

**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/004/2012-013/A

**APPEAL AGAINST STANDARDS COMMITTEE DETERMINATION IN
RELATION TO AN ALLEGED BREACH OF THE CODE OF CONDUCT**

APPELLANT: Former Councillor Michael Jones (“Mr Jones”)

RELEVANT AUTHORITY(IES): Pentyrch Community Council

1. INTRODUCTION

1.1 An Appeal Tribunal convened by the President of the Adjudication Panel for Wales has considered an appeal by Mr Jones against the decision of Cardiff Council’s Standards and Ethics Sub-Committee that he had breached Pentyrch Community Council’s code of conduct and should be censured.

1.2 A hearing was held by the Appeal Tribunal at 10.00am on Wednesday 11 December 2013 in Syndicate Room B at the City Hall, Cathays Park, Cardiff. The hearing was open to the public.

1.3 Mr Jones attended and represented himself.

2. PRELIMINARY DOCUMENTS

2.1 Appeal Against Decision of Standards Committee

2.1.1 In a letter dated 16 July 2012, the Adjudication Panel for Wales received an appeal from Mr Jones against the determination of Cardiff Council’s Standards and Ethics Sub-Committee, on 3 October 2011, that he had breached Pentyrch Community Council’s code of conduct and should be censured.

2.1.2 The Standards and Ethics Sub-Committee’s determination followed its consideration of a report by the Public Services Ombudsman for Wales (“the Ombudsman”) under the terms of sections 69(4)(c) and 71(2) of the Local Government Act 2000 and the Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001.

2.1.3 The allegations were that Mr Jones had breached Pentyrch Community Council’s Code of Conduct by failing to show respect and consideration for others; using bullying behaviour and harassing another person; and failing to declare personal and prejudicial interests in relation to matters before the Council.

2.1.4 The circumstances leading to the alleged breaches are reasonably self-evident from the Appeal Tribunal's finding of material fact, hereinafter contained at paragraph 4.

2.2 The Appellant's Response

2.2.1 Mr Jones' response is contained in emails dated 15 May 2011, 5 August 2011, 11 January 2012 and in a letter dated 16 July 2012.

2.3 The Ombudsman's Written Representations

2.3.1 The Ombudsman's response to Mr Jones' appeal is set out in a letter dated 6 November 2012.

2.4 The Monitoring Officer's Written Representations

2.4.1 the Monitoring Officer's response to Mr Jones' appeal is set out in a letter dated 6 December 2012.

3. ORAL SUBMISSIONS

3.1 The Appeal Tribunal heard oral evidence and submissions as follows.

3.2 Mrs Beverley Jones on behalf of the Ombudsman

3.2.1 Mrs Jones presented the Ombudsman's Report which contains details of the allegations investigated, the Ombudsman's investigation, his guidance on the Code of Conduct, the standing orders of the Community Council, events leading to the allegations, the submissions made by Councillor R S Thomas and the clerk (Mr Alec Davies), the Ombudsman's findings of fact and his conclusions that there is more than adequate evidence of numerous breaches of the Code over a two year period of time in respect of paragraphs 4(b) and 4(c) and evidence to indicate multiple breaches of paragraphs 11(1) and 14(1)(a) of the Code of Conduct.

3.2.2 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, that those in the political arena are expected to develop a "thick skin" and mindful of the judgment in R (Calver) v Adjudication Panel for Wales (2012) EWHC 1172 (Admin), Mrs Jones submitted that there are differences between this case and that of Councillor Malcolm Calver.

3.2.3 Mr Jones' comments were essentially administrative rather than political comments; in the main he was critical of the clerk's administrative functions and without justification as the Council had passed a vote of confidence in Mr Alec Davies. 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. Such conduct continued throughout Mr

Jones' term of office of approximately two years; despite the efforts of the clerk and the Council to advise Mr Jones, to draw to his attention their concerns about the effect of his conduct on the clerk and the Council, Mr Jones ignored their advice, their efforts and their concerns and over time his behaviour became more uncompromising and offensive and his comments more critical and sarcastic. His behaviour disrupted meetings and the Council and the clerk spent a disproportionate amount of time in attempting to address the matter.

3.2.4 Mrs Jones submitted that there are similarities here with the case of Anglesey County Councillor Durkin (disrespectful behaviour towards and bullying and harassment of council officers).

