

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL

COMMITTEE:	Standards Committee
DATE:	14 December 2022
REPORT TITLE:	Adjudication Panel for Wales Decisions
PURPOSE OF THE REPORT:	To provide information about the matters considered by the Adjudication Panel for Wales to date (published since the last Committee meeting on 28 June 2022)
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwycs@ynysmon.llyw.cymru
LINK OFFICER:	Lynn Ball Director of Function (Council Business)/Monitoring Officer lbxcs@ynysmon.llyw.cymru 01248 752586

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 28 June 2022. 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 cases are at **ENCLOSURE 1**.

2.1 Decisions made

APW/0010/2021-022/CT: Former Councillor Gordon Lewis : 10 June 2022
APW/009/2021-022/AT: Former Councillor Caryl Vaughan : 24 June 2022
APW/008/2021-022/CT – Former Councillor Paul Dowson : 22 August 2022

2.2 Appeals adjudicated

None during this period.

3. RECOMMENDATION

To note the content of the case summaries

Summary of Cases before the Adjudication Panel for Wales – June 2022 to November 2022

Name	Summary of Facts	Decision Summary	Findings
<p>1.</p> <p>Former Councillor Gordon Lewis</p> <p>Pencoed Town Council</p> <p>APW/010/2021- 022/CT</p>	<p>An allegation that the Councillor had breached Paragraph 6(1)(a) of the Code of Conduct for Members of Pencoed Town Council:</p> <p>Paragraph 6(1)(a) states that a Member; - <i>“must not conduct [themselves] in a manner which could reasonably be regarded as bringing [their] office or authority into disrepute”</i></p> <p>It was alleged that the Councillor had misled the Town Council as to his eligibility to be a Councillor and that his dishonesty, both when signing the declaration of acceptance of office and during the 1 year and 8 months that he acted as a Councillor, was a serious abuse of office.</p> <p>The Respondent did not engage with the PSOW’s investigation and did not give any explanation for his actions or show any remorse.</p> <p><u>Background:</u> The Councillor was convicted of three criminal offences (affray and two counts of common assault) in July 2015. He was sentenced to a total of 16 months imprisonment, suspended for 24 months.</p> <p>Part 1 of the Electoral Commission’s Guide details the requirements of paragraph 80(1)(d) of the Local Government Act 1972: <i>“You cannot be a</i></p>	<p><u>Preliminary Legal Issue:</u></p> <p><i>Whether an individual who is disqualified for being a Member is nevertheless subject to the Code of Conduct for Members.</i></p> <p>After consideration of the relevant legislation and case law, the Case Tribunal determined that an individual who is disqualified for being a Member is nevertheless subject to the Code of Conduct for Members when continuing to act.</p> <p>In this case, Councillor Lewis was elected as a Member and remained a Member within the ordinary meaning of the Code until the date of his resignation, despite his disqualification for being elected (but not necessarily from acting as Member as per the caselaw.)</p> <p><i>Conclusion:</i> the Case Tribunal found that the Respondent was subject to the Code from the date of his election to the date of his resignation.</p> <p><u>Decision on failure to comply with the Code:</u></p> <p>The Case Tribunal noted that the position was absolutely clear that the Councillor was disqualified from being a Member of Pencoed Town Council.</p> <p>The Case Tribunal was satisfied that the Councillor had been elected on a false premise and likewise that the signature of his Declaration of Acceptance of Office form, his undertaking to abide by the Code and his</p>	<p>On the basis of the Material Facts and evidence before it, the Case Tribunal found by unanimous decision that the Respondent had failed to comply with Paragraph 6(1)(a) of the Code. It considered that the Councillor had conducted himself in a manner which could reasonably be regarded as bringing his office and Pencoed Town Council into disrepute.</p> <p>The Case Tribunal concluded by unanimous decision that Former Councillor Lewis should be disqualified for 24 months from being or becoming a member of Pencoed Town Council or any other relevant authority within the meaning of the Local Government Act 2000.</p> <p><u>Learning Points:</u></p> <ul style="list-style-type: none"> ➔ This case shows that the Code of Conduct is considered to be relevant to Members even if they are disqualified from being elected as such in the first place. ➔ There is a responsibility on individuals to ascertain whether they are eligible to apply to be a Councillor including considering if they are disqualified. ➔ The sanction imposed for the breach of the Code in this case is disqualification for two years – disqualification considered the most serious of sanctions. The maximum disqualification possibly imposed by the APW is five years. ➔ The APW considered the <u>Sanctions Guidance</u> when considering which sanction to impose.

