

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	18 June 2024
REPORT TITLE:	Adjudication Panel for Wales Decisions
PURPOSE OF THE REPORT:	To provide information about the matters considered by the Adjudication Panel for Wales and published since the last Committee meeting on 13 December 2023
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyics@ynysmon.llyw.cymru
LINK OFFICER:	Lynn Ball Director of Function (Council Business)/Monitoring Officer lbxics@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 13 December 2023. 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/0002/2023-024/CT: Former Councillor Emma McNamara

APW/0004/2023-024/CT: Councillor Attridge

2.2 Appeals adjudicated

APW/003/2023-024/AT: Former Councillor Louise Thomas

APW/005/2023-024/AT: Councillor David Metcalfe

3. RECOMMENDATION

To note the content of the case summaries

ENCLOSURE:

1.	A summary of the cases published on the Adjudication Panel for Wales (APW) website for the period since December 2023.
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ENCLOSURE 1

Summary of Cases before the Adjudication Panel for Wales – December 2023 - May 2024

	Link to case	Name	Relevant Authority	Nature of allegation	Date	Tribunal decision	Points of interest arising:
1	APW/0002/2023-024/CT: Former Councillor Emma McNamara	Former Councillor Emma McNamara	Mumbles Community Council	Breach of paragraph 6(1)(a) 6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.	Hearing Date - 18 March 2024	No breach of paragraph 6(1)(a)	Members are reminded of the Council’s Social Media Protocol – section 5.10 of the Constitution and link available here . The Case Tribunal concluded that the relevant conduct of the Respondent on social media brought herself into disrepute in her personal capacity. On the specific facts of this case however, it concluded that it was not conduct which could also reasonably be regarded as bringing her office or authority into disrepute. Members should be careful not to rely on this case.
2	APW/0004/2023-024/CT: Councillor Attridge	Councillor Attridge	Flintshire County Council & Connah’s Quay Town Council	Breach of paragraphs 4(b), 4(c), 4(d), 5(a), 6(1)(a), 7(a), 11(2)(a) & 14(1)(d) 4(b) – Members must show respect and consideration for others. 4(c) – Members must not use bullying behaviour or harass any person. 4(d) – Members must not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, their authority. 5(a) – Members must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without	Written representations considered at a meeting on 26 April 2024	Breach of paragraphs 4(b), 4(c), 5(a), 6(1)(a) and 7(a). No breach of paragraphs 4(d), 11(2)(a) and 14(1)(d). 4 month suspension. <i>“The Tribunal considered whether it ought to make a recommendation that the Respondent specifically apologise to Ms M and the officers</i>	

ENCLOSURE 1

	Link to case	Name	Relevant Authority	Nature of allegation	Date	Tribunal decision	Points of interest arising:
				<p>express consent of a person authorised to give such consent, or unless required by law to do so;</p> <p>6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</p> <p>7(a) – Members must not in their official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.</p> <p>11(2)(a) - Where a Member has a personal interest in any business of their authority and they make — (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of their authority regarding that business, they should include details of that interest in the written communication.</p> <p>14(1)(d) - Subject to sub-paragraphs (2), (2A) (3) and (4), where a Member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority’s standards</p>		<p><i>for his conduct but, having considered the Sanctions Guidance (paragraphs 54 and 55), it concluded that such recommendations ought to have been directed to the authorities and/or their Standards Committees. The Tribunal nevertheless hoped that the Respondent would act upon its desire for him properly make amends for his wrongdoing.”</i></p>	

ENCLOSURE 1

	Link to case	Name	Relevant Authority	Nature of allegation	Date	Tribunal decision	Points of interest arising:
				committee, not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business;.			
3	APW/003/2023-024/AT: Former Councillor Louise Thomas	Former Councillor Louise Thomas	Mumbles Community Council	<p>Breach of paragraphs 6(1)(a) & 6(1)(d)</p> <p>6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.</p> <p>6(1)(d) – Members must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, their authority.</p>	Remote Hearing date - 14 March 2024	<p>The Appeal Tribunal endorsed the decision of the City and County of Swansea's Standards Committee on 13th of October 2023 that :</p> <ul style="list-style-type: none"> - Former Councillor Thomas had breached Paragraphs 6(1)(a) and 6(1)(d) of the Code of Conduct of Mumbles Community Council. - That former Councillor Louise Thomas be formally censured pursuant to Regulation 9 of the Local Government Investigations (Functions of Monitoring 	Councillor Thomas had not attended Code of Conduct training. All members are encouraged to complete such training.

ENCLOSURE 1

	Link to case	Name	Relevant Authority	Nature of allegation	Date	Tribunal decision	Points of interest arising:
						<p>Officers and Standards Committees) (Wales) Regulations 2001 (as amended) for breaching paragraphs 6 (1)(a) and 6 (1)(d) of the Code of Conduct.</p> <p>- That had former Councillor Louise Thomas still been a serving Community Councillor, the Appeal Tribunal would have recommended that the Standards Committee impose a 6-month suspension, which is the maximum period of suspension that the Committee could impose.</p>	
4	APW/005/20 23-024/AT: Councillor David Metcalfe	Councillor David Metcalfe	Cefn Community Council	<p>Breach of paragraphs 6(1)(a), 7(a), 11(1), 11(2)(b), 14(1)(a)(ii), 14(1)(c) and 14(1)(e) of the Council's Code of Conduct.</p> <p>6(1)(a) – Members must not conduct themselves in a manner which could reasonably be</p>	Decision date – 8 February 2024	Appeal Refused	<p>Members are reminded that there is a 21-day period in which applications for permission to appeal must be received by the APW.</p> <p>The President of the APW considers the reasonable prospect of success of the points being argued.</p>

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	Link to case	Name	Relevant Authority	Nature of allegation	Date	Tribunal decision	Points of interest arising:
				<p>regarded as bringing their office or authority into disrepute.</p> <p>7(a) – Members must not in their official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.</p> <p>11(1) - Where a Member has a personal interest in any business of their authority and they attend a meeting at which that business is considered, they must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.</p> <p>11(2)(b) - Where a Member has a personal interest in any business of their authority and they make oral representations (whether in person or some form of electronic communication) to a member or officer of their authority they should disclose the interest at the commencement of such representations, or when it becomes apparent to them that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.</p>			

ENCLOSURE 1

	Link to case	Name	Relevant Authority	Nature of allegation	Date	Tribunal decision	Points of interest arising:
				<p>14(1)(a)(ii) - Subject to sub-paragraphs (2), (2A), (3) and (4), where a Member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee, withdraw from the room, chamber or place where a meeting considering the business is being held, whenever it becomes apparent that that business is being considered at that meeting.</p> <p>14(1)(c) – Subject to sub-paragraphs (2), (2A), (3) and (4), where a Member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee, not seek to influence a decision about that business.</p> <p>14(1)(e) – Subject to sub-paragraphs (2), (2A), (3) and (4), where a Member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.</p>			

ENCLOSURE 1