

## STANDARDS COMMITTEE

### Minutes of the meeting held on 19 December, 2014

<b>PRESENT:</b>	<b>Independent Members</b>  Mr. Michael Wilson (Chair) Mr. Islwyn Jones (Vice-Chair)  Ms. Denise Harris-Edwards, Mr. Leslie Lord, Mrs. Dilys Shaw.  <b>Representing the County Council</b>  Councillors T.LI. Hughes, Dafydd R. Thomas.
<b>IN ATTENDANCE :</b>	Legal Advisor (Mr. Peter Keith-Lucas of Bevan Brittan LLP), Committee Officer (MEH).
<b>APOLOGIES:</b>	None
<b>ALSO PRESENT:</b>	Ms. Annie Ginwalla and Ms. Rhiannon Williams – Public Services Ombudsman for Wales;  Councillor Peter Rogers; .  <b>Witnesses</b> (When called to give evidence)  Principal Valuation Officer , Technician .  Mr. Patrick Geal

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#### 1 DECLARATION OF INTEREST

No declaration of interest made by a Member or Officer.

#### 2 MINUTES

The minutes of the meeting held on 11 September, 2014 were confirmed as correct.

#### 3 EXCLUSION OF THE PRESS AND PUBLIC

The Legal Advisor stated that it is a presumption that Hearings are taken in public unless there is an overriding reason to hold them in private. The private issue in respect of this Hearing is the land transaction and the evidence by Mr. Geal. The Chair asked Councillor Rogers who confirmed that he had no objection to the hearing proceeding in

public, subject to Mr. Geal's view in respect of his own evidence. Accordingly the Committee resolved not to exclude the press and public, but to reserve a decision in respect of Mr. Geal's evidence until he was present and then to seek his view in respect of his own evidence.

**It was agreed that the Hearing to be taken in public.**

#### **4 REPORT**

Submitted – a report by the Public Service Ombudsman for Wales (PSOW) investigating a complaint raised by the Chief Executive in relation to alleged breaches of the Members' Code of Conduct in respect of his involvement in the disposal by the County Council of an area of land at Dwyran and a chronology of events and Issues List prepared by Mr. Keith-Lucas and previously provided to all parties.

The Chair outlined the procedure for the Hearing and all present agreed to the procedure as set out in the Agenda.

Councillor Rogers made submissions as to why the allegations should be dismissed without a hearing, including the Investigating Officer's involvement in a previous matter, the absence of additional officer evidence and Councillor Rogers' concern at the propriety of other Council actions. The PSOW's representative explained that she had no involvement in another matter other than that she had been aware that a colleague had had a telephone conversation with Councillor Rogers. Mr. Keith-Lucas advised that none of the matters submitted invalidated the hearing and that the Committee should determine the allegations purely on the facts which could only be evidenced by a hearing. The Committee resolved to proceed with the hearing.

The Chair invited Ms. Ginwalla (representing the Public Service Ombudsman for Wales) formally presented her report outlining the key issues of the complaint received by the previous Public Service Ombudsman for Wales and the alleged breach of the Code of Conduct in his failure to record his personal and prejudicial interest in matters relating to the sale of land at 6 Glandwr, Dwyran. Having considered the complaint the former Ombudsman decided that there was sufficient evidence to start an investigation. Evidence was gathered from Officers of the Council together with email, letters, correspondence in respect of this matter. A statement was also obtained by Mr. Geal. The Ombudsman was satisfied that there was a close relationship with Councillor Rogers and Mr. Geal between March 2012 and August 2013. The relationship was enhanced with a marriage between the children of both parties in 2013.

Members of the Standards Committee and Councillor Rogers were given an opportunity to question Ms. Ginwalla and a question and answer session ensued.

2 Officers from the Estates Management Section gave evidence as witnesses to the Committee and Members of the Standards Committee and Councillor Peter Rogers were given an opportunity to question the Officers.