Name	Summary of Facts	Decision Summary	Findings
	<p><i>candidate if at the time of your nomination and on polling day you have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day”.</i></p> <p>The Councillor had received a suspended prison sentence exceeding three months, without the option for a fine and was therefore not eligible to be a candidate for election to the Town Council in November 2018.</p> <p>Despite this, the Councillor was elected as a member of the Town Council on 29 November 2018.</p> <p>An article was published in a national newspaper on 25 July 2020, which referenced the Councillor’s criminal conviction from 2015. Pencoed Town Council was not aware of the Councillor’s criminal conviction until it appeared in this press article in July 2020.</p> <p>The Councillor resigned from his role as Member on 31 July 2020.</p> <p>A complaint was made to the Police that the Respondent had failed to declare a criminal conviction when standing for election. The Police did not take further action due to insufficient evidence as the consent to nomination paper had been destroyed by the Elections Service.</p>	<p>continuation in office also took place on the same false premise. He either knew that the information he’d provided was false and misleading or was reckless as to that fact.</p> <p>The Case Tribunal also considered the matter in the light of the Nolan principles which underpinned the Code. It was satisfied that there was an expectation that local authority Members would act with integrity, act in accordance with the trust that the public placed in them, lead by example and act to promote public confidence in their role and in their Authority. The fact that the Councillor was disqualified from being elected and yet continued to act as Member went to the heart of public trust in democracy and undermined the Code and standards regime.</p> <p>The Case Tribunal considered that the breach was serious in nature as the conduct could reasonably be regarded as conduct which would seriously undermine the public’s faith in the Code and the standards regime. As such, it considered that disqualification was an appropriate sanction.</p> <p>The Case Tribunal noted that the Member had been in office for a lengthy period of time and significant decisions were likely to have been made by the Authority during that period. The Respondent was likely to have participated and voted in such matters and to have received sensitive information in the role of Member, despite being disqualified from being elected.</p> <p>Section 80(1)(d) was in place for a reason, so that an individual would be disqualified for a substantial amount of time if they had been convicted and sentenced of certain offences.</p>	

Name	Summary of Facts	Decision Summary	Findings
		<p>By nevertheless signing his Declaration of Acceptance of Office and acting as a Member for 1 year and 8 months, the Case Tribunal considered this to be a matter which merited a significant period of disqualification under the standards regime.</p> <p><i>Mitigating Factors:</i> As the Councillor hadn't engaged with either the Ombudsman or the Adjudication Panel for Wales, the Case Tribunal stated that it was unclear what, if any, mitigating factors he might wish the Case Tribunal to consider. The Case Tribunal nevertheless considered whether there were any relevant factors as indicated by the Sanctions Guidance. It noted that the Respondent had displayed a degree of recognition of the seriousness of the matter in view of his prompt resignation following press reporting, however there was no evidence of any real insight shown or evidence of any accompanying apology. It also noted the lack of checks and balances in the system which meant the issue was not identified at the outs</p> <p><i>Aggravating Factors:</i> The Case Tribunal considered that the conduct which led to this train of events was either deliberate or reckless. It also noted that there would have been an element of personal gain or political gain in achieving the status of Member. The status was also enjoyed for a lengthy period of time. The Case Tribunal was satisfied that this involved an abuse of a position of trust. It was noted that, as well as the election form, the Declaration of Acceptance of Office and undertaking to abide by the Code were solemn documents that should have been completed with honesty, integrity and extreme care. The election form</p>	

Name	Summary of Facts	Decision Summary	Findings
		<p>had an official statement which needed to be read and signed by the Councillor and which would clearly have consequences. Finally, there was no evidence that the Councillor had co-operated or engaged in any way with the Ombudsman's investigation nor the Tribunal process.</p>	

