly disrespectful and inconsiderate and related to Councillor Lucas's disability. These findings taken together constitute breaches of 4 (c). The Ombudsman's Guidance on the Code of Conduct for member of local authorities in Wales helpfully invites councillors to consider their own conduct from the other person's perspective and describes harassment as repeated behaviour which upsets or annoys people and that bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour</p> <p>"Bullying behaviour attempts to undermine an individual or a group of</p>	<p>set out in paragraph 42 of the Sanctions Guidance.</p> <p>The tribunal reminded itself that, as per paragraph 44 of the Sanctions Guidance, that the overriding purpose of the sanctions regime is to uphold the standards of conduct in public life and maintain confidence in local democracy. The tribunal considered its chosen sanction against previous decisions of the APW.</p> <p>The tribunal accepted the submissions made on the Ombudsman's behalf about the aggravating factors and the continual denying of the conduct and the facts by the Respondent. The Respondent sought at the hearing to go back on his signed statement of 20th August 2021 and to suggest, in his denial of the facts, that witnesses were mistaken about the 30th October 2019 date that he had previously agreed was accurate.</p> <p>These attempts lacked credibility. Whilst Mrs Oakley referred to the Respondent's record of good service, in fact having signed his declaration of office on 8th May 2017, his experience as a councillor for over two years at the time of these events, made his behaviour an aggravating factor.</p>

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		<p>individuals, is detrimental to their confidence and capability and may adversely affect their health.”</p> <p>Councillor Lucas was upset and felt humiliated by her treatment, and the comments made about her by the Respondent constitute bullying behaviour and harassment. The comments about Councillor Lucas’s hearing impairment were not political comment but were abusive and insulting comments that would not attract the additional protection of article 10.</p> <p>The comments that were made by the Respondent after the meeting of 30th October 2019 were made in the context of his work as a Councillor. The conversation was in the car park outside the council chamber immediately after the council meeting and the contents of the conversation related to matters arising from the council meeting and membership of the council. Behaving in the way that he did and using the words that he did, brought the Respondent’s office as a councillor into disrepute.</p> <p>The Respondent was capable of engaging with the Ombudsman’s investigation and was specifically</p>	<p>The Case Tribunal concluded by unanimous decision that Councillor Morgan should be suspended from acting as a member of Abertillery and Llanhilleth Community Council for a period of 10 months or, if shorter, the remainder of his term of office, with effect from the 20th January 2022.</p> <p>Case Tribunals Recommendations The Case Tribunal makes the following recommendations to the authority; That Councillor Morgan undertake further training upon the Code of Conduct. That Councillor Morgan undertake Equality and Diversity training.</p> <p><u>Learning Point</u> In all of these cases the tribunal considered the Nolan principles. Whilst these are the basis of the standards regime they do not form part of the Code of Conduct and therefore breach of the principles does not in itself constitute a breach of the Code. It is clear however, that the principles do influence the tribunal to a large extent.</p>

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		<p>capable of attending at an online interview in December 2020. Whilst the Tribunal accepts that the Respondent suffers from the condition about which evidence was heard in camera, and that there would likely have been some days when his abilities to deal with matters were compromised, the tribunal did not have evidence before it from which it could conclude, on the balance of probabilities, that the Respondent was entirely incapable through reason of ill health, of engaging with and complying with reasonable requests from the Ombudsman, throughout the investigatory period. The Respondent was able to send detailed analytical correspondence in March 2020, to correspond by e mail by return in December 2020 and to attend at various council meetings both in person and online. The Ombudsman had made reasonable adjustments by sending the written interview questionnaire. Therefore, the breach of 6(2) was made out.</p>	
Councillor Jonathon Bishop	The Respondent used language in correspondence, both to the Clerk to the Council on 25 September and 31 December 2019 and 21 January and 3	The Case Tribunal considered all the facts of the case and the Sanctions Guidance issued by the President of the Adjudication Panel for Wales under	In terms of the broad sanction that was appropriate in the circumstances, the Tribunal considered that the option of disqualification was most applicable.



