

**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/005/2009-010/CT

**REFERENCE IN RELATION TO A POSSIBLE FAILURE TO FOLLOW THE
CODE OF CONDUCT**

RESPONDENT: Councillor Alison Halford

RELEVANT AUTHORITY(IES): Flintshire County Council

1. INTRODUCTION

1.1 A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.

1.2 A hearing was commenced by the Case Tribunal at 10.00am on Wednesday 24 March 2010 and continuing on Thursday 25 March 2010 at the Northop Hall Country House Hotel, Chester Road, Nr Chester, CH7 6HJ. The Case Tribunal adjourned the hearing on 25 March until 18 May 2010, when it reconvened at the same venue. The hearing was open to the public.

1.3 Cllr Halford attended and was represented by Mr Colin Crawford (Kings Chambers, Manchester) and Mr Thomas Harrison (E Rex Makin & Co, Liverpool).

2. PRELIMINARY DOCUMENTS

2.1 Reference from the Public Services Ombudsman for Wales

2.1.1 In a letter dated 7 October 2009, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales ("the Ombudsman") in relation to allegations made against Cllr Halford. The allegations were that Cllr Halford had breached Flintshire County Council's Code of Conduct by:

- i. seeking to mislead the Ombudsman's investigation into the alleged conduct of a fellow councillor, thereby conducting herself in a manner which could reasonably be regarded as bringing her office (of member) into disrepute, in breach of paragraph 6(1)(a) or the code of conduct; and
- ii. failing to comply with the Ombudsman's request that she attend for interview (about her alleged breach of paragraph 6(1)(a)), in breach of paragraph 6(2) of the code of conduct.

2.1.2 The circumstances leading to the alleged breaches are evident from the Case Tribunal's findings of undisputed material facts which are set out in points 4.1.1-4.1.30 of this report.

2.2 The Respondent's Written Response to the Reference

2.2.1 A written response was submitted on Cllr Halford's behalf by E Rex Makin & Co, Solicitors on 8 January 2010.

2.2.2 Matters commented on by Cllr Halford's representative, referred to by paragraph numbers of the Ombudsman's report:

- a) **Paragraphs 11 and 20** – The quote "Cllr Heesom's behaviour at the meeting (of the recruitment panel) was appalling" is wholly out of context. The word "appalling" was applied to Cllr Heesom's behaviour in respect of the substantive procedure, not, as is implied, his conduct generally.
- b) **Paragraph 27(f)** – "The content of Cllr Halford's written statement and that contained in her email exchange cannot both be correct" is not accepted as an undisputed fact. It represents the Ombudsman's interpretation, it is not a fact at all.
- c) **Paragraph 32** - It is not accepted that the notes recorded by Cllr Woolley in his journal are an accurate reflection of his conversation with Cllr Halford.
- d) **Paragraph 33** - Cllr Halford suggested she should have been allowed to refresh her memory on the content of the emails she sent before making her statement. From this the Ombudsman drew inference that had she known that the investigation team had access to those emails she would not have made her voluntary and unsolicited statement. It is not accepted that any such inference can be drawn and the statement is true irrespective of the content of the emails.
- e) **Paragraph 34** - It is disputed that Cllr Halford's statements were misleading and, further, that there was any attempt to mislead. It is not accepted that any breach of the code can be established. The Ombudsman has reached this conclusion without reference to Cllr Halford. She has had no opportunity to explain the apparent discrepancy prior to the preparation of the Ombudsman's Report.
- f) **Paragraphs 36 and 37** - It is not accepted that there was any attempt to obstruct or obfuscate and it is not accepted that any breach of the code can be established.
- g) **Paragraphs 38 to 42** - These paragraphs are rejected in their entirety.
- h) The Ombudsman's reasoning is disputed. His conclusion is wrong. It is predicated on an assumption that in order for Cllr Halford's statement to be true, Cllr Heesom must be a "nice" person and that she must like him. Neither of these assumptions is correct. Her statement is clear in stating

that she has seen no "harassment or bullying of officers by Cllr Heesom" and that she has not witnessed any "inappropriate behaviour" from Cllr Heesom. That is all it says, it does not comment on his personality or whether she liked him. Within the confines of the Ombudsman's remit, the statement is correct. The Ombudsman's investigation is flawed. There are no grounds on which a finding that the code has been breached can properly be based.

2.3 The Ombudsman's Written Representations

2.3.1 The Ombudsman responded to Cllr Halford's representations as follows:

- a) **Paragraph 11 and 20** – The quotation is not taken out of context. The full context is provided in the witness statement of Susan Lewis which is in the report. These paragraphs accurately record her evidence in context.
- b) **Paragraph 27(f)** – The Ombudsman considers that the statement made voluntarily by Cllr Halford about Cllr Heesom's conduct sometime after the events, is inconsistent with the description she gave of his conduct nearer the time of those events and as a matter of fact, the different descriptions given by her of Cllr Heesom's conduct, cannot both be correct.
- c) **Paragraph 32** - It will be a matter for the Tribunal to decide whether or not the notes made by Cllr Woolley are accurate. In arriving at his view the Ombudsman considered the fastidiousness with which he completed his journal and was satisfied that it was a contemporaneous record of the conversation between him and Cllr Halford.
- d) **Paragraph 33** - The inference drawn by the Ombudsman was based on the following facts and is one that the Ombudsman was entitled to draw. In the course of an investigation by the Ombudsman into the conduct of Cllr Heesom, Cllr Halford asked to make a statement. That statement contained inconsistencies with statements she had made on earlier occasions and of which the Director of Investigations was unaware. When she was subsequently asked to explain those inconsistencies she suggested she should have been reminded of her earlier statements before making the statement.
- e) **Paragraph 34** - It is the Ombudsman's case that the statement was inconsistent with earlier statements and was designed to mislead the Ombudsman's investigation. Further the Ombudsman reached his conclusion only after giving Cllr Halford every opportunity to put her case before the draft report was prepared and, before it was finalised she was given further opportunity to comment on the draft report. Details of the attempts to engage with Cllr Halford are set out in the report.
- f) **Paragraphs 36 and 37** - The Ombudsman was entitled, on the evidence, to arrive at this conclusion.

- g) **Paragraphs 38 to 42** - These are conclusions which the Ombudsman was entitled to come to, having considered carefully the evidence including the conduct of Cllr Halford.