3.3 Mr David Scott on behalf of the Monitoring Officer of Cardiff City Council

3.3.1 Mr Scott endorsed Mrs Jones' submissions.

3.4 Mr Alec Davies, Clerk to Pentyrch Community Council

3.4.1 Mr Davies affirmed the truth of the information he had given to the Ombudsman in the course of the investigation of the complaint against Mr Jones.

3.4.2 He said Mr Jones fails to show respect for and understanding of anyone who disagrees with him or fails to do as he demands.

3.4.3 Mr Davies considers Mr Jones' emails to be rude and belligerent; he said Mr Jones would take no account of advice and information offered to him about the Council's procedures for dealing with business, nor about the parameters of his role as clerk.

3.4.4 He said that Mr Jones interrupted meetings in a patronising manner, that his behaviour was extremely difficult and he felt that meetings were being hijacked by Mr Jones going off on tangents; consistently, as a result of Mr Jones' conduct at meetings, the Council was dragged into issues of little or no importance or significance or matters which had previously been discussed, decided and concluded. He invariably challenged the accuracy of minutes of Council meetings, including those which had been approved and passed, even when he had not been at the particular meeting to which a set of minutes related. Mr Davies said Mr Jones frequently queried why he acted or did not act in a particular way and simply would not accept that it is not part of the clerk's role to make decisions on matters before the Council.

3.4.5 Mr Davies said that this behaviour continued throughout Mr Jones' term of office; he described it as a subtle and consistent build up until he felt harassed and bullied. He explained that there came a point where Mr Jones' persistence and vigorous style had "crossed a line" and he reached the point where he did not want to go to work because he felt bullied and did not like being dictated to by Mr Jones. He said that a disproportionate amount of his time was taken up in dealing with Mr Jones; he indicated approximately 4 hours out of the 22 hours he is paid to work. He said no matter what he said or did, Mr Jones always came back at him

and he did not think he should be the subject of constant criticism and the Council had every confidence in him. Members also found it difficult to deal with Mr Jones; several requested that Mr Jones' emails should not be forwarded to them as they found them troublesome.

3.4.6 There were a number of meetings and discussions in closed session to seek to find a way to address the issue and it was as a last resort that a complaint was made to the Ombudsman.

3.4.7 Mr Davies said he felt intimidated by the statement "this is in the public domain" on Mr Jones' emails. From this he got the impression that Mr Jones was saying if he did not do as he was told, Mr Jones would publicly criticise his competence. He said he felt Mr Jones thought he was a "jobs worth" and simply would not accept that it was not within his administrative function to change the Council's decisions or the way in which business should be conducted to meet Mr Jones' demands or to suit him.

3.4.8 Mr Davies said he had not exaggerated the adverse effect which Mr Jones' conduct had on the Council; he said a number of councillors had often mentioned that they wished Mr Jones was not a councillor and they would prefer if he didn't attend meetings.

3.4.9 Mr Davies said he had experience of Mr Jones before he became a councillor as he was a constant attender of Council meetings since 2005. He always challenged the Council and frequently telephoned or called to see the clerk to complain. Mr Davies alleged that his predecessor had resigned because of this. On one occasion Mr Davies had put the phone down on Mr Jones because of his rudeness. He said his heart sank when Mr Jones became a member, but he denied there was any animosity on his part towards Mr Jones and that it had not crossed his mind that Mr Jones bore him any grudge.

3.4.10 Mr Davies accepts that members and officers need a reasonably thick skin and he supported the complaint to the Ombudsman with a thick skin and with the experience of having been a clerk for 8 years, during which time he had never experienced behaviour such as this.

3.4.11 Mr Davies denied Mr Jones' allegation that he had changed or amended any emails.

3.4.12 Mr Davies acknowledged that there were occasions when Mr Jones had made a positive contribution and said, but for his aggressive approach, he may have been more successful on other issues.

3.4.13 Mr Jones' request that he "think outside the box" suggested to Mr Davies that he was being asked to depart from proper procedures.

