

ATODIAD / ENCLOSURE  
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**Summary of Case Tribunals – 2012 - 2013**

Name	Summary of Facts	Relevant provisions of Code	Decision Summary	Findings
<p>APW/002/2011-012/CT –                      Isle of Anglesey County                      Council</p>	<p>- The referral concerned allegations that the councillor had breached the Council's code of conduct by making repeated personal attacks of an offensive nature against the then Director of Legal and Democratic Services and Monitoring Officer and the former Interim Managing Director and by making numerous requests for information thereby placing excessive demands and significant burden upon the Council's Corporate Information Officer.</p> <p>- Matters commented upon by the councillor were that when making the comments at the heart of the complaint made against him, the councillor was acting as a member of the council in bringing to light activities which he perceived as improper. He was discharging the duties placed upon him as an elected</p>	<p>Breach of paragraph 4(b) and 6(1) (a) of the code of conduct.</p>	<p>- The tribunal found that the councillor, by his actions towards the then Director of Legal and Democratic Services, in particular the language used, failed to show respect and consideration and that his actions also amounted to bullying and harassment.</p> <p>- The tribunal found that as a more senior officer, the actions of the councillor did not amount to bullying or harassment of the Interim Managing Director.</p> <p>- The tribunal did however find that making unfounded allegations in the public media that the Interim Director was dishonest and corrupt did fail to show respect and consideration in breach of paragraph 4(b) of the Code.</p> <p>- The tribunal also found that the councillor's actions amounted to a breach of</p>	<p>The tribunal concluded by unanimous decision that the councillor should be suspended from acting as a member of the council for a period of 12 months.</p>

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	<p>representative of the Isle of Anglesey County Council.</p> <ul style="list-style-type: none"> <li>- By exposing the seemingly questionable practices of others he was actively contributing to the good governance of the area, effectively representing the interests of the electoral division concerned and was trying to ensure that the highest standard of conduct and ethics were maintained.</li> </ul>		<p>6(1)(a) of the code, in that the repeated unfounded allegations of a serious nature against senior officers of the council in public was bound to undermine the Authority and bring it into disrepute. In addition the language used by the councillor and the fact that the tribunal found his motives were not genuine further brought the office into disrepute.</p>	
PW/003/2011-012/CT, PW/005/2012-013/CT & PW/007/2012-013/CT -	<ul style="list-style-type: none"> <li>- There were 3 separate referrals from the Ombudsman which were</li> </ul>		<p>In the absence of any proper of meaningful response by the former councillor the</p>	<p>Accordingly the tribunal decided that the councillor be</p>

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Coedpoeth Community Council	<p>considered by a single tribunal.</p> <ul style="list-style-type: none"> <li>The allegations were that the former councillor had breached the above Community Council's code of conduct by his behaviour and consequent arrest for a breach of the peace during a demonstration, failure to show respect and consideration to the Clerk of the Community Council, his behaviour, arrest, subsequent imprisonment and non-cooperation with the relevant authorities arising from a protest at a County Court and his lack of cooperation with the Ombudsman's investigation of these allegations.</li> </ul>		<p>tribunal concluded by unanimous decision that the former councillor had, by his actions in breaching the code of conduct and in his unacceptable attitude to the investigation and general disregard to the code, demonstrated that he was unfit to hold public office and was unlikely to become fit over the next 5 years.</p>	<p>disqualified for 5 years from being or become a member of the community council or any other relevant authority.</p>
APW/001/2012-013/CT - Llantrisant Community Council	<ul style="list-style-type: none"> <li>The allegations were that the councillor had breached Llantrisant Community Council's code of conduct by posting unsubstantiated and highly offensive comments about a former neighbour on Facebook.</li> </ul>	6(1) (a)	<p>The tribunal found that the councillor made 3 postings through her Facebook account and noted that the councillor's profile page makes reference to her position as a community councillor. The tribunal was satisfied that making such public postings without appropriate</p>	<p>In all the circumstances the tribunal concluded by unanimous decision that the councillor should be suspended from acting as a member of Llantrisant</p>