2.4 The Skeleton Argument for the Ombudsman is annexed to this report at Annexe A.

2.5 The Respondent's response to the Ombudsman's Skeleton Argument is annexed to this report at Annexe B.

2.6 The Ombudsman's response to the latter is annexed to this report at Annexe C.

3. ORAL EVIDENCE/SUBMISSIONS

3.1 The Case Tribunal heard oral evidence as follows.

Mr Andrew Walsh, Director of Investigations, Public Services Ombudsman for Wales

3.2 Mr Walsh gave evidence on oath. He confirmed the truth of his statement dated 8 July 2009.

3.2.1 In cross examination he gave the following evidence: -

3.2.1.1 It was on 3 June 2009 whilst at Flintshire that he became aware of possible discrepancies between the information contained in Cllr Halford's statement and the information contained in her emails which are the ones in the Tribunal Bundle. This came about when the investigation team met and members commented about the interviews they had conducted. Only on his return to his office at Pencoed did he have all of the documents. All documents giving rise to "suspicion" are contained in the bundle and there are no undisclosed items nor any which tend to show consistency in the statement of Cllr Halford and her emails.

3.2.1.2 He did not put the matter to Cllr Halford whilst at Flintshire as he did not have the "full picture" at the time. He did not put the matter to Cllr Halford immediately upon his return to Pencoed because there were substantial and significant discrepancies and he wished to afford her the protection of an investigation before putting it to her or interviewing her again. It was not the "nuclear option". He felt the matter was of some "magnitude". He did not reach any conclusion. He felt there was evidence indicating a potential breach of the code of conduct and in accordance with usual practice, he referred the matter to the Ombudsman to investigate. This course of action was appropriate.

3.2.1.3 Copies of her statement, the emails, Mrs Susan Lewis's statement and Cllr Woolley's journal were sent to Cllr Halford when he wrote to her on 15 June 2009. She was not asked to comment on them at this stage as further information may have come to light during the course of the Ombudsman's investigation. Cllr Halford would be and indeed was given the opportunity to comment on all information following the Ombudsman's investigation.

3.2.1.4 Cllr Halford had asked why she was not given the chance to refresh her memory about the emails at the time she gave her statement. From this the Ombudsman inferred that had she seen the emails she would have been unlikely to make a statement supporting Cllr Heesom. The emails are critical of him; the statement is not. The implication is, had she seen the emails, it would have been difficult for her to make a statement supporting Cllr Heesom. The content of the statement and the content of the emails cannot both be true. Mr. Walsh does not know which is true nor does he know why Cllr Halford would make an untrue or a misleading statement, but the balance of evidence favours an inconsistency and the statement being untrue.

3.2.1.5 There was no set of questions to put to Cllr Halford as there was no intention to interview her. She asked to be interviewed and volunteered a statement. It was clear that the allegations against Cllr Heesom were wider than that which was alleged to have happened at the meeting on 12 February 2009. Taken in isolation, there is nothing in her statement suggesting bullying of officers at that meeting, but it cannot be taken in isolation. Part of the thread of emails and the allegation against Cllr Heesom (of bullying) is about bullying of officers not anyone else. Saying that someone is a bully and destructive is inconsistent with saying that inappropriate conduct has never been witnessed. Bullying and destructive behaviour is inappropriate conduct.

3.2.1.6 Mrs Susan Lewis said in her statement that Cllr Halford had told her that Cllr Heesom's behaviour at the meeting was "appalling". This is inconsistent with Cllr Halford's statement.

3.2.1.7 Cllr Woolley's diary is a contemporaneous record of events. It notes that when Cllr Halford telephoned him on the 17 April 2009, she called Cllr Heesom "a bully and extremely arrogant and aggressive fellow". It follows that it is inconsistent to say in her statement that she had not witnessed inappropriate behaviour by Cllr Heesom.

3.2.1.8 Standard procedure was followed in relation to the Ombudsman's requirement for Cllr Halford to attend interview about the allegations against her. The Ombudsman did not behave unreasonably.

3.2.2 In re-examination Mr Walsh gave the following evidence: -

3.2.2.1 During the course of correspondence between the Ombudsman's office and Cllr Halford from 15 June to 17 September 2009, it was open to Cllr Halford to make comment on and respond to information, including the Ombudsman's draft report, and indeed on some occasions she made comment, but no substantive response.

3.2.2.2 Cllr Halford approached the Ombudsman's investigating team with a request to provide a statement about the allegations against Cllr Heesom. He did not know in advance what she was going to say or what evidence she had. Her written statement was prepared in her presence, amended by her before it was typed and then it was signed by her in his presence.

3.2.2.3 There are advantages to interviewing someone face to face rather than on the telephone or by the provision of a written statement.

Mrs Katrin Shaw, Investigation Manager, Public Services Ombudsman for Wales

3.3 Mrs Shaw gave evidence on oath. She confirmed the truth of her statement dated 15 July 2009.

3.3.1 In cross examination she gave the following evidence: -

3.3.1.1 As she remembers it, a previous statement made by Mrs Susan Lewis does not say anything about the allegations against Cllr Halford; it relates to other events. The supplementary statement contained in the Tribunal Bundle was obtained as one statement to cover all events. She was not aware of Cllr Halford's statement when she interviewed Mrs Lewis and Cllr Woolley in Flintshire.

3.3.1.2 Cllr Woolley's journal was introduced by him when he was interviewed about the allegations against Cllr Heesom. He referred to it as a contemporaneous note. She believed it was relevant to the investigation about Cllr Heesom's conduct.

Cllr Arnold Woolley

3.4 Cllr Woolley gave evidence on oath.

3.4.1 He confirmed that the journal is his personal notes made on the dates as recorded in it for his own use in the future. It is a personal diary of incidents. He has re-read it since and even on reflection, there is nothing which is incorrect. It contains his view and is an accurate record of his observations at the time when the record was made with no need for amendment.

3.4.1.1 He was present at the meeting on 12 February 2009 as were Cllr Heesom and Cllr Halford. The emails dated 15, 16 and 17 February 2009 which he received from Cllr Halford referred to that meeting. The meeting was "shambolic". It was not a good experience. Pam Webb, who was an interviewing officer for the appointments, declined to be present at the next meeting because of the atmosphere and what she had encountered. It was Cllrs Heesom and Attridge who were mainly responsible. Their conduct was not appropriate. He witnessed conduct by them which could lead to officers feeling demotivated and insulted. Cllr Heesom offended people; his attitude went beyond acceptable or robust and some junior officers were almost at the point of tears because of his comments. He was appalled. The appointment process needed to be progressed and the delay was detrimental, but his concerns were wider than those issues and extend to Cllr Heesom's treatment of officers. He saw conduct by councillors which was close to breaching the code of conduct. Based on that which he saw of Cllr Heesom's conduct at the meeting on 12 February and on past knowledge, he shares the view expressed by Cllr Halford in her email about him, namely "he is clever but a bully and destructive".