Name	Summary of Facts	Decision Summary	Findings
<p>2.</p> <p>Former Councillor Caryl Vaughan</p> <p>Llansantffraed Community Council</p> <p>APW/009/2021- 022/AT</p>	<p>An allegation that the Councillor had breached Ceredigion County Council's Code of Conduct, paragraph 6(1)(a), by committing a criminal offence and her surrounding actions while holding the office of Councillor, and allegedly being responsible for the generation of adverse publicity.</p> <p>Paragraph 6(1)(a) states that a Member; - <i>"must not conduct [themselves] in a manner which could reasonably be regarded as bringing [their] office or authority into disrepute"</i></p> <p><u>Background:</u> The Councillor signed her declaration of acceptance of office as a member of Llansantffraed Community Council on 7 May 2019.</p> <p>Three days later, on 10 May 2019, the Councillor was involved in an incident with the Council's Contractor (a private individual who is referred to as "the Contractor"), in which the Councillor drove her car at speed on private land at the Contractor while he was undertaking his duties for the Council. The Councillor was acting in her private capacity at the time of the incident. Her car struck two minors during the incident; at least one suffered bodily harm.</p> <p>Police investigated the incident and the Councillor continued in her role as a Councillor after the incident and after pleading guilty to the offence. The Councillor was charged with causing bodily harm by wanton and furious</p>	<p><u>Considering the breach of paragraph 6(1)(b):</u></p> <p>The reference from the PSOW to the Case Tribunal had mentioned a breach of paragraph 6(1)(b) of the Code of Conduct.</p> <p>Paragraph 6(1)(b) details: <i>"You must report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty)"</i></p> <p>The Case Tribunal unanimously concluded, following the indication provided by the President, that as the provision referred to reporting the possible criminal conduct of "another member", if this provision was meant to deal with self-reporting, it should state this unambiguously. It therefore did not proceed to consider a breach of this paragraph of the Code.</p> <p><u>Role of the Clerk:</u></p> <p>The Decision record from the Tribunal notes that the Councillor sought advice from the Clerk, and did not report her own conduct to the Monitoring Officer or the Ombudsman. The other councillors also did not report the Councillor's possible criminal offence to the Ombudsman, following advice from the Clerk which made no reference to the requirement to do so under paragraph 6(1)(b) of the Code.</p>	<p>On the basis of the findings of fact, the Case Tribunal found by a unanimous decision that there was a failure by the Councillor to comply with the Llansantffraed Community Council's code of conduct, specifically in relation to paragraph 6(1)(a). The Case Tribunal found that the Councillor's actions brought the office of councillor into disrepute, but not the Council itself.</p> <p>The Case Tribunal considered all the facts of the case and in particular the seriousness of the breach of the Code of Conduct and former Cllr Vaughan's persistent failure to engage with either the Ombudsman or the APW.</p> <p>The Case Tribunal concluded by unanimous decision that former Cllr Vaughan should be disqualified for 12 months from being or becoming a member of Llansantffraed Community Council or of any other relevant authority within the meaning of the Local Government Act 2000.</p> <p>In addition to the sanction imposed on the Councillor, the Case Tribunal also made two recommendations: → That all current councillors of Llansantffraed Community Council attend training on the Code of Conduct within a period of three months from 27 June 2022 (to be provided by the Monitoring Officer, her delegate, One Voice Wales or any other appropriate provider) to ensure that they understand these provisions, including paragraph 6(1)(b) [the duty to report]; → That Llansantffraed Community Council considers requiring the attendance at such training by the Clerk to the Council.</p> <p><u>Learning Points:</u> → Members are encouraged to obtain advice from the Clerk but ultimate responsibility</p>