3.4.14 Mr Davies said he recalled another councillor warning Mr Jones about his personal interest in the matter of school governor and the matter of the enforcement notice. He had no knowledge, as asserted by Mr Jones, that any notice had been withdrawn. He did not accept Mr Jones' assertion that he had

withdrawn his nomination as school governor. The minutes record no such withdrawal. Mr Davies was reasonably satisfied had Mr Jones withdrawn his nomination the minutes would have recorded it or had there been an omission, he was adamant that Mr Jones would have challenged the accuracy of the minutes in that respect and he did not.

3.5 Mr Michael Jones

3.5.1 Mr Jones was offered the opportunity of giving evidence; he declined, saying he preferred to make submissions.

3.5.2 In relation to the enforcement notice, Mr Jones said he had made a planning application long before he became a councillor and the application came before the Community Council at the time as did his subsequent appeal against the County Council's decision. Accordingly the Council was well aware of the matter which was common knowledge. In that light, Mr Jones said he did not see the need to declare an interest in the matter.

3.5.3 In relation to the matter of school governor, Mr Jones took issue with the fact that he had been banned from the school (he would not accept that he had behaved in any way which ought to give rise to a ban). After the ban he had attended the school on social functions and had never been challenged. Whilst the ban had never been officially rescinded no one had taken issue with his attendance at the school. The incident giving rise to the ban was in March 2006 and he had not thought to mention it in 2008 when he was nominated as school governor.

3.5.4 In relation to the highways notice, Mr Jones said this related to a tree at his property with which there had been no problem for 25 years until a Council refuse driver mounted the kerb and hit the tree. Mr Jones was then served with a notice; he took issue with it and it was rescinded the following day. Mr Jones said he had raised the matter at a Council meeting in the interests of fair play and consistency; he thought he had been unfairly treated; he wanted to ascertain what the Council was doing about other overhanging trees; he wanted to ascertain whether others were similarly affected.

3.5.5 Mr Jones said that his understanding of "personal interest" is in the nature of a personal gain, eg. a monetary gain or in relation to planning.

3.5.6 In relation to the allegations of disrespectful behaviour, bullying and harassment, Mr Jones said he did not accept these allegations. He said he will "stick to my point", question and query "and justifiably so" as he did not feel answers he received were correct. He said he understands the need for standing orders, but if they are not conducive to dealing with local issues, they should be changed and quickly, "otherwise things get lost in time – if you ask the clerk things it can take two or three months and I am a doer". Mr Jones accepted that he had been advised repeatedly since he became a member, of the Council's procedures for dealing with agenda requests, changes to minutes and the requirements of the standing orders. He did not perceive that there was any problem with his conduct. He said the reason why he put "this is in the public domain" on his emails is for the recipient to know that it has been done; he said he had forwarded emails to other

persons who liked to be kept informed; he declined to disclose the identity of those persons.

4. FINDINGS OF FACT

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

4.1.1 Mr Jones became a member of Pentyrch Community Council in May 2008.

4.1.2 On 16 April 2008 Mr Jones signed a declaration of acceptance of office which includes an undertaking to observe the Code of Conduct for members.

4.1.3 In its annual general meeting on 19 May 2008 the revised Code of Conduct was adopted by the Community Council and this is recorded in the minutes of that meeting.

4.1.4 From June 2008 and for the remainder of Mr Jones' term of office, there was email exchange between him and the clerk Mr Alec Davies about a number of issues raised by Mr Jones which he raised again at subsequent meetings. The issues are mainly challenges by Mr Jones to the accuracy of minutes, requests for amendment to agendas and queries or challenges as to why certain procedures have to be followed, including a request that the clerk "think outside the box" instead of "blindly following rules and procedures". Many of the emails have a footnote "This matter is in the public domain" or that Mr Jones was copying his emails to "people in Pentyrch". Mr Jones emails often accused the clerk of suppressing his views and of stopping him from talking.

4.1.5 Giving Mr Jones the benefit of doubt, the Appeal Tribunal regards his comments as falling within the broad definition of "political comment".

4.1.6 On 16 January 2009 Cardiff City Council sent a letter to the clerk advising that an enforcement appeal had been made by M Jones against an enforcement notice served on 15 July 2008. The clerk recognised "M Jones" as Mr Jones and entered this letter in the correspondence list for the February 2009 meeting of the Community Council; that meeting was postponed to March. The minutes of the April 2009 meeting record under "matters arising" that Cllr Thomas stated he felt that Mr Jones should have declared an interest and that Mr Jones stated that the matter was not discussed at the meeting and he did not feel he needed to declare an interest. Mr Jones did not declare an interest nor withdraw from the meeting.