3.4.1.2 His journal contains a record of his view of the meeting of 12 February, the meeting on 19 February and his telephone conversation with Cllr Halford on 17 April 2009. In the telephone call Cllr Halford was referring to the meeting on 19 February. His journal record of the telephone call is correct. He believes Cllr Halford was concerned about Cllr Heesom's treatment of officers at the meeting on 19 February. He believes her concerns to be genuine and he shares her concerns. The record is accurate and made at the time of the telephone call (after he handed over the receiver to his wife to speak to Cllr Halford). Cllr Halford used the very words "extremely arrogant and aggressive fellow" during the telephone call to describe Cllr Heesom's behaviour. It was not appropriate for Cllr Heesom to be an extremely arrogant and aggressive fellow and he believed that Cllr Halford also felt it was inappropriate and was very concerned about that.

3.4.2 In cross examination he gave the following evidence: -

3.4.2.1 He produced the journal during his interview about the allegations made against Cllr Heesom in order to provide veracity for his statement as it was a contemporaneous note of events. He has always kept a journal. He has thought for some time that Cllr Heesom is "on a collision course" and "would damage the Authority". With that in mind he thought he ought to keep a record for the future to enable him to defend the County by identifying Cllr Heesom as the cause of problems. He does not approve of Cllr Heesom's actions. He denied he was compiling merely adverse comments. It is a balanced and accurate record of events.

3.4.2.2 He had spoken to Cllr Halford after the meeting on 19 February and they had agreed that the wrong person had been selected. She had expressed an opinion that she had concerns about how officers had been treated and he had recorded that view in his journal. He denied that he had inserted this in hindsight and was adamant that she had said so and that his record was accurate as to the view she had expressed to him. She was not supportive of Cllr Heesom at this stage.

3.4.2.3 He could not say what was in Cllr Halford's mind when she sent the emails. He did not accept that Cllr Halford's emails were not about Cllr Heesom's treatment of officers, but solely to do with his attempts to close down the meetings and the interviewing process and the costs that would entail. He was adamant that she was referred to his "bullying" of officers and he was adamant that her opinions and his did not differ. She had discussed her concerns with him on more than one occasion, not all of which are recorded.

3.4.3 On re-examination Cllr Woolley gave the following evidence: -

3.4.3.1 At both meetings (12 and 19 February) Cllr Heesom's behaviour was overly robust and not acceptable. It was not limited to attempting to close down the recruitment process, it included his attitude which lead junior officers to being at the point of tears. Those were his concerns and he was sure that they were shared by Cllr Halford. His journal is a fair and balanced account reflecting his concerns and those expressed to him by Cllr Halford.

Mrs Susan Lewis

3.5 Mrs Lewis gave evidence on oath. She confirmed the truth of her statement dated 3 June 2009, apart from some minor typographical errors.

3.5.1 At the meetings on 12 and 19 February the Human Resources staff were subjected to aggression and hostility by many members, including Cllr Heesom. These members were very dismissive of advice given by her, the Chief Executive and by the Human Resources staff and it was done in a very aggressive and hostile way. It went beyond robust. It was inappropriate. The atmosphere at both meetings was similar.

3.5.1.1 She received a telephone call from Cllr Halford on 13 February. The paragraph contained in her statement about this telephone call is an accurate statement of what Cllr Halford said, namely Cllr Halford said she felt that Cllr Heesom's behaviour at the meeting [on 12 February] was appalling and had asked what she could do about it. Mrs Lewis's understanding of this was that Cllr Halford was referring to the same behaviour as that which she herself had witnessed at that meeting. She does not agree that Cllr Heesom's behaviour was "not appalling" nor that "his attitude behaviour and demeanour cannot be faulted". Her opinion is that Cllr Heesom's behaviour was appalling.

3.5.2 In cross examination she gave the following evidence: -

3.5.2.1 Referring to her statement, she had been criticised as not competent to advise on the appointment, not having a background in Housing. She felt she was competent as she had previous management experience. She felt very worn down by Cllr Heesom's criticisms, his bullying and undermining behaviour, which was not limited to this issue but went further and was personal. She had experienced so much difficult behaviour that her threshold was lowered and she put up with it to get things done. The meeting on 12 February was particularly appalling. She could not remember specifically what was said.

3.5.2.2 It is perfectly possible that Cllr Halford was, in their telephone call, referring to Cllr Heesom's attempts to shut down the interviewing process and the costs, rather than the treatment of officers, but she cannot see the distinction. The point being that Cllr Heesom bullied officers in order to achieve his objective of closing down the meeting. She was in no doubt that Cllr Halford thought his behaviour was appalling. She did not discuss that matter with Cllr Halford. She did not feel it was appropriate for her to discuss the behaviour of another councillor. She advised Cllr Halford to speak to the Leader of the Council.

3.5.2.3 She did not agree that there is no inconsistency between the email sent by Cllr Halford to Mr Colin Everett on 15 February. It is possible to close down a meeting or an interviewing process without also bullying officers. Cllr Heesom had bullied officers to try to get his own way.

3.5.2.4 As for the comment "I hope you are going to behave yourself today....." made by Cllr Halford to Cllr Heesom at the start of the meeting on 19 February,

she had taken this as a reference to Cllr Halford's experience of his previous appalling behaviour on 12 February.

Cllr Alison Halford

3.6 Cllr Halford gave evidence on oath.

3.6.1 Her intention in giving her statement in support of Cllr Heesom was "for him to have justice". She did not see anything in his behaviour in the appointment process that warranted the allegations made against him and an investigation.

3.6.1.1 It is totally untrue to say that she sought to mislead the Ombudsman. There is no reason for her to do so.

3.6.1.2 There is no inconsistency. She was referred solely to the appointment process on 12 February.

3.6.1.3 She cannot accept Mrs Lewis's evidence. In the telephone call she had not referred to Cllr Heesom's behaviour towards officers. The comment she made to Cllr Heesom at the start of the meeting on 19 February "I hope you are going to behave yourself today..." was made in a jokey way. The meeting on the 12th had been tough and she wanted to ensure that they got off to a good start on the 19th to resolve the unhappy Housing situation in Flintshire.