Name	Summary of Facts	Decision Summary	Findings
	<p>driving contrary to Section 35 of the Offences against the Person Act 1861; she pleaded guilty to the offence on 14 October 2020 and was sentenced on 9 December 2020 to a suspended sentence of 10 weeks' imprisonment, and her driving licence was endorsed with 8 penalty points; she was also required to pay a victim surcharge of £128.</p> <p>The sentence fell short of automatic disqualification from the office of councillor (Section 80A of the Local Government Act 1972 says that a sentence of three months or more disqualifies a person from the office of councillor).</p> <p>The Councillor continued in her role as a Councillor after her sentencing and resigned from the Council on 22 December 2020 after adverse media reports about the incident and her conviction.</p>	<p>The Case Tribunal concluded that - It is evident that the Clerk did not inform the members of the Council of their obligation to report the possible criminal conduct of another member under paragraph 6(1)(b) of the Code, even after former Cllr Vaughan pleaded guilty. This omission is wholly unexplained, but it is not the responsibility of former Cllr Vaughan to give such advice. It is further the finding of the Tribunal that the Clerk and former Cllr Vaughan were aware that her criminal conduct was likely to be a breach of the Code by December 2020. Given that former Cllr Vaughan pleaded guilty in October 2020, the Tribunal found that it is likely that former Cllr Vaughan knew much earlier, or should have known, that questions about the effect of her behaviour on whether she had breached the Code of Conduct arose. There is no evidence when the Clerk knew of the guilty plea, but his statement says he knew that she intended to plead guilty when the first court date was arranged. The Tribunal noted that Former Cllr Vaughan was not responsible for the advice given to her or the other councillors by the Clerk. However, the duty to comply with the Code cannot be delegated to another, including the clerk, by members. The advice given goes some way in the Tribunal's view to explaining why former Cllr Vaughan continued to serve in office and no reference or complaint was made to the Ombudsman at an earlier stage by either her or members of the Council.</p> <p><u>Breach of paragraph 6(1)(a) in relation to "bringingauthority into disrepute":</u></p> <p>The Case Tribunal considered four articles or letters to the press on the question of adverse</p>	<p>for following the requirements of the Code of Conduct lies with each member.</p> <ul style="list-style-type: none"> ➔ Members need to consider if they should be self-referring themselves to the Ombudsman for conduct matters. ➔ The sanction imposed in this case is disqualification for one year – disqualification considered the most serious of sanctions. The maximum disqualification possibly imposed by the APW is five years. ➔ The APW considered the <u>Sanctions Guidance</u> when considering which sanction to impose.

Name	Summary of Facts	Decision Summary	Findings
		<p>press coverage. The Tribunal found that it was not accurate to say that the adverse publicity regarding the Councillor’s criminal act referred to her office as councillor or the Council. The only reference in the articles to the Council was to the Contractor working on its behalf. The only item that made any reference to the office of councillor or the actions of the Council was the letter from a family involved.</p> <p>The publicity generally did not bring the Council into disrepute; what left the Council vulnerable to criticism was its lack of action about former Cllr Vaughan and her continued presence as a councillor. The Code required the members to report the matter to the Ombudsman; the Clerk to the Council did not give the members this advice.</p> <p>The Case Tribunal stated that the Councillor is not responsible for these failures or the negative publicity in the letter about the Council.</p> <p><u>Breach of paragraph 6(1)(a) in relation to “bringingoffice into disrepute”:</u></p> <p>The Tribunal considered that the act of driving a car by a councillor at a council Contractor and causing bodily harm to minors as a result, no less than a criminal act, in its own right brought the office held by that councillor into disrepute. The extent of the press coverage and whether it told readers of the office held by former Cllr Vaughan was to an extent irrelevant. What former Cllr Vaughan did was extraordinary and wholly inconsistent with the standard of behaviour for officeholders required by the Code and expected by the public. The public in particular was likely to view such unjustified and dangerous conduct as unacceptable, especially when it was directed at a council contractor undertaking</p>	

Name	Summary of Facts	Decision Summary	Findings
		<p>work for the council of which former Cllr Vaughan was a councillor.</p> <p>The Tribunal also considered that former Cllr Vaughan’s decision to continue serving as a councillor after committing a criminal act of this nature and after pleading guilty to a serious criminal offence to be conduct bringing the office of councillor into disrepute. It ignored the Nolan principles and the wider Welsh public service principles. It was obvious from the evidence that former Cllr Vaughan only resigned, not because she felt any remorse or shame, but in order to avoid an investigation by the Ombudsman. The evidence of the Clerk demonstrated this. The likely view by the public of such conduct would be that former Cllr Vaughan had no regard or respect for the principles of public service, including integrity, openness, and leadership.</p> <p>The Tribunal also reminded itself of the advice given by the Clerk to the Council. Councillors are encouraged to seek the advice of the Clerk, who is meant to either advise or signpost councillors to the information they require, though this does not mean a councillor can delegate their own responsibility to comply with the Code to the clerk. However, in the view of the Tribunal, once former Cllr Vaughan decided to plead guilty to the offence and officially accept her culpability, it was for her to consider her position and whether she should self-refer to the Ombudsman. The conviction and the sentence did not result in her resignation. The Clerk’s advice to resign was very late in the day and only after adverse publicity was generated about former Cllr Vaughan herself. The focus of that advice was about what was best for former Cllr Vaughan,</p>	