4.1.7 On 14 November 2008 the clerk received an email from the headmaster of Pentyrch Primary School asking if the Council would like to nominate a councillor to serve as a Community Governor. The clerk replied that Mr Jones had volunteered. On 30 March 2009 the headmaster responded by letter saying that "there would be a problem with his nomination"; he said that as a result of an incident in March 2006 where a secretary of the school had felt intimidated by Mr Jones' behaviour, the County's senior legal manager had written to Mr Jones

advising him not to come onto school premises unless invited. The headmaster also said in the letter that he too had found Mr Jones' manner "over-bearing and aggressive".

4.1.8 The Council had in its annual general meeting on 19 May 2008 nominated Mr Jones as school governor; Mr Jones did not, at that meeting, declare an interest nor disclose the matter of the "ban" from entering school premises. The matter was an agenda item for the Community Council's meeting on 20 April 2009; the matter was discussed at that meeting and the minutes record "there was a general discussion about this...Cllr Jones stated that he felt the letter...was a smoke screen to deflect away from the real issues which he stated were that a lot of parents at the school were not happy with the headmaster and the governing body. He then stated that he was not prepared to withdraw his nomination.....there was a further discussion in which Cllr Jones maintained that he was not prepared to withdraw his nomination". Ultimately Cllr Harrison was nominated and elected and the minutes record "Cllr Jones abstained from the vote". Mr Jones did not declare an interest or withdraw from the meeting.

4.1.9 The minutes of the Council meeting of 21 June 2010 record that "Cllr Jones raised the issue of hedges and verges overhanging the highway and asked that it be raised as an agenda item at a future meeting. A general discussion occurred and the chairman advised him that if he wanted to submit an agenda item for a future meeting, then to do it in the correct way and provide the clerk with a precise of what he wanted to discuss for dissemination to all councillors as part of the pre-read". Mr Jones did not declare an interest.

4.1.10 On 13 July 2010 the clerk received from Cardiff City Council a copy of a letter which had been sent to "The occupier" of an address which is Mr Jones' home address. The letter advised the occupier that he needed to cut back an obstruction of trees and vegetation at the front and side of the property, obstructing pedestrians and vehicles, failing which a notice under the Highways Act 1980 might be served.

4.1.11 In the next meeting on 19 July 2010, Mr Jones raised the matter of overgrowth of hedges and verges again under "matters arising" from the minutes of the meeting of 21 June 2010. He did not declare an interest nor disclose that he had received a letter from the County Council nor did he withdraw from the meeting.

4.1.12 In all of this Mr Jones was acting in his official capacity as a councillor; in his words "representing the people of Pentyrch".

4.1.13 On 23 February 2011 the Public Services Ombudsman for Wales ("the Ombudsman") received a complaint from Cllr Richard Stuart Thomas that Mr Jones had breached the code of conduct. The complaint was drafted on behalf of the Council by Cllr Thomas and by the clerk. 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 Council. That 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. 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, and even if he had not actually been at the meeting. 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. The complaint states that the Council feels its capacity to work constructively for the common good is being diminished by Mr Jones' attitude and actions and has concerns for the wellbeing of its employees who are obliged to deal directly with Mr Jones. Submissions were also made that Mr Jones may have failed to declare an interest in matters before the Council, ie. the enforcement notice, the matter of overgrown hedges and verges and the matter of the nomination of school governor.

4.1.14 The Ombudsman investigated the allegations and issued his final report on 23 January 2012, referring the matter to the Standards Committee; on 27 June 2012 the Standards Committee accepted the Ombudsman's report and found that Mr Jones had breached paragraphs 4(b), 4(c), 11(1) and 14(1)(a) of the code of conduct and imposed upon him a censure. The Standards Committee's decision states that it regarded these breaches as very serious and but for the fact that Mr Jones was no longer a serving member, would have been minded to impose upon him the maximum penalty of six month's suspension.

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

4.2.1 Has Mr Jones repeatedly asked the clerk to depart from the proper procedures of the Community Council.

4.2.2 Has Mr Jones been repeatedly advised about the concerns of the clerk and the members of the Pentyrch Community Council about his conduct.