3.6.1.4 In relation to Cllr Woolley's diary she did not say or does not recall saying that she was very concerned at the way Cllr Heesom had spoken to and treated officers at the meeting on 19 February. This meeting was quite productive, reasonable and went well. It is not a true record. As for his record of their conversation on 17 April, she did not take a note; he did. She does not recall calling Cllr Heesom a bully or arrogant or an aggressive fellow. She does not remember saying these words. If she said these words it was not as a reference to his treatment of officers.

3.6.1.5 She was diagnosed with breast cancer for which she received treatment at Wrexham Meallor Hospital from February 2009 until January 2010. She had not wanted anyone to know about this and had made hospital appointments to fit in with her duties. She had not refused to attend interview with the Ombudsman. She had assumed that the interview would take place in Flintshire and was "thrown" when a meeting at Pencoed was mentioned. One of the dates she had offered overlooked a meeting and her diary had filled up. She had offered and indeed prepared a written statement. She was sore following her treatments for breast cancer (radiotherapy).

3.6.2 In cross examination she gave the following evidence: -

3.6.2.1 Cllr Halford accepted that as a former senior police officer she appreciates the importance of the accuracy and truthfulness of a statement and that it should contain the whole truth and not be misleading in any way.

3.6.2.2 She acknowledged, whilst she challenges Cllr Woolley's contemporaneous notes (the journal) she had nothing of any evidential value to contradict him, her emails or Mrs Lewis's statement.

3.6.2.3 She acknowledged that if a councillor is guilty of appalling behaviour, that is not appropriate conduct.

3.6.2.4 Cllr Heesom tried to close down the interviewing process but he did not conduct himself in an appalling manner. Mrs Lewis is not correct in saying that his conduct was appalling. Cllr Halford does not consider it to be so. Reference in her Skeleton Argument that his behaviour appalled her, referred to the waste of tax payer's money and it was that and his attempts to close down the meeting rather than go to interview and make appointments, that appalled her.

3.6.2.5 Her reference to his being close to breaking the code of conduct was the waste of public money. It would have been about £17,000 and in that light he must have been close to breaking the code. Her only concern was his wish to delay interviewing. Everyone was frustrated. Members were being pressed to interview only two people and could not understand why, as there were other worthy candidates. They felt frustrated and resentful. There was a verbal attack by officers on Cllr Attridge, to which he responded vigorously and this involved shouting. If it was the case that the Chief Executive had to restore morale amongst officers, she cannot say what happened between them. "Yes and no" to the meeting being "shambolic and inexplicably adversarial". It was adversarial and councillors were frustrated. It was a difficult meeting. The exchange involving Cllr Attridge had not involved Cllr Heesom and she could not say why the Chief Executive had also referred to Cllr Heesom in his email. In her email to the Chief Executive she described the meeting as "shambolic" but it was not. It was unfortunate that she had sent this email. She cannot remember anything more about Cllr Heesom's behaviour at the meeting except for his attempts to close down interviewers. She did not see any bullying or inappropriate behaviour from him at the meeting on 12 February. In the email she was referring to Cllr Attridge's behaviour and his apology which she was not sure how to handle. It was a poor and difficult meeting but this was not Cllr Heesom's fault and if she had blamed him, she was wrong. In relation to the email she sent to Pam Webb, she had described Cllr Heesom as "clever and a bully and destructive". She was careless. She has not seen any bullying behaviour despite what she wrote at the time. She is not a liar. The reference in the email to her not being his friend any more was made because she was incensed by his behaviour, namely closing down the meeting. His behaviour had hit a nerve and she was cross. She was not making sense because her dog had been injured. The email is confusing and does not make things clear.

3.6.2.6 She did not know that Cllr Woolley kept a diary. This came as a complete shock to her when she heard from the Ombudsman in June. She did not know Cllr Woolley had made a record of their telephone conversation. The diary was common knowledge amongst councillors by July 2009. She does not remember using the words "arrogant and aggressive" to describe Cllr Heesom. They are not inconsistent with the words she used in her emails and she should have concentrated more carefully when sending the emails.

3.6.2.7 She was aware of assorted wider allegations against Cllr Heesom than the issue of the appointment of Head of Housing. She had seen the bundle of documents containing the allegations against him and she had read them.

3.6.2.8 Cllr Woolley's diary is not an accurate record of what happened at the meeting on 12 February. She hopes her emails do not support this part of Cllr Woolley's journal, which she rejects.

3.6.2.9 Although there are references elsewhere to her being appalled at Cllr Heesom's conduct and to his being a bully and destructive, nothing of this nature is mentioned in her statement. This is because her statement relates specifically to his behaviour on 12 February, when she did not see any inappropriate behaviour by him at that meeting. She has already explained why in her statement she mentions no concerns at all about his behaviour at that meeting. Whilst she was appalled at his attempts to close down the meeting, she was not appalled at his conduct towards officers and this is why no reference to appalling conduct is made in her statement. Her statement does not contain everything she said to Mr Walsh and with hindsight, "which is a wonderful thing", she should not have signed it. There were some things she had mentioned to Mr Walsh which are not included in the statement. He had said that they did not need to be included. There were some things she was not allowed to comment on and, naively, she accepted that. In her statement reference to as long ago as 1995 does not mean that the statement covers that period. The statement relates only to the appointment panel process. It is true and not misleading, but, yes, irreconcilable with the "dog email". She saw no inappropriate behaviour on 12 February and the email is not an accurate reflection of what she saw of Cllr Heesom's behaviour on that day.

3.6.2.10 The conditions she wished to impose in relation to her interview by the Ombudsman were that she felt uncomfortable about being interviewed again by Mr. Walsh. She asked to be interviewed by someone else. By the time of the letter dated 7 September she had resorted to correspondence by letter rather than email as she simply could not keep up with emails "boomeranging" in view of all of her commitments. She could not keep up with the pressure. The letter dated 7 September clearly missed the post. She was not trying to be awkward. She is sorry but does not consider it to be a strong case of non co-operation. In her letter dated 16 September she was rude, but she was not feeling well and was exhausted by all this pressure and her commitments. She did not even have the time to type this letter, it was handwritten. She felt the Ombudsman was vengeful in expecting her to travel to Pencoed for interview. She was upset about this. She wrote to the Ombudsman offering a statement, which she had already prepared, and he would not accept that.

