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# Cyngor Sir Ynys Môn / Isle of Anglesey

<b>Committee</b>	<b>Standards Committee</b>
<b>Date of Meeting</b>	<b>12 March 2014</b>
<b>Title of Report</b>	<b>Findings of the Adjudication Panel for Wales 13<sup>th</sup> December 2013 to 12<sup>th</sup> March 2014</b>
<b>Report By</b>	<b>Corporate Governance Solicitor</b>
<b>Purpose of Report</b>	<b>To provide information on the issues dealt with by the Adjudication Panel for Wales</b>

## **1.0 Introduction & Background**

The Adjudication Panel for Wales came into being as a result of the Local Government Act 2000 and has two statutory functions:-

- To form case or interim case tribunals to consider reports from the Ombudsman following the investigation of allegations that a member has failed to comply with their authority's code of conduct; and
- To consider appeals from members against the decisions of local authority standards committees that they have breached the code of conduct

This report covers decisions made by the Adjudication Panel between the 13<sup>th</sup> of December 2013 and the 12<sup>th</sup> March 2014 and is intended as a factual summary of the issues that come before the Adjudication Panel. It will not replace the report that is presented to the Committee when a complaint relating to Anglesey County Council has been before the Adjudication Panel.

## **2.0 Decisions made between 13.12.2013 and the date of this report**

22.11.13 - Cllr Michael Jones – APW/004/2012-013/AT

23.01.2013 – Cllr Aeron M Jones – APW/006/2012-013/AT

See Table below which provides a summary of the issues dealt with and the results of the above cases.

Name	Summary of Facts	Relevant provisions of Code	Decision Summary	Findings
<p><b>Former Cllr Michael Jones</b> <b>(Pentyrch Community Council)</b></p>	<p>The allegations were that Mr Jones had breached Pentyrch Community Council's Code of Conduct by:-</p> <ul style="list-style-type: none"> <li>(i) failing to show respect and consideration for others;</li> <li>(ii) using bullying behaviour and harassing another person; and,</li> <li>(iii) failing to declare personal and prejudicial interests in relation to matters before the Council.</li> </ul> <p>It was alleged that Mr Jones frequently disrupted council business by raising matters in a manner which was unclear and that his representations ignored both the standing orders and previous decisions of the</p>	<p>Breach of paragraph 4(b), 4(c), 11 (1) and 14(1) (a) of the code of conduct.</p>	<p>Whilst accepting a broad definition of "political comment" which attracts a higher level of protection against unjustified interference with a person's right to freedom of expression under Article 10 of the Human Rights Act 1998, the comments were not directed at a politician but at the clerk who is a paid employee of the Council and as such is entitled to a degree of protection from disrespectful and harassing behaviour.</p> <p>Mrs Jones on behalf of the ombudsman submitted that there are similarities here with the case of Anglesey County Councillor Durkin (disrespectful behaviour towards and bullying and harassment of council</p>	<p>Decision of standards committee upheld.</p>

Name	Summary of Facts	Relevant provisions of Code	Decision Summary	Findings
	<p>Council. This pattern of behaviour had gone on for over two years and was perceived as disrespectful, harassing and bullying towards the clerk and the chairman.</p> <p>It was also alleged that Mr Jones would consistently challenge the accuracy of minutes even though his suggested amendments had been considered and either rejected or accommodated, even if he had not actually been at the meeting.</p> <p>It was alleged that his manner in communicating with members and staff of the Community Council is vexatious, bullying and disrespectful, often containing direct criticism of the clerk's work.</p>		<p>officers).</p> <p>The Appeal Tribunal found by unanimous decision that by his actions (as found and hereinbefore set out) Mr Jones has breached paragraphs 4(b), 4(c), 11(1) and 14(1)(a) of the Code of Conduct and unanimously endorses the decision of the Standards Committee that Mr Jones should be sanctioned.</p>	
Cllr Aeron M Jones	Not available	Breach of paras 4(b) and 6(1)(a), 6(2) and 7(a) of the code of conduct	Not available	Decision of Standards Committee upheld