Following a recess for lunch, Councillor P. Rogers stated that Mr. Geal would give evidence as a witness to the Standards Committee. The Chair asked Mr. Geal if he was happy to give evidence in public. Mr. Geal said he was happy do so. Accordingly, the Committee resolved to continue in open session.

Members of the Standards Committee and Councillor Rogers were given an opportunity to question Mr. Geal.

The Chair invited Councillor Rogers to address the Standards Committee. Members of the Standards Committee and the representative from the Public Services Ombudsman for Wales were given an opportunity to question Councillor Rogers.

The Standards Committee retired to private session to make a decision on whether or not the Code had been breached.

The Committee determined as follows :-

- (a) That Councillor Rogers had been acting in his capacity as a member of Isle of Anglesey County Council at all material times and so was subject to the Council's Code of Conduct;
- (b) That his relationship with Mr. Geal was such as to amount to a close personal association from before the date of Councillor Rogers first involvement in this matter in March 2012, and that, as the land transaction affected the well-being of Mr. Geal, accordingly Councillor Rogers had a personal interest in the land transaction from that date;
- (c) That Councillor Rogers, on his own admission, had not considered whether he had a personal interest in the transaction, contrary to Paragraph 10(1) of the Code of Conduct, had not disclosed that personal interest in correspondence or at any meeting, and accordingly had failed to comply with Paragraphs 11(1) and 11(2)(a) of the Code of Conduct, and had failed to notify the Monitoring Officer of this personal interest, contrary to Paragraph 11(4);
- (d) That Councillor Rogers relationship with Mr. Geal did not materially change through the period of this matter, despite the wedding between the 2 families in September 2013;
- (e) That throughout the transaction Councillor Rogers sought to facilitate the land transaction for the benefit of both Mr. Geal and the County Council, and did not seek to advantage Mr. Geal at the Council's expense. Accordingly, his personal interest was never such that it might reasonably have been perceived as likely to prejudice his perception of the public interest, and so it did not amount to a prejudicial interest;
- (f) That Councillor Rogers did not at any time use his position to put unreasonable pressure on any officer or with any wrongful intent. Further, the Committee found that there was no financial advantage to Mr. Geal in changing from restrictive covenant to an overage arrangement, and accordingly found that he had not improperly used his position to seek to confer any advantage on Mr. Geal.

The Committee then resumed and the Chairman advised Councillor Rogers that the Committee now had to determine whether to impose any sanction and, if so, what would be an appropriate sanction, and sought representations from Ms. Ginwalla and Councillor Rogers.

The Committee retired to private session to consider the issue of sanction.

The Committee took into account the fact that there had been no financial benefit to Mr. Geal, or financial detriment to the Council. They recognised that Councillor Rogers had throughout been seeking to resolve wider estate matters and had apologised for failing to identify that he had a personal interest in the transaction, but were concerned at his criticism of the Investigating Officer.

The Committee determined as follows :-

- **To suspend Councillor Rogers from being a Member of the County Council for a period of 1 month;**
- **To express to the Chief Executive the Committee's concern at the apparent leaking from within the County Council of the information as to the making and nature of the complaint;**
- **To express to the Chief Executive the Committee's concern that this land transaction took so long to resolve. The 2 County Council representatives of the Standards Committee will seek to meet the Chief Executive on this point to**

**see whether it is possible to introduce some system of targets for completion of these transactions, as this order of delay is not only frustrating to the prospective purchaser but potentially damaging to the authority at a time when it needs to generate income;**

- **To recommend that, wherever an invitation to tender for land is sent out by or on behalf of the County Council, that invitation must contain full particulars of the land to be sold and of the terms and conditions upon which it is to be sold, including any restrictive covenants and fees, to enable prospective purchasers to determine exactly what it is that the County Council is seeking to sell and to enable the prospective purchaser to raise any queries and to make a firm bid for the property.**

The Committee resumed and the Chair advised Councillor Rogers of the Committee's resolution.

**MR. MICHAEL WILSON  
CHAIR**