3.6.3 In re-examination Cllr Halford gave the following evidence: -

3.6.3.1 She had understood from the Chief Executive's email of 15 February that he was going to speak to everyone with reference to the recruitment process, not only Cllr Heesom.

3.6.3.2 Cllr Woolley had received her email dated 17 February before he made his journal entry of that date, both using the word "bully".

3.6.3.3 She felt Cllr Heesom had a good case against the Ombudsman's allegations and felt it was not right that the case be brought against him. The "dog email" makes no specific reference to bullying of officers.

3.7 Oral submissions were made by Mr Tony Child on behalf of the Ombudsman as follows:

3.7.1 The Ombudsman continues to rely on his skeleton argument and his response to Cllr Halford's skeleton argument, which remain valid.

3.7.2 In relation to whether there are discrepancies in her statement, whether it is true, misleading and whether she sought to mislead the Ombudsman, what is important is what Cllr Halford thought at the time. Added together, her emails, the evidence of Mrs Susan Lewis and Cllr Woolley, Cllr Woolley's diary and the involvement of the Chief Executive, clearly demonstrate her view of Cllr Heesom's conduct at the time. What she later said in her statement, which she signed as being true, is different.

3.7.3 Greater weight should be given to contemporaneous notes (ie. the emails and Cllr Woolley's diary) than to Cllr Halford's ex post facto version. The language used by Cllr Halford in her emails and in her conversations with Cllr Woolley (as noted in his diary) to describe Cllr Heesom's conduct is consistent and is different from the words used in her statement.

3.7.4 Cllr Woolley's diary is a contemporaneous note of events. He has no motive to mislead anyone. He was present at the meetings and noted what he saw. His and Mrs Susan Lewis's reaction to Cllr Heesom's behaviour was the same and Cllr Halford's reaction was the same as theirs. His diary should be accepted.

3.7.5 It is clearly not the case that Cllr Halford was given no opportunity to explain any apparent discrepancy prior to the preparation of the Ombudsman's report. There was much correspondence between her and the Ombudsman's office between June and September before the Ombudsman's final report was issued in October. In fact she made some responses and comments, but gave no explanation nor did she take the opportunity to advance her case - if there was a simple explanation why not give it? She had every opportunity and chose not to.

3.7.6 Taken in its entirety, Cllr Halford's responses and comments to the Ombudsman's office demonstrate that she obstructed and obfuscated his investigation of her alleged breach of the code of conduct. She totally failed to co-operate with a public officer exercising statutory functions. The Ombudsman persisted in the face of her lack of co-operation and was very patient. On more than one occasion he pointed out to her and reminded her of her obligations.

3.8 The oral submissions made by Mr Colin Crawford on behalf of Cllr Halford are annexed to this report at Annexe D.

4. FINDINGS OF FACT

4.1 The Case Tribunal found the following **undisputed** material facts:

4.1.1 Cllr Halford is a member of Flintshire County Council.

4.1.2 On 6 May 2008 Cllr Halford signed her Declaration of Acceptance of Office thereby undertaking to observe the Council's Code of Conduct.

4.1.3 From 1 to 4 of June 2009 a team of investigators lead by the Ombudsman's Director of Investigations (Mr Andrew Walsh) attended the Council's offices to investigate a complaint against a member of the Council (Cllr Patrick Heesom) and to conduct interviews in connection with that investigation.

4.1.4 On 2 June 2009 Mr Andrew Walsh received a message that Cllr Halford wished to be interviewed in connection with the investigation about Cllr Heesom.

4.1.5 Mr Andrew Walsh interviewed Cllr Halford on 3 June 2009. At that interview Cllr Halford made a written statement containing a declaration of truth which she signed on each page.

4.1.6 In her signed statement made on 3 June 2009, Cllr Halford refers to a meeting of the recruitment panel for the Head of Housing appointment, chaired by Cllr Patrick Heesom, which she attended as a member of the recruitment panel. She states "During the whole process I did not witness any inappropriate behaviour from Cllr Heesom. Although he was forceful during the debate on the BEI score I would describe him as being quietly forceful. When Mrs Lewis, the Leader and the Chief Executive pointed out to Cllr Heesom that the preferred candidate was too inexperienced, he listened carefully to their comments but was not swayed. Throughout the process I could not fault his attitude, demeanour or behaviour. The vote was a democratic vote for who the panel regarded as the best candidate." Cllr Halford also states "I have been associated with the Authority since 1995 and worked with him as a fellow member although this is the first time I worked with him on the same committee. During this time I have not witnessed any inappropriate behaviour from him." Cllr Halford also states "I would described Cllr Heesom as a very knowledgeable member who questions and challenges officers. I have not seen any harassment or bullying of officers by Cllr Heesom."

4.1.7 The panel meeting referred to by Cllr Halford in her statement took place on 12 February 2009.

4.1.8 Cllr Halford was involved in an exchange of emails between the 12 and 17 February 2009, the subject of which included the meeting on the 12 February 2009.

4.1.9 On the 15 February 2009 Cllr Halford sent an email to the Chief Executive and to Cllr Arnold Woolley in which she refers to the behaviour of two councillors. She states "I am also appalled that Patrick Heesom wanted to close down any interviewing" and "personally I believe that both councillors are very close to breaking Codes of Conduct" and "my final concern is who is going to be chair of

this committee, if Patrick is to do it then I think I will ask to be replaced as I do not trust his judgement".

4.1.10 On the 16 February 2009 Cllr Halford sent an email to the Chief Executive with a copy to Cllr Arnold Woolley in which she refers to three councillors including Cllr Heesom. She states "I do understand how careful you must be but if a councillor is behaving badly and continues so to do there must be some redress. I know that PH has offended more than one person and you yourself have admitted you had to restore moral etc. Councillors cannot continue to behave like this. I am sure you will agree that things will only get worse unless the problem tackled firmly".

4.1.11 On the 17 February 2009 Cllr Halford sent an email to Pam Webb with a copy to Cllr Arnold Woolley. She states "Perhaps you should know that PH sees me as an ally. Sees me as powerful..... I must tell him I no longer his friend after the Thursday meeting. He is clever but a bully and destructive".

4.1.12 Mrs Katrin Shaw interviewed Mrs Susan Lewis (Director of Community Services) at the Council's offices on the 3 June 2009 as part of the investigation of the complaints made to the Ombudsman about Cllr Heesom.