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<p>Taff's Well and Nantgarw Community Council</p> <p><b>Nature of allegation:</b></p> <p>Breach of paragraphs 4(b), 4(c), 6(1)(a), 7(a) and 9(a) of the Council's Code of Conduct.</p> <p>APW/001/2021-022/CT</p>	<p>February 2020, and the Chairman, Councillor Fowler, on 11 September 2019, which showed a lack of respect and/or consideration for the recipients and, in the case of Mrs Williams, had amounted to bullying and harassment;</p> <p>The Respondent submitted expenses claims for Mr Edwards' support and attendance at Council meetings on 30 October and 27 November 2019.</p> <p>It was alleged that Mr Edwards was never paid for such attendances, that the Respondent gave false evidence in relation to such claims and that they were not made in compliance with the relevant guidance and principles.</p> <p>Further, the Respondent indicated a desire to recover payment on behalf of his father for support that he provided at another meeting and allegedly supplied false information about his father's relationship with a company with which he was involved. In those instances, it</p>	<p>s. 75 (10) of the Local Government Act 2000.</p> <p>It also considered the Nolan Committee's Principles for Public Life from which the National Assembly for Wales' core principles were derived. Those principles set standards of conduct and behaviour which were expected of councillors in the Respondent's position and which included honesty, integrity, respect and openness, all of which had been brought into focus here.</p> <p>First, the Case Tribunal had to assess the seriousness of the breaches and their consequences. It considered that the Respondent's conduct on 11 September 2019 towards Councillor Fowler and, over a longer period, to Mrs Williams had shown a lack of respect and been unacceptable.</p> <p>It was clear that Mrs Williams had been particularly upset by this, following over forty years' work in local government.</p> <p>In relation to the expenses issues as stated above, the Respondent's closing submissions indicated an awareness that what had been claimed on behalf of Mr Edwards had been</p>	<p>The Tribunal had started by considering whether it could take no action or impose a partial suspension but, in the case of the former, it considered the conduct had been too serious and, in the case of the latter, there was no particular aspect of the Respondent's conduct which made a partial suspension appropriate.</p> <p>As to a suspension generally, the lack of contrition and/or apparent insight into his wrongdoing left the Tribunal with a sense of concern in relation to the Respondent's future conduct. Further, as a result of s. 76 (5) of the Local Government Act, any suspension would have been limited to 4 May 2022, the date upon which the Respondent's term of office ended, which the Tribunal considered would not have adequately reflected the nature of the wrongdoing.</p> <p>The Tribunal then considered both mitigating and aggravating features and, in particular, those matters set out within paragraph 42 of the President's Sanctions Guidance.</p> <p>The Tribunal was informed that the Respondent had no prior record of misconduct with the Ombudsman or the relevant Monitoring Officer.</p>

Name	Summary of Facts	Decision Summary	Findings
	<p>was alleged that he failed to act with honesty and integrity;</p> <p>Following Mr Edwards's interview by the Ombudsman on 28 February 2020, a witness statement was sent to him for approval B. By a letter dated 2 March 2020 purportedly from Mr Edwards and apparently signed by him, he objected to the draft witness statement. The Ombudsman alleged that the Respondent had in fact written the letter, a matter which he refused to explain when interviewed. It was alleged that he had thereby, attempted to interfere with the course of the investigation.</p>	<p>more than his indebtedness. Irrespective of the intended use of the 'surplus' which CCMG CIC would have acquired if the claims had been paid, the submission was the clearest admission yet that the claims had not been limited to a liability owed to Mr Edwards.</p> <p>Finally, in relation to the letter purportedly written by Mr Edwards, the panel considered that to have been a serious matter.</p>	<p>In the Respondent's mitigation in relation to the complaint concerning the emails to Councillor Fowler, the Tribunal noted two matters in particular; first, that there had been a certain level of acceptance of wrongdoing at first. Unfortunately, however, that contrition appeared to have evaporated by the time of the hearing, with him continually asserting that the Councillor would not have been upset by the words used.</p> <p>He had nevertheless attended further training on the Code.</p> <p>Secondly, there was the medical evidence in relation to his disability which had to be considered and, in particular, the matters which were said to have contributed to what he described as a 'meltdown'; following assessments in April and June 2020 and the specific reference to 'meltdowns' when overwhelmed.</p> <p>Those were important mitigating factors and the tribunal recognised that the style and content of those emails to Councillor Fowler had been markedly different from hundreds of others that had been sent. The tribunal were encouraged by the effects of the Respondent's altered medication and pleased to hear about his</p>

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Name	Summary of Facts	Decision Summary	Findings
			<p>current relationships with the Authority and his colleagues at Cam Parish Council. Nevertheless, the Respondent had been a councillor, on and off, since 2003 and the emails had been unacceptable.</p> <p>The tribunal were concerned about a repeat of similar conduct in the absence of any clear insight or acceptance of his wrongdoing.</p> <p>It could not have been said, however, that the series of emails which had been written to Mrs Williams had been the product of the same impulsive 'meltdown'. The Respondent had embarked upon a campaign to denigrate and demean and, although his condition may have prevented him from appreciating the effect of his conduct upon someone in Mrs Williams' position, the Tribunal was concerned that his lack of contrition or awareness may lead to a repeat of the same or similar conduct.</p> <p>The Tribunal considered that the Respondent's lack of training in respect of paragraph 4 (c) of the Code was a poor point. They did not consider that a councillor, who was otherwise bound by and aware of the Code, ought to have needed formal training in order to prevent him from engaging in a course of conduct</p>