4.2.3 Did Mr Jones fail to show respect and consideration to the clerk.

4.2.4 Did Mr Jones' conduct towards the clerk amount to harassment or bullying.

4.2.5 Did Mr Jones withdraw his nomination for school governor.

4.2.6 Did Mr Jones have a personal interest in (a) the nomination for school governor (b) the enforcement notice (c) the issue of overgrown hedges and verges.

4.2.7 Was Mr Jones' interest in the above issues prejudicial.

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

4.3.1 The Appeal Tribunal accepts Mr Alec Davies' evidence on this point. The Appeal Tribunal is in no doubt that Mr Davies perceived he was repeatedly asked by Mr Jones to depart from the proper procedures of the Community Council and that such perception was reasonable.

4.3.2 The evidence in this respect could not be clearer. There are innumerable examples of occasions when Mr Jones was advised about the concerns of the clerk and his fellow members about his conduct; the clerk and the members spoke to Mr Jones, wrote to him and convened meetings specifically for the purpose of drawing their concerns to Mr Jones' attention and to seek to reach a resolution.

4.3.3 The Appeal Tribunal accepts Mr Davies' evidence on this point. The Appeal Tribunal is in no doubt that Mr Davies genuinely felt lack of respect from Mr Jones and reasonably so.

4.3.4 The Appeal Tribunal accepts Mr Davies' evidence on this point and is mindful of the Ombudsman's clear guidance on the issue of bullying and harassment and also of the Council's own policy. The Appeal Tribunal is in no doubt that Mr Jones' conduct amounted to harassment of the clerk and especially so as he persisted even after the clerk and the Council had repeatedly raised their concerns with him and even after a complaint had been made to the Ombudsman.

4.3.5 The Appeal Tribunal is satisfied on the basis of the evidence before it that Mr Jones did not withdraw his nomination for school governor. The minutes clearly record that he did not do so; according to the minutes Mr Jones stated that he was not prepared to withdraw his nomination and maintained that position. The minutes state that he abstained from the vote, but that is not the same thing as withdrawing a nomination. The Appeal Tribunal sees no reason to doubt the accuracy of the minutes; further the Appeal Tribunal is in no doubt, had the minutes been inaccurate on this point, Mr Jones, in accordance with his usual practice, would have challenged them. He did not do so and at no time prior to the Tribunal Hearing has Mr Jones asserted that he withdrew his nomination.

4.3.6 The Appeal Tribunal is absolutely satisfied that Mr Jones had a personal interest in all these matters. "Personal interest" is defined in paragraph 10 of the Code of Conduct.

4.3.6(a) Paragraph 10(2)(a)(viii) of the Code of Conduct states : -
"A member must regard themselves as having a personal interest in any business of the authority if it relates to or is likely to affect a body to which the member has been appointed or nominated by the authority as a representative."

Mr Jones had been nominated by the Community Council as school governor of a local school; a letter sent by the headmaster raising concerns about the nomination was before the Council and the matter was discussed. Essentially the Council had to reach a decision on the way forward, namely whether Mr Jones should continue as nominee or another councillor be put forward. There can hardly be a clearer example of a personal interest and the Appeal Tribunal is at a loss to understand why Mr Jones cannot see that.

4.3.6(b) Paragraph 10(2)(a)(vi) of the Code of Conduct states: -

“A member must regard themselves as having a personal interest in any business of the authority if it relates to or is likely to affect any land in which the member has a beneficial interest and which is in the area of the authority.”

The matter of an enforcement notice relating to Mr Jones' own property came before the Community Council. This is another clear example of a personal interest which ought to have been obvious to Mr Jones.

4.3.6(c) The Appeal Tribunal again refers to paragraph 10(2)(a)(vi) of the Code of Conduct. Mr Jones had received a notice from the County Council relating to overgrowth at his own home and he personally sought to raise the matter for discussion at a Community Council meeting (it is immaterial whether the notice was withdrawn). This again is a clear example of a personal interest which ought to have been obvious to Mr Jones.

4.3.7 “Prejudicial interest” is defined in paragraph 12(1) of the Code of Conduct (and sub paragraph 2 does not apply here): -

“.....where any member has a personal interest in any business of the authority that member also has a prejudicial interest in that business if the interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.”