4.1.13 In her statement Mrs Susan Lewis refers to a telephone call she received from Cllr Halford after the meeting on the 12 February 2009. Mrs Lewis states "On the following day Cllr Alison Halford who had been present at the meeting rang me and said she felt that Cllr Heesom's behaviour at the meeting was appalling. She asked me what she could do about it. I suggested that she should speak to the leader of the council and I informed Colin Everett about our conversation".

4.1.14 Mrs Katrin Shaw also interviewed Cllr Arnold Woolley at the Council's offices on the 4 June 2009 as part of the investigation of the complaints made to the Ombudsman about Cllr Heesom.

4.1.15 During his interview Cllr Woolley provided his account, in the form of a diary, of a telephone conversation between him and Cllr Halford on the 17 April 2009. The diary also contains reference to the meeting on the 12 February 2009 and other events.

4.1.16 According to the diary, during the telephone conversation Cllr Halford called Cllr Heesom "a bully" and described him as "an extremely arrogant and aggressive fellow" and "a control freak". According to the diary, Cllr Halford "does not want him to be unfairly or unjustly treated" and having seen "the case against Patrick and Patrick's eleven page rebuttal" Cllr Halford "is now prepared to give Patrick a statement in support of his case".

4.1.17 On reviewing the information obtained between the 1 and 4 June 2009 in relation to the investigation of the complaints made to the Ombudsman about Cllr Heesom, Mr Andrew Walsh formed the opinion that there were inconsistencies between that which Cllr Halford had said in her statement on the 3 June 2009 and the information provided by Cllr Woolley, by Mrs Lewis and that contained in the emails.

4.1.18 Mr Walsh referred the matter to the Ombudsman who directed an investigation as to a potential breach of the Code of Conduct by Cllr Halford.

4.1.19 On the 15 June 2009 Mr Walsh wrote to Cllr Halford to inform her of the Ombudsman's investigation into an alleged breach by her of the Code of Conduct. With that letter Cllr Halford was sent a copy of her statement dated 3 June 2009, a copy of the emails which she had sent on the 16 and 17 February 2009, a copy of Cllr Woolley's journal and a copy of the statement made by Mrs Susan Lewis on 3 June 2009.

4.1.20 There followed correspondence between the Ombudsman's department and Cllr Halford which included requests by the Ombudsman that she attend for interview about her alleged breach of paragraph 6(1)(a) of the Code of Conduct. On the 16 July 2009 an email was sent to Cllr Halford asking whether the 11 or the 18 August 2009 would be convenient for her and if not to suggest alternatives.

4.1.21 By an email sent on 21 July 2009 Cllr Halford responded stating "Sadly I am not able to commit myself to either of these dates. My apologies but we soon go into recess and I will be taking a holiday from County affairs that covers these dates. We could be looking at September if I decide to be interviewed which is rather unlikely for reasons I will soon share with the Ombudsman. As I gave a voluntary statement to you on 3rd June I am sure you will appreciate that it is not my intention to be obstructive".

4.1.22 The Ombudsman's department responded by an email sent on 22 July 2009 asking for availability and stating "I note also your suggestion that you may not wish to be interviewed. I must point out to you your obligation under the Code to co-operate with the Ombudsman's investigation. He has decided that as part of the investigation there is a need to interview you. Should you decline to be interviewed you may leave yourself open to a breach of the Code by failing to co-operate and you will be denying yourself the opportunity to give an account of your actions in the complaint currently being investigated. The Ombudsman would then have no choice but to conclude his investigation without any explanation from you. I should also point out that the Ombudsman has statutory powers to require any person to give him such explanation as he thinks fit for the purpose of conducting an investigation".

4.1.23 Further correspondence followed between the Ombudsman's department and Cllr Halford. No firm date was agreed for the interview in the meantime and on the 11 August 2009 the Ombudsman sent Cllr Halford a draft copy of his report into the investigation of the complaint against her, requesting her comments no later than the 4 September 2009.

4.1.24 In a letter dated the 27 August 2009 Cllr Halford stated "I had no intention of obstructing your enquiry and once the holiday period is over I am prepared to meet with a member of your team on a mutually agreeable date" and she provided a list of possible dates, namely the 8, 9 and 11 September 2009.

4.1.25 On 1 September 2009 Cllr Halford sent an email to the Ombudsman stating that the 9 September was no longer available as she had a meeting.

4.1.26 The Ombudsman wrote to Cllr Halford on the 2 September confirming that the interview would take place on the 8 September 2009 at 10.30 am and anticipating that it would last no more than 2 hours. By a letter dated 7 September 2009 Cllr Halford wrote to the Ombudsman to cancel the interview on the 8 September (because of the meeting on the morning of the 9 September). The letter was received by the Ombudsman's office on the 10 September 2009. The envelope is post marked the 9 September 2009.

4.1.27 On the 11 September 2009 the Ombudsman wrote to Cllr Halford asking her to attend an interview at 14.00 on the 23 September 2009 or alternatively at 10.30 on the 30 September 2009 asking her to confirm by the 17 September 2009 which of these dates was convenient for her and adding if no confirmation had been received by the 17 September the Ombudsman would assume that she did not wish to be interviewed and he would finalise and issue his report into the investigation of the complaint against her.

4.1.28 Cllr Halford wrote to the Ombudsman on the 16 September 2009. She stated "Your punitive deadline for reply by 17th September is regrettably impossible to meet as I cannot continue to sacrifice time needed for my council duties and I am sorry I am unable to give you the priority you feel you deserve. I will respond more fully as soon as possible but I bear the responsibility of County and Community Councillor and also am the consort to our chairman, that eats heavily into my time".

4.1.29 Cllr Halford did not attend interview.

4.1.30 The Ombudsman issued his final report on the 7 October 2009.

4.2 The Case Tribunal found the following **disputed** material facts:

4.2.1 There is a discrepancy between the information given by Cllr Halford in her signed statement and the emails which she sent.

4.2.2 Cllr Halford's statement is true irrespective of the content of the emails.

4.2.3 Cllr Halford's statement is not misleading.

4.2.4 There was no attempt by Cllr Halford to mislead the Ombudsman's investigation into the complaints about Cllr Heesom.

4.2.5 Cllr Halford was given no opportunity to explain any apparent discrepancy prior to the preparation of the Ombudsman's report.

4.2.6 Cllr Woolley's diary is not an accurate reflection of the conversation which took place between him and Cllr Halford on the 17 April 2009.

4.2.7 The authorship, contemporaneity and veracity of Cllr Woolley's diary.

4.2.8 Cllr Halford attempted to obstruct or obfuscate the Ombudsman's investigation into her alleged breach of the Code of Conduct.