Name	Summary of Facts	Decision Summary	Findings
		<p>not for the Council or the need to maintain confidence in local democracy. The Clerk failed to address the impact on the office of councillor and the council itself of a councillor who had been convicted of an offence continuing to serve without making a referral to the Ombudsman.</p> <p>Former Cllr Vaughan’s decision to remain in office without making a referral to the Ombudsman was in part explained by the advice she received from the Clerk, but her responsibility was not wholly expunged by this. The Tribunal considered the advice given by the Clerk to be a mitigating factor for former Cllr Vaughan but the failure to reflect for herself on her conduct and the lack of insight into her criminal act and the likely impact on the office of councillor and Council was viewed as an aggravating factor. Her conduct underlying the criminal conviction was in the view of the Tribunal “deliberate or reckless conduct with little or no concern for the Code” (paragraph 42 subsection x Aggravating factors, Sanction Guidance).</p> <p>It was also an aggravating factor that former Cllr Vaughan resigned in the view of the Tribunal not because she had brought the office of councillor into disrepute or had behaved in a thoroughly reprehensible way towards the Contractor, but to avoid the Ombudsman’s investigation (as shown by the Clerk’s evidence). In addition, no apology to the Contractor or the minors has been given as far as the Tribunal is aware, and former Cllr Vaughan chose not to co-operate with either the Ombudsman’s investigation or these proceedings. The Tribunal concluded that former Cllr Vaughan’s behaviour as a whole</p>	

Name	Summary of Facts	Decision Summary	Findings
		<p>demonstrated no insight into or manifestation of the Nolan principles, despite her signed declaration that she would “duly and faithfully fulfil the duties of it according to the best of my judgement and ability” and comply with the Code.</p>	

Name	Summary of Facts	Decision Summary	Findings
<p>3.</p> <p>Former Councillor Paul Dowson</p> <p>Pembrokeshire County Council</p> <p>APW/008/2021-022/CT</p>	<p>Allegations made in three complaints against the Councillor of breaches of paragraphs 4(c) and 6(1)(a) of the Council's Code of Conduct.</p> <p>Paragraph 4(c) states that: <i>You must not use bullying behaviour or harass any person.</i></p> <p>Paragraph 6(1)(a) states that: <i>You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.</i></p> <p><u>First Complaint:</u> The first complaint, initiated by a member of the public called Mr Marc Davies, alleged that the Respondent repeatedly made statements that were untrue about a fellow Member of Pembrokeshire County Council, Councillor Joshua Beynon; and about Mr Marc Davies himself.</p> <p>(A) In 2020, the Respondent was alleged to have falsely and publicly accused Councillor Beynon of sharing a pornographic video of an underaged girl. It was further alleged that to make such a false allegation without checking that it was true brought the Respondent's office and/or his Authority into disrepute. When the Respondent repeated and insinuated those false allegations, he bullied Councillor Beynon. This bullying is aggravated because the Respondent lied when he said that</p>	<p><u>First complaint:</u> The Case Tribunal found that the first complaint related to two people whose complaints were similar in that in each case, former Councillor Dowson used social media to say in public that each person had behaved criminally.</p> <ul style="list-style-type: none"> - After Mr Marc Davies told former Councillor Dowson in September 2020 that he had not been convicted of any offences, as had previously been suggested, former Councillor Dowson later used Twitter to wrongly allege that Mr Davies was a violent criminal who breached parole. He made similar allegations during the PSOW's investigation. - In Councillor Beynon's case, former Councillor Dowson alleged that Councillor Beynon engaged in serious criminal conduct, namely the posting of criminally indecent images. <p>Neither allegation was true.</p> <p>In the case of Mr Marc Davies, the Case Tribunal took the view that former Councillor Dowson did not care whether what he said was true or false and at best took no steps to determine the truth until Mr Marc Davies made a complaint and the Respondent was aware that he would have to answer it. In Councillor Beynon's case, the Case Tribunal took the view that former Councillor Dowson relied for credibility upon his untrue version of a conversation he had with Councillor Beynon, knowing that it was untrue. To that lie, he added others, again to bolster his credibility and to make life worse for a fellow elected Member. Making such serious, false allegations against,</p>	<p>The Case Tribunal decided unanimously that former Councillor Paul Dowson should be disqualified for three years from being or becoming a member of Pembrokeshire County Council or of any other relevant authority within the meaning of the Local Government Act 2000.</p> <p><u>Considerations for determining sanction:</u></p> <ul style="list-style-type: none"> - The PSOW brought to the Case Tribunal's attention a report of a decision of the Standards Committee of Pembrokeshire County Council that took place in a hearing on 9th June 2022, when former Councillor Dowson was censured for behaviour on social media that breached paragraph 6(1)(a) of the Code of Conduct and other provisions. Former Councillor Dowson was not re-elected to office in May 2022, so by the time that hearing took place, the sanction passed by the Standards Committee was the maximum sanction available. The Standards Committee noted in that matter that had former Councillor Dowson been re-elected, it was highly likely that he would have been suspended from office. - Given that former Councillor Dowson was no longer an elected member of the Council, the Case Tribunal had a binary choice: <ul style="list-style-type: none"> - either to take no action, or - to pass a period of disqualification from being or becoming a member of Pembrokeshire County Council or of any other relevant authority within the meaning of the Local Government Act 2000. <p>PSOW accepted that the lack of any other sanction did not mean that the Tribunal should simply proceed to disqualification by default; and that this sanction should only be imposed if it was justified. Given the consequences and the seriousness of the breaches, PSOW submitted that it was not appropriate to take</p>