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	<p>- The councillor submitted that it was a private family matter and was never intended to be in the public domain. The councillor explained that she had acted on the spur of the moment and had posted the comments to defend her son. The councillor submitted that she never intended to cause anyone harm or distress and was acting as a mother not as a councillor.</p>		<p>corroborative evidence was conduct which fell short of that expected of an elected member. The tribunal considered that making offensive comments on a social networking site and the councillor's failure to take immediate steps to remove those comments was conduct which the tribunal considered brought the office of community councillor into disrepute.</p>	<p>Community Council for a period of 6 months or, if shorter, the remainder of her term of office.</p>
<p>APW/002/2012-013/CT – Merthyr Tydfil County Borough Council</p>	<p>- The allegations were that the former councillor had breached Merthyr Tydfil County Borough Council's code of conduct by sending an email to all members of the Council in which he misrepresented the outcome of a previous tribunal hearing; by co-operating with the Merthyr Express to produce a story about his suspension; misrepresenting the decision of the tribunal when he wrote to the</p>		<p>The tribunal found that the councillor had persistently and deliberately misrepresented his position as a councillor following his suspension by a previous tribunal, in emails, blogs letters and articles to the press and a radio phone-in in a 3 month period following the tribunal finding; deliberately and persistently misrepresented the findings of the previous tribunal; misrepresented the Council and its policies; and, despite the finding of the previous tribunal, had knowingly published</p>	<p>The tribunal concluded by unanimous decision that the former councillor should be disqualified for 3 years from being or becoming a member of Merthyr Tydfil County Borough Council or any other relevant authority within the meaning of the Local Government Act 2000, with immediate effect.</p>

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	<p>Merthyr Express; publishing a confidential letter and other similar material on his blog for which he had already been suspended by the Adjudication Panel; participating in a live radio programme phone-in during which he misrepresented Council policies and failed to state that he was, at the time, suspended from the Council.</p>		<p>confidential information and failed to seek advice from the appropriate authorities</p>	
<p>PW/004/2011-012/CT – Denbighshire County Council</p>	<p>The allegations were that the councillor had breached paragraphs 4(a), 4(b) and 6(1)(a) by on 2 separate occasions making inappropriate comments relating to Muslims, gypsies and travellers at meetings of the Corporate Equalities Group</p>	<p>4(a), 4(b) and 6(1)(a)</p>	<p>The tribunal found by unanimous decision with regard to both allegations that the former councillor had failed to comply with paragraph 4(b) of the council's code of conduct. The tribunal further found that the councillor did not breach paragraphs 4(a) and 6(1)(b).</p>	<p>The tribunal concluded that the former councillor's conduct was not acceptable for any councillor to use language and express opinions in a way that would be inappropriate or offensive to others.</p>

**Summary of Appeals Tribunal 2012 – 2013**

<b>Name</b>	<b>Summary of Facts</b>	<b>Relevant provisions of Code</b>	<b>Decision Summary</b>	<b>Findings</b>
APW/003/2012-013/A – Anglesey County Council	<p>An appeal was received against the decision of Anglesey County Council's standards committee that the councillor had breached the Council's code of conduct and should be suspended for a period of 6 months.</p> <p>The allegations were that the councillor had breached paragraph 6(1)(a) of the Council's code of conduct as a consequence of receiving a criminal conviction for failing to declare his full income when applying for incapacity Benefit, thereby bringing his office or authority into disrepute.</p>	6(1)(a)	<p>The tribunal found that it was clear that the councillor showed an unwillingness to be frank and showed a reluctance to provide full and accurate disclosure of information to those investigating the allegation unless and until pressed to do so.</p>	<p>The tribunal accordingly decided by unanimous decision to endorse the decision of the Isle of Anglesey County Council's standards committee, that the councillor should be suspended for 6 months.</p>