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Name	Summary of Facts	Decision Summary	Findings
			<p>which amounted to bullying or harassment.</p> <p>Nor did the medical evidence explain or justify the Respondent's wrongdoing in relation to the expenses issues and/or his involvement in the composition of Mr Edwards' letter. These matters were serious and had required care, pre-meditation and an intention to mislead. There was nothing in the medical evidence to suggest that such traits were a feature of his disability.</p> <p>The Case Tribunal considered whether and how to adjust the sanction in order to achieve an appropriate deterrent effect and to maintain public confidence in the standards expected in public life. It concluded by unanimous decision that Councillor Bishop should be disqualified for 12 months from being or becoming a member of the Authority or any other relevant authority within the meaning of the Local Government Act 2000.</p> <p><u>Learning Point</u> In all of these cases the tribunal considered the Nolan principles. Whilst these are the basis of the standards regime they do not form part of the Code of Conduct and therefore breach of the</p>

Name	Summary of Facts	Decision Summary	Findings
			<p>principles does not in itself constitute a breach of the Code.</p> <p>It is clear however, that the principles do influence the tribunal to a large extent. The starting point here was disqualification.</p> <p>However members may feel that given the language used and the apparent dishonesty the sanction was lenient.</p>
<p>Councillor Gareth Baines</p> <p>Wrexham County Borough Council</p> <p><b>Nature of allegation:</b></p> <p>Breach of paragraphs 4(b), 4(c) and 7(a) of the Council's Code of Conduct.</p> <p>APW/003/2021-022/AT</p>	<p>The allegations were that Councillor Baines had breached Chirk Town Council's Code of Conduct by sending an e mail on the 1st November 2019 to the employer of the complainant Mrs Rachel Allen in which he attempted to smear her name in her workplace and made her feel threatened and vulnerable. The e mail was sent from Councillor Baines personal account but was signed "Cllr Gareth Baines". The complainant is a teacher. The Ombudsman considered that this e mail was an act of retaliation (because Mrs Allen had made a complaint about Councillor Baines to the Ombudsman), which was designed to cause difficulty for the complainant in</p>	<p>The Ombudsman concluded, after an investigation which included interviewing the Appellant on 27th July 2020, and taking into account the Appellant's written comments and submissions, that the Appellant's conduct was suggestive of a breach of the following paragraphs of the Code of Conduct; • You must - 4(b) - show respect and consideration for others • You must - 4(c) - not use bullying behaviour or harass any person: • You must not - 7(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;</p>	<p>The tribunal consider that the starting point for the length of suspension for the accepted breaches of the Code found by the Standards Committee in this case, would be 3 months, to which the mitigating and aggravating factors should then be applied.</p> <p>Undertaking that exercise, and noting the mitigating factors in this case, particularly the full cooperation with the Ombudsman and the Committee, the Appellant's hitherto unblemished record, his expression of contrition and noting that the breaches arose from one email that was not further pursued, the tribunal recommend that a suspension of two months is appropriate in the particular circumstances of this case.</p>

Name	Summary of Facts	Decision Summary	Findings
	<p>her place of work. Councillor Baines also copied this e mail to the Education Workforce Council, the independent regulator for the education workforce in Wales, conduct considered by the Ombudsman as being an attempt to cause a disadvantage to the complainant in her place of work.</p>	<p>The Appellant, in writing before the hearing of the Standard's Committee on the 22nd June 2021, and in oral representations at that hearing, confirmed that he did not dispute the facts in the Ombudsman's report. The Committee then considered the evidence and heard submissions from the Ombudsman's representative and from the Appellant as to whether there had been a failure to follow the Code of Conduct on the facts. The Standards Committee concluded that there had been a breach of paragraphs 4(b), 4(c) and 7(a) of the Code and imposed the following sanctions</p> <p>That the Appellant be suspended as a community Councillor from Chirk Town Council for a period of three months. That the Appellant should undertake Code of Conduct training at the earliest convenience.</p> <p>That the Appellant should send a letter of written apology for the breaches, to the Complainant and to the Chair of Chirk Town Council.</p>	<p>The Appeal Tribunal accept that, as the Ombudsman's representative submitted, sanction in a particular area is a matter for the local Standards Committee and they are not bound to follow neighbouring authorities. The Committee in this case were entitled to consider three months as a reasonable period for suspension.</p> <p>Following the approach in the Sanctions Guidance, and noting the purpose of the sanctions regime, to achieve an appropriate deterrent effect for the individual and the wider Council membership, and to maintain public confidence in the standards of conduct in public life and in local democracy, the tribunal recommend a suspension of 2 months.</p> <p>The Appeal Tribunal accordingly decided by unanimous decision to endorse the decision of the Standards Committee that Councillor Baines should be required to undertake training on the Code of Conduct as soon as possible and that he should send a letter of apology for the breaches of the Code to the complainant and to the Chair of Chirk Town Council.</p> <p>The Appeal Tribunal decided by unanimous decision to refer the matter back to the Standards Committee with a</p>

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			<p>recommendation that Councillor Baines should be suspended from being a member or co-opted member of Chirk Town Council for a period of 2 months.</p> <p><u>Learning Point</u></p> <p>The tribunal stated that the starting point for suspension is 3 months and the mitigating and aggravating factors should be added.</p> <p>In this case there could be an element of malice in the respondent writing to the governing body.</p> <p>However the tribunal recommended that the suspension be reduced to 2 months.</p>