The Appeal Tribunal is satisfied on the basis of the evidence before it, that a member of the public, with knowledge of the relevant facts to do with the nomination of school governor, the enforcement notice and the issue of overgrowth, would reasonably regard them as so significant as to be likely to prejudice Mr Jones' judgement of the public interest.

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

5.1 No further submissions were received at this stage from Mrs Jones, Mr Scott or Mr Jones.

5.2 Appeal Tribunal's Decision

5.2.1 Paragraph 4(b) of the Code of Conduct states “...members of the authority must show respect and consideration for others”.

5.2.2 Paragraph 4(c) of the Code of Conduct states “...members of the authority must not use bullying behaviour or harass any person”.

5.2.3 Paragraph 11(1) of the Code of Conduct states “...where a member has a personal interest in any business of the authority and they attend a meeting at which the business is considered they must disclose orally to the meeting the existence and nature of the interest before or at the commencement of that consideration or when the interest becomes apparent”.

5.2.4 Paragraph 14(1)(a) of the Code of Conduct states "...where a member has a prejudicial interest in any business of the authority the person must (unless they have obtained a dispensation from the authority) withdraw from the room, chamber or place where the meeting considering the business is held".

5.2.5 The Appeal Tribunal's findings of fact inevitably lead to a finding that Mr Jones has breached paragraphs 11(1) and 14(1)(a) of the Code of Conduct.

5.2.6 The Appeal Tribunal's finding of fact would inevitably lead to a finding that Mr Jones has breached paragraphs 4(b) and 4(c) of the Code of Conduct. However a finding of breach and (should that be the Appeal Tribunal's decision) the imposition of a sanction, are prime facie an interference with Mr Jones' Article 10 rights of freedom of expression. It follows, before making a decision on breach (and sanction), the Appeal Tribunal must give consideration to Article 10(1) and 10(2).

6. SUBMISSIONS ON ACTION TO BE TAKEN

6.1 Mrs Jones' Submissions

6.1.1 Mrs Jones submitted that the Appeal Tribunal is entitled to make a finding of breach and impose a sanction in view of a number of factors here which distinguish the case from that of Cllr Malcolm Calver.

6.1.2 The Appeal Tribunal may take into account the scale and extent of the difficulties caused by Mr Jones to the clerk; that Mr Jones directed personal criticism at the clerk who was simply, with the confidence of the Council, fulfilling his proper role; that Mr Jones' actions went beyond the occasional disagreement, which may reasonably be expected in normal political debate, it persisted for a period of about 3 years and continued even after a complaint had been made to the Ombudsman and after the Ombudsman had issued his report.

6.1.3 Sanction is a matter for the Appeal Tribunal; the Ombudsman considers that the sanction imposed by the Standards Committee, namely a censure, is appropriate.

6.2 Mr Scott

6.2.1 No further submissions were received from Mr Scott.

6.3 Mr Jones' Submissions

6.3.1 Mr Jones said he still does not feel that he has breached the Code of Conduct but will respect the Appeal Tribunal's decision.

6.3.2 In relation to sanction Mr Jones submitted that he was not the only party to blame here; the clerk and Cllr R S Thomas had demonstrated "a high handed and high and mighty attitude". He submitted, if he was at fault he would accept so,

but felt the clerk and Cllr Thomas should accept responsibility as well. He no longer wishes to serve (he is no longer a member).

6.3.3 Mr Jones thanked the Appeal Tribunal for its conduct of the proceedings and for raising the Article 10 point.

6.4 The Appeal Tribunal’s Decision

6.4.1 The Appeal Tribunal finds 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.

6.4.3 In reaching its decision the Appeal Tribunal has considered all the facts of the case, the submissions made and its sanction guidelines.

6.4.4 The Appeal Tribunal has decided by unanimous decision, in light of the particular circumstances of this case (which should be evident from this Decision Report) that it is justified in interfering with Mr Jones’ Article 10(1) rights of freedom of expression, by making a finding of breach and by imposing a sanction.

6.4.4 The authority and the Standards Committee are notified accordingly.

Signed.....
Helen Cole
Chairperson of the Appeal Tribunal

Date.....

Ian Blair
Panel Member

Andrew Bellamy
Panel Member