4.3 The Case Tribunal found the following in respect of the disputed facts:

4.3.1 There is a discrepancy between the information given by Cllr Halford in her signed statement and the emails which she sent; Cllr Halford's statement does not accurately reflect her view of Cllr Heesom's conduct during the appointment process and is misleading; Cllr Halford attempted to mislead the Ombudsman's investigation into the complaints about Cllr Heesom.

4.3.2 The Case Tribunal has made it clear from the outset its purpose or remit (see Listing Direction). The Case Tribunal is not concerned with allegations about the conduct of officers of the Council nor of any other elected members. The Case Tribunal is not here to decide upon, nor even to consider, any allegations made about Cllr Heesom. It is not for this Case Tribunal to decide what happened during the appointment process and the Case Tribunal does not know how he behaved. Three versions of the events have been given; those of Cllr Woolley and Mrs Susan Lewis are consistent in that they both said in oral evidence that Cllr Heesom bullied officers and behaved inappropriately. Cllr Halford said he did not. If or when (this Case Tribunal does not know; it has no details of the investigation) Cllr Heesom comes before a Tribunal there will, this Case Tribunal supposes, be numerous witnesses whose recollection of the events may differ - there may be officers and members who may say that he bullied officers and behaved inappropriately; there may be officers and members who may say he did not; there may be officers and members who cannot remember, either genuinely so or simply because they do not wish to be drawn or become involved in the matter. It will then be a matter for that other Tribunal, should the investigation about Cllr Heesom reach that stage, to make a decision about what happened.

4.3.3 The point for this Case Tribunal is not what happened, the point is this - what view of Cllr Heesom's conduct during the appointment process did Cllr Halford express at the time in her emails and in her conversations with Cllr Woolley and Mrs Lewis, and, whether the views she subsequently expressed in her signed statement are different and if so whether that difference is sufficiently so to amount to a discrepancy, to be untrue, to be misleading and to an attempt to mislead the Ombudsman.

4.3.4 In reaching its finding of fact as set out in 4.3.1 above, this Case Tribunal started by reading again Cllr Halford's statement and her emails and compared them. Taken at face value, the language appears inconsistent and the Case Tribunal can see why Mr Walsh thought there were discrepancies, that the statement was not true, that it was misleading and that Cllr Halford had attempted to mislead the Ombudsman's investigation into the complaints about Cllr Heesom. This Case Tribunal did not reach its decision simply on that basis. It went on to consider the evidence. Cllr Halford said that in her statement she was referring solely and specifically to the allegation that Cllr Heesom had bullied officers in the meeting on 12 February. She also said that her emails and her conversations with Mrs Susan Lewis and Cllr Woolley were about her frustration and anger about Cllr

Heesom's attempts to close down the process and the waste of public money. She said, in that context, there is no discrepancy or inconsistency, her statement is true and not misleading. Cllr Woolley and Mrs Susan Lewis were certain that when Cllr Halford spoke to them she shared their view about Cllr Heesom's conduct and that she was referring to bullying of officers and inappropriate behaviour. The Case Tribunal accepts the evidence of Cllr Woolley and Mrs Lewis.

4.3.5 Cllr Halford was given opportunity to explain any apparent discrepancy prior to the preparation of the Ombudsman's report.

4.3.6 In reaching its decision in 4.3.5 above the Case Tribunal considered again all of the correspondence which passed between the Ombudsman's office and Cllr Halford between June and September. Whilst it was her prerogative and decision whether or not to provide an explanation, she could have at any time, but did not.

4.3.7 This Case Tribunal is satisfied with Cllr Woolley's evidence about the authorship, contemporaneity and veracity of his diary. Its appearance also points to that - it is bound, entries are in chronological order, it contains no significant amendments or alterations, deletions or insertions. For the same reasons, this Case Tribunal is satisfied that it accurately reflects the telephone conversation which took place between him and Cllr Halford on 17 April 2009. Further, the Case Tribunal cannot see any good reason or evidence as to why Cllr Woolley would not make an accurate record and the language noted in the diary as used by Cllr Halford during that conversation is consistent with the language used by her on other occasions (apart from in her signed statement) to describe her view of Cllr Heesom's conduct.

4.3.8 It is an undisputed fact that Cllr Halford did not attend interview. This Case Tribunal certainly agrees with Mr Colin Crawford's submission that she did not inconvenience herself. This Case Tribunal has read and considered again the correspondence which passed between Cllr Halford and the Ombudsman's office between June and September before the Ombudsman's final report was issued in October. Taken as whole this Case Tribunal considers that her conduct goes beyond merely not inconveniencing herself. It amounts to an attempt to obstruct or obfuscate the Ombudsman's investigation into her alleged breach of the code of conduct. The Case Tribunal considers that at any time between June and October Cllr Halford could have provided an explanation and/or a written statement and that during this time she could have found and kept to a time and date for interview and attended an interview (which it was not anticipated would have taken more than 2 hours). Instead Cllr Halford indicated initially that she may not attend interview; subsequently, although she provided some dates, she withdrew some offered and failed to attend a pre-arranged interview cancelling after the event. This suggests to this Case Tribunal that Cllr Halford gave priority to anything but an interview. The tone of her correspondence is challenging and disrespectful, there is repetition and reference to other issues. The Case Tribunal is now aware that during this time Cllr Halford was receiving treatment for breast cancer, and that she expected to be interviewed at Flint rather than at Pencoed and by someone other than Mr Walsh. Cllr Halford could have, in early courses, made all of this known to the Ombudsman and she did not.

5. FINDINGS OF WHETHER MATERIAL FACTS DISCLOSE A FAILURE TO COMPLY WITH THE CODE OF CONDUCT

5.1 The Ombudsman's Submissions

5.1.1 Mr Child made the following oral submissions on behalf of the Ombudsman: -

5.1.1.1 In relation to the alleged breach of paragraph 6(1)(a) of the code of conduct Cllr Halford was acting in the role of member when she gave her statement. The statement addresses what happened at a council meeting which she attended as a member. But for the fact that Cllr Halford is an elected member, she would not have been at that meeting nor would she have been in a position to give a statement about the investigation into Cllr Heesom, which includes his conduct at that meeting, which he too attended as member.

5.1.1.2 This Case Tribunal has found that Cllr Halford provided a misleading statement and that she attempted to mislead the Ombudsman. This is the factual basis for which there is a breach of this paragraph of the code and the test is an objective test.

