

**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/006/2012-013/A

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

APPELLANT: Councillor Aeron M Jones

RELEVANT AUTHORITY: Gwynedd Council

1. INTRODUCTION

1.1 An Appeal Tribunal convened by the President of the Adjudication Panel for Wales has considered an appeal by Cllr Jones against the decision of Gwynedd Council's Standards Committee, dated 26 September 2012, that he had breached Gwynedd Council's code of conduct and should be suspended for 3 months.

1.2 In accordance with Cllr Jones' wishes, the Appeal Tribunal determined the appeal by way of written representations at a meeting on Friday 17 January 2014 at the Halliwell Centre, Trinity College, Carmarthen.

2. PRELIMINARY DOCUMENTS

2.1 Appeal Against Decision of Standards Committee

2.1.1 In letters dated 20 October 2012 and 18 October 2012, received by e-mail on 9 November 2013 the Adjudication Panel for Wales received an appeal from Cllr Jones against the determination of Gwynedd Council Standards Committee on 26 September 2012 that he had breached Gwynedd Council's code of conduct and should be suspended for 3 months.

2.1.2 The Standards 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 Standards Committee found that Cllr Jones had breached Gwynedd Council's code of conduct by posting unfounded allegations on his blog that the complainant intended to retire soon, as headmaster, and stand for election to the Council in a seat held by another councillor.

2.1.4 The Appeal Tribunal considered the following documentation:

- a. The Public Services Ombudsman for Wales' ("the Ombudsman") Report dated 25 April 2012 and the Appendices thereto;
- b. Gwynedd Council's Standards Committee Decision Notice dated 26 September 2012;
- c. Letters dated 18 and 20 October 2012 from Cllr Jones giving notice of his appeal against the Decision of the Standards Committee;
- d. Letter dated 6 January 2014 to the Adjudication Panel for Wales from the Ombudsman in response to Cllr Jones appeal;
- e. Gwynedd Council's Monitoring Officer's letter dated 6 December 2013 to the Adjudication Panel for Wales in response to Cllr Jones appeal.

2.2 The Appellant's Written Appeal to the Decision of the Standards Committee

2.2.1 By letters dated 18 and 20 October 2012, Cllr Jones appealed against the Decision of Gwynedd Standards Committee made 26 September 2012. The Ombudsman had received a complaint on 17 July 2011, that Cllr Jones had failed to observe the code of conduct for Members of Gwynedd Council in that he had on 6 July 2011 posted in his blog unfounded allegations that the complainant, a headteacher, intended to retire soon and to stand for election to the Council in a seat held by another councillor. The complainant had stated that the allegations were untrue and had complained that Cllr Jones was in breach of paragraph 6(1)(a) of the code of conduct (bringing the office of councillor or the authority into disrepute) by making unfounded allegations against a person who was on the Council's payroll and in breach of paragraph 7(a) (using or attempting to use the position of councillor to create a disadvantage for another person) by making unfounded comments which had the potential to put the complainant at a substantial disadvantage professionally.

2.3 Cllr Jones did not appear at the Standards Committee hearing and was not represented. The Monitoring Officer had explained to the Standards Committee that her secretary had received a telephone call from Cllr Jones the previous afternoon stating that he would not be attending the hearing because he would be attending a meeting of the Snowdonia National Park Authority.

2.4 Cllr Jones had been given notice of the Standards Committee hearing by letter dated 19 July 2012, in good time. The Standards Committee was not satisfied that he had sufficient reason for failing to attend or submit written representations. The Standards Committee proceeded to hear the complaint in the absence of Cllr Jones.

2.5 It is noteworthy that the Ombudsman had also encountered severe difficulties during the course of his investigation to elicit responses or timely responses from Cllr Jones. Even taking into account the fact that Cllr Jones unfortunately suffered flooding at his home which he alleged to have affected his ability to review his papers, his willingness to respond or respond in a timely manner to requests and correspondence sent to him in respect of the complaint

against him and its investigation, is characterised by what can only be regarded as a scant or deliberate disregard for the process.

2.6 It is clear to the Appeal Tribunal that Cllr Jones' attitude towards the Ombudsman, the Standards Committee and the Adjudication Panel can best be described as indifferent and contemptuous and an affront to the system or process that has been put in place to deal with complaints of this nature against Councillors.

2.7 The Standards Committee noted that Cllr Jones had failed to respond at all to any of the enquiries made of him during the investigation, had failed to provide any explanation for his conduct and had failed to appear before the Committee or to provide any representations. The Committee noted that he had missed 5 opportunities to explain his position to the Ombudsman.

2.8 The Standards Committee was of the view that Cllr Jones had paid scant regard to the standards regime, the requirements of the code of conduct and the role of the Committee and the Adjudication Panel for Wales.

2.9 The Adjudication Panel has encountered similar difficulties with Cllr Jones to that experienced by both the Ombudsman and the Standards Committee.

2.10 The Standards Committee considered the complaint against Cllr Jones and for the reasons clearly stated in its Notice of Determination dated 26 September 2012, determined that Cllr Jones had breached paragraphs 7(a), 6(1)(a), 4(b), and 6(2) of the code of conduct. The Committee suspended Cllr Jones for 3 months which was the maximum period it could suspend him. The Committee also resolved that he should remove the relevant page on his blog, apologise to the complainant and make himself fully conversant with the code of conduct.

2.11 Cllr Jones grounds for appeal (which are set out in his letters dated 18 and 20 October 2012) can be simply summarised and stated as follows:

- a. the Committee did not take account of the High Court Decision in Calver in considering the comments made in his blog concerning the complainant.
- b. the Committee had failed to interpret correctly the facts and were politically motivated.
- c. the comments on the blog were political and not personal.

2.12 The Appeal Tribunal has considered carefully all the evidence presented to it and the representations received.

3. APPEAL TRIBUNAL DECISION


3.1 The Appeal Tribunal concluded by unanimous decision that Cllr Jones' appeal should be dismissed. The Appeal Tribunal was satisfied that the grounds of appeal submitted by Cllr Jones were without merit. The comments on the blog were untrue and unfounded and were personal remarks against the complainant and not political ones. The comments related to the complainant's employment and could have been damaging for him in terms of his relationship with his employer

and those in the school where he worked.

3.2 The Appeal Tribunal concluded by unanimous decision that the decision of the Standards Committee should be upheld. Cllr Jones should be suspended for 3 months from being a member of Gwynedd Council. Further, he should as requested by the Standards Committee, apologise to the complainant and receive training in the code of conduct. The Appeal Tribunal also recommends that he should receive training on the WLGA Guide to Use of Social Media issued in October 2013.

3.3 Gwynedd Council and its Standards Committee are notified accordingly.

Prepared by Mr Gwyn Davies and signed in his absence by the Registrar to the Adjudication Panel

Signed.....
Mr Gwyn Davies
Chairperson of the Case Tribunal

Date 18 February 2014

Ms Juliet Morris
Panel Member

Miss Susan Hurds
Panel Member