Name	Summary of Facts	Decision Summary	Findings
	<p>he was only repeating something Councillor Beynon had told him.</p> <p>(B) Between September 2020 and February 2021, the Respondent was alleged to have falsely and publicly accused Mr Marc Davies of being an ex-offender, something which again, was factually untrue. Mr Marc Davies challenged the Respondent in September 2020 and told him he was wrong. Nonetheless, the Respondent repeated the allegations against Mr Marc Davies between September 2020 and February 2021, when he apologised for them and accepted that they were untrue. To repeatedly say such things against Mr Marc Davies without taking reasonable steps to confirm that the information he was sharing was accurate after being told that it was not, amounts to harassment and brought the Respondent's office as a Member and/or his Authority into disrepute.</p> <p><u>Second Complaint:</u> The second complaint, initiated by a member of the public Mrs Elaine Wyatt, alleged that on and after 17th January 2021, the Respondent misinformed people when he posted online that the Welsh Government's Relationships and Sex Education ("RSE") curriculum aims to teach 3- year-old children about masturbation; and to teach 13-year-old boys and girls about anal sex. He repeated this misinformation in an email</p>	<p>on the one hand a member of the public, on the other, a fellow elected Member brought not only the office former Councillor Dowson held into disrepute but also the Council itself.</p> <p>In each case, former Councillor Dowson's behaviour also amounted, by reason of repetition to bullying against Councillor Beynon; and harassment against Mr Marc Davies. As the PSOW submitted and the Case Tribunal accepted, bullying can be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour; and that bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to confidence and capability, and may adversely affect their health. The Case Tribunal found that former Councillor Dowson's behaviour towards Councillor Beynon fell four-square within this definition. Similarly, as the PSOW submitted and the Case Tribunal accepted, harassment is repeated behaviour which upsets or annoys people. The Case Tribunal found that former Councillor Dowson's behaviour towards Mr Marc Davies fell four-square within this definition.</p> <p>Former Councillor Dowson's behaviour towards both Mr Marc Davies and Councillor Beynon do not come within the ambit of free speech protected by Article 10 of the Convention. His comments about each were directed towards each personally. They were not aspects of "political expression" and were in any event, not merely offensive but grossly offensive, and therefore not protected by Article 10.</p> <p>Accordingly, the Case Tribunal found that on</p>	<p>no action and that disqualification was appropriate.</p> <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> - served a relatively short length of service, having been in office since May 2017; - had apologised to Mr Marc Davies in February 2021; - had co-operated with the process for example by being interviewed. <p><i>Aggravating Factors:</i> Tribunal needed to be careful not to double-count as aggravating those features which were already considered as elements of the case proved.</p> <ul style="list-style-type: none"> - The repeated nature of the breaches and the findings of disrepute. - The lack of understanding of the consequence of misconduct for others. - The fact that former Councillor Dowson showed very little concern for those about whom he made allegations. - The fact that he sought to blame others for his faults. - He sought to blame Mr Timothy Brentnall for producing false documents, rather than admitting his own dishonesty. - He sought to blame Councillor Beynon for telling him what he repeated, even though no such conversation took place. - His behaviour demonstrated deliberate and reckless conduct with little or no concern for the Code of Conduct. <p>The most recent, separate finding against former Councillor Dowson by the Standards Committee was considered not to give him credit but was distinct enough to be kept to one side.</p> <p><u>Learning Points:</u> → The sanction imposed in this case is</p>