5.1.1.3 In her skeleton argument Cllr Halford refers to Ken Livingstone v The Adjudication Panel for England and argues that any failure on the part of Cllr Halford would be a failure on her part personally but not one which can justify the allegation that she brought her office of member into disrepute. Cllr Halford argues that whilst her conduct brings her into disrepute it does not bring her office into disrepute. This is not a proper construction of Livingstone. This case is different from Livingstone. This is a case of a member using her position as such to give evidence to the Ombudsman about a meeting in which she participated as a member and about the conduct of another member acting in his official capacity and it was made voluntarily. There is no element of private capacity here. Livingstone is to do with someone acting in a private capacity not on council business and where his conduct in that capacity might lead to people thinking less of him but not his office. If in this case Cllr Halford did not bring her office into disrepute, when would this paragraph of the code apply?

5.1.1.4 In relation to the alleged breach of paragraph 6(2) of the code of conduct the Ombudsman's request that Cllr Halford attend at interview was reasonable and the only question which remains is whether she breached this paragraph of the code and on the facts as found by this Tribunal, she did.

5.2 The Respondent's Submissions

5.2.1 Mr Crawford made the following oral submissions on behalf of Cllr Halford: -

5.2.1.1 In relation to the alleged breach of paragraph 6(1)(a) Cllr Halford was not acting in her official capacity and her conduct was not attributable to her office of member; the criticism of her behaviour is of her and not of her office of member.

5.2.1.2 This paragraph of the code is not appropriate to what she has, on the facts as found, done and it is not a proper application of the code of conduct to say that she breached paragraph 6(1)(a). This paragraph of the code is not a "catch all" paragraph and is not intended to deal with any behaviour worthy of censure.

5.2.1.3 The law is contained in Livingstone.

5.2.1.4 In relation to the alleged breach of paragraph 6(2) obstructing and/or obfuscating the Ombudsman's investigation is not enough to amount to a breach of this paragraph of the code of conduct, nor is simply a failure to attend interview. To have breached this paragraph of the code of conduct Cllr Halford's behaviour must be unreasonable; she must have unreasonably failed to attend interview.

5.3 Case Tribunal's Decision

5.3.1 On the basis of the findings of fact, the Case Tribunal found by a unanimous decision that there was a failure to comply with the authority's code of conduct.

5.3.2 Paragraph 6(1)(a) of the code of conduct states that *'[Members] must not conduct [themselves] in a manner which could reasonably be regarded as bringing [their] office or authority into disrepute.'*

5.3.3 The Case Tribunal found that Cllr Halford was acting in her official capacity when she made a voluntary statement and that by providing a misleading statement to the Ombudsman she brought her office of member into disrepute. The Case Tribunal is persuaded by Mr Child's submissions.

5.3.4 Paragraph 6(2) *'[Members] must comply with any request of.....the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with [his]..... statutory powers.'*

5.3.5 The Case Tribunal accepts Mr Crawford's submission that in order for there to be a breach of paragraph 6(2) the failure to attend interview must be unreasonable. It is an objective test which applies. In this case, based on its findings of fact, the Case Tribunal found that Cllr Halford's conduct and responses to the Ombudsman fell short of that which could reasonably be expected of a member being investigated by the Ombudsman. The Case Tribunal considers that it would not have been unreasonable for Cllr Halford, in these particular circumstances, to have expected to have been interviewed at Flint rather than at Pencoed and by someone other than Mr Walsh (during the time she was receiving treatment for breast cancer, fitting in her official duties around her treatment, feeling unwell, there is considerable distance between Flint and Pencoed and Mr Walsh was, effectively, the complainant). However, the Case Tribunal considers it would have been reasonable to expect Cllr Halford to have made all of this and her wishes known to the Ombudsman in early courses together with a selection of dates when she was available, to stick to a date and attend interview so as to cooperate and give priority and respect to the Ombudsman, his function and the investigation. Based on this Case Tribunal's decision on fact, she did not and unreasonably so.

6. SUBMISSIONS ON ACTION TO BE TAKEN

6.1 The Respondent's Submissions

6.1.1 Mr Crawford made the following oral submissions on behalf of Cllr Halford: -

6.1.1.1 In reaching its decision on sanction the Case Tribunal should follow its sanction guidelines and on that basis and on the basis of mitigating features, a disqualification, suspension or partial suspension would not be appropriate.

6.1.1.2 Cllr Halford fully appreciates the seriousness and severity of this matter and there is no likelihood of further failures on her part. The circumstances giving rise to these particular breaches are not likely to happen again.

6.1.1.3 In her mitigation, she was at the time suffering from poor health and receiving treatment for cancer; she has a long record of good service; she honestly held the view that her actions did not constitute a failure to follow the provisions of the code of conduct; her breach did not involve the public and no harm was caused; her actions did not seriously bring her office of member into disrepute.

6.2 Case Tribunal's Decision

6.2.1 The Case Tribunal considered all the facts of the case and the submissions made. The Case Tribunal considers that a breach of either of these paragraphs of the code can, depending on the circumstances, merit a disqualification or suspension.

6.2.2 In these circumstances having considered its sanction guidelines, the submissions made by Mr Crawford and in particular because the Tribunal accepts the assurances given that Cllr Halford fully appreciates the seriousness of this matter and that there will be no repetition, it has concluded by unanimous decision that it is neither necessary nor desirable to suspend, partially suspend or disqualify Cllr Halford and that no further action is necessary.

6.2.3 Flintshire County Council and its Standards Committee are notified accordingly.

6.2.4 The Respondent has the right to seek leave of the High Court to appeal the above decision. A person considering an appeal is advised to take independent legal advice about how to appeal.

Signed.....

Date.....

Helen Cole

Chairperson of the Case Tribunal

Colin Evans

Panel Member

Christine Jones

Panel Member

DECISION REPORT ANNEXE A

SKELETON ARGUMENT ON BEHALF OF THE PUBLIC SERVICES OMBUDSMAN FOR WALES.

DECISION REPORT ANNEXE B

SKELETON ARGUMENT ON BEHALF OF COUNCILLOR HALFORD

DECISION REPORT ANNEXE C

**REPLY ON BEHALF OF THE PUBLIC SERVICES OMBUDSMAN
FOR WALES TO THE RESPONDENT'S SKELETON ARGUMENT.**

DECISION REPORT ANNEXE D

FIRST STAGE SUBMISSIONS ON BEHALF OF COUNCILLOR HALFORD