Name	Summary of Facts	Decision Summary	Findings
	<p>to a fellow Member of the Council when he also said that lesson plans for 11-year-olds and upwards contained reference to bondage, anal sex, facial ejaculation and more. There was no basis for these statements about the curriculum and in saying that there was, the Respondent wilfully and dishonestly misinformed people to outrage them. By doing so, he had brought his office and/or his Authority into disrepute.</p> <p><u>Third Complaint:</u> The third complaint, initiated by a member of the public Mr Timothy Brentnall, alleged that on 12th April 2021, the Respondent engaged in a heated conversation on Facebook with Mr. Brentnall, who at the time was using the name “Timothy Stjohn”.</p> <p>(A) At one point in the conversation, the Respondent replied to Mr Brentnall “what a t**ser. I heard you are on the register but it’s not been proven so I’m not spreading it around. Better man than you”. It is alleged that the Respondent was thereby falsely and maliciously suggesting that Mr Brentnall was subject to registration because he was a sex offender.</p> <p>(B) It is further alleged that screenshot evidence the Respondent provided to the PSOW’s investigation in respect of this third complaint was a fabricated exhibit and therefore amounted to a deliberate attempt to mislead the investigation. Both the initial post and the attempt to</p>	<p>the first complaint, in respect of both Mr Marc Davies and Councillor Beynon, former Councillor Dowson’s behaviour amounted to breaches of paragraphs 6(1)(a) and 4(c) of the Code of Conduct.</p> <p><u>Second complaint:</u> The Case Tribunal found this to be a further example of former Counsellor Dowson representing something as true when he had no grounds to do so, from a position of authority on a subject that had the capacity to wrongly cause serious alarm to both his constituents and members of the public. That brought both his office and the Council into disrepute, particularly when taken as part of his wider course of similar conduct.</p> <p>Considering again the question of whether former Councillor Dowson’s comments came within the ambit of free speech protected by Article 10 of the Convention, the Case Tribunal agreed with the PSOW’s submission that whilst Article 10 protects the right to make incorrect but honestly made statements in a political context, it does not protect statements which the publisher knows to be false. As he admitted in interview, former Counsellor Dowson knew that he had no real foundation for his assertions about the future RSE curriculum.</p> <p>In the absence of same, the Case Tribunal found that his comments were directed to cause shock and outrage, rather than to honestly inform the public and so were not protected by Article 10. They amounted to wilful misinformation. The Tribunal was fortified in this decision by its decisions in relation to the nature of former Councillor Dowson’s behaviour towards Councillor Beynon, Mr Marc</p>	<p>disqualification for three years – disqualification considered the most serious of sanctions. The maximum disqualification possibly imposed by the APW is five years.</p> <p>➔ The APW considered the <u>Sanctions Guidance</u> when considering which sanction to impose.</p> <p>➔ Though on the face of it there appears a similarity between the current case and the complaint considered by the Standards Committee against the Councillor some months earlier, it was considered distinct enough by the Tribunal to be kept to one side.</p>

Name	Summary of Facts	Decision Summary	Findings
	<p>mislead the investigation taken separately and together, brought the Respondent's office as a Member and his Authority into disrepute.</p>	<p>Davies and Mr Timothy Brentnall. His comments on the RSE curriculum can be seen as part of a similar pattern of behaviour.</p> <p>Accordingly, the Case Tribunal found that on the second complaint, that former Councillor Dowson's behaviour amounted to a breach of paragraph 6(1)(a) of the Code of Conduct.</p> <p><u>Third complaint:</u> The Case Tribunal found this to be a further example of former Counsellor Dowson suggesting serious criminal conduct by a member of the public when he had no cause or grounds to do so. To allege for no reason that a person is a registered sex offender can do no other than bring both the Council and the officer holder into disrepute, given the potential for loss of public confidence caused by such behaviour. To seek to justify that behaviour by misleading an investigation and relying upon a fabricated exhibit can again do nothing other than bring both the office holder and the Council into disrepute.</p> <p>Former Councillor Dowson's behaviour towards Mr Timothy Brentnall was not considered to come within the ambit of free speech protected by Article 10 of the Convention in the Tribunal's view. His comments were directed towards Mr Brentnall personally. They were not aspects of "political expression" and were in any event, not merely offensive but grossly offensive, and therefore not protected by Article 10.</p> <p>The Case Tribunal therefore found breaches of paragraph 6(1)(a) of the Code of Conduct in relation to both aspects of the third complaint.</p>	