

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/001/2016-017/AT

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

APPELLANT: Councillor Lynda Parker

RELEVANT AUTHORITY: Manorbier Community Council

1. INTRODUCTION

1.1 An Appeal Tribunal convened by the President of the Adjudication Panel for Wales has considered an appeal by Cllr Parker against the decision of Pembrokeshire Council's Standards Committee that she had breached Manorbier Community Council's Code of Conduct and should be suspended for 2 months.

1.2 A hearing was held by the Appeal Tribunal at 10.00am on Tuesday 27 September 2016 in Court Room 3 at the Haverfordwest County Court and Family Court Hearing Centre, Penffynnon, Hawthorn Rise, Haverfordwest, SA61 2AX. The hearing was open to the public.

1.3 Cllr Parker attended and represented herself.

2. PRELIMINARY DOCUMENTS

2.1 Appeal Against Decision of Standards Committee

2.1.1 In a letter dated 4 June 2016, the Adjudication Panel for Wales received an application for permission to appeal from Cllr Parker against the determination of Pembrokeshire Council's Standards Committee on 20 May 2016 that she had breached Manorbier Community Council's Code of Conduct and should be suspended for 2 months. The Committee also required Cllr Parker to attend a training course regarding the Code of Conduct within 6 months.

2.1.2 The Standards Committee found that Cllr Parker did have a prejudicial interest in the planning application made by Mr Damian Brown regarding Buttyland Caravan Park and considered by Manorbier Community Council on 5 January 2015. In failing to declare this interest or to withdraw from the meeting when the application was considered, and by making representations

in her capacity as a councillor and voting on the motion, Cllr Parker breached paragraphs 14(1) (a), (c) and (e) of the Code of Conduct.

2.1.3 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.

2.1.4 The allegations were that Cllr Parker had breached paragraphs 14(1)(a), (c) and (e) of Manorbier Community Council Code of Conduct in that:

- i. Councillor Parker failed to declare a prejudicial interest in a planning application being considered by Manorbier Community Council on 5 January 2015, as defined by paragraph 12(1) of its Code of Conduct;
- ii. Councillor Parker spoke about the application for a period of time longer than permitted for members of the public, and during the period of the meeting reserved for the expressions of opinions by councillors acting in their capacity as councillors;
- iii. Councillor Parker failed to withdraw from the room where the meeting was taking place when the planning application was being considered by Manorbier Community Council; and
- iv. Councillor Parker voted on the planning application.

2.1.5 The President of the Tribunal allowed the application for permission to appeal to proceed in part in a decision dated 21 June 2016. Cllr Parker was given permission to appeal on two grounds that the President concluded could not be said to have no reasonable prospect of success – that Cllr Parker did not have a prejudicial interest in the planning application, and that the sanction imposed was too harsh.

2.1.6 The Ombudsman under cover of a letter dated 5 July 2016 responded to the two grounds of appeal which were permitted to proceed to a hearing. He stated that Cllr Parker had a prejudicial interest in the planning application due to the combination of the proximity of her home to Buttyland Caravan Park and the history of complaints raised by her regarding the site. The Ombudsman also said the sanction imposed by the Standards Committee was reached after it considered all the evidence and submissions, and Cllr Parker had offered no mitigation.

3. ORAL SUBMISSIONS

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

Public Services Ombudsman for Wales

3.2 Mr Gregory Phillips on behalf of the Ombudsman summarised the Investigation Report and drew the tribunal's attention to the relevant information and conclusions set out in the Investigation Report. He

emphasised the proximity of Cllr Parker's home to Mr Brown's property, and the fact that the caravans which were the subject of the planning application could be seen from her property. Mr Phillips also noted the previous history of Cllr Parker raising concerns about Buttyland Caravan Park, and earlier planning applications and alleged breaches of planning controls by Mr Brown. He submitted that Cllr Parker fundamentally misunderstood the Code of Conduct, and that it was possible to have both a personal and prejudicial interest.

Cllr Parker

3.5 Cllr Parker gave oral evidence under oath. She explained that while she may have used the wrong terminology, she did understand it was possible to have both a personal and prejudicial interest. Cllr Parker said she had tried to make the right decision, and had declared her personal interest in the planning application when it was considered by the Community Council. Cllr Parker said that whether she had a prejudicial interest was her decision alone, but she did consult the clerk to the Community Council, Mr Ian Morris, and her colleagues who all confirmed that it was her decision to make. Cllr Parker also said if it was not her decision to make, then the position was confusing, and added that no-one apart from Mr Brown had said that she had made the wrong decision.

3.6 Cllr Parker said that within the boundaries of a Community Council, everyone lived close to each other, but she disputed the Ombudsman's view of the impact of the planning application on her property. She pointed out the Ombudsman had not visited her property to see the view, and that the caravans would only be visible for a few weeks of the year when she was not normally present. Cllr Parker said a planning officer said that there would be no impact on her property.

3.7 Cllr Parker denied having any dispute or vendetta with Mr Brown, and said that the concerns she raised were about the enforcement of planning controls, so should not have been made known to him. She said she had raised several complaints over a number of years, including one regarding a business unconnected to Mr Brown.

3.8 Cllr Parker accepted she was pre-disposed against the planning application, but had not pre-determined the decision. She denied she had furthered her own private interests, and said that in any event no harm had been done as Mr Brown later withdrew the planning application.

3.9 In response to questioning by Mr Phillips, Cllr Parker said the process she had used to decide the nature of her interest in the planning application began with attending training and then calling the clerk. She said the decision had not been easy, but she had done her best and it was her decision to make. Cllr Parker also explained that she had declared a prejudicial interest in respect of Mr Brown's later planning application, in October 2015, as it involved a permanent clubhouse which was completely different to the earlier application in terms of noise and disturbance affecting her home.

3.10 In response to questioning by the tribunal, Cllr Parker gave more details regarding the concerns she had previously raised about Buttyland Caravan

Park. She said she had raised concerns between 2012 and January 2014 about issues such as illumination, the number of caravans and tents on site, engineering works, and the use of the site by members of the public.

4. FINDINGS OF FACT

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

4.1.1 Cllr Parker was co-opted to Manorbier Community Council on 8 April 2013, which was her second period of service, having been elected to serve previously between 2 August 2010 and 2 May 2012.

4.1.2 Cllr Parker received training on the Code of Conduct in 2011.

4.1.3 At the relevant time Cllr Parker was a member of Manorbier Community Council.

4.1.4 On the 8th April 2013 Cllr Parker signed a declaration to confirm she agreed to observe the Code of Conduct of Manorbier Community Council.

4.1.5 Cllr Parker owns a property adjacent to another property owned by her neighbour Mr Brown.

4.1.6 Mr Brown's property is known as Buttyland Caravan and Camping Park.

4.1.7 Prior to the events of 2015, Cllr Parker had previously raised a number of concerns with the local planning authority about breaches of planning permission by both Mr Brown and another unrelated business operating near her property.

4.1.8 Cllr Parker attended a meeting of Manorbier Community Council on the 5th January 2015 where a planning application by Mr Brown was considered.

4.1.9 Cllr Parker had earlier that day attended a "pre-meeting" at the home of a fellow councillor to discuss the planning application.

4.1.10 Cllr Parker declared a personal interest in the planning application.

4.1.11 Cllr Parker did not have a dispensation from the standards committee in relation to this planning application.

4.1.12 Cllr Parker spoke at the meeting setting out the background to the application, previous breaches and commenting on the application drawing on her experience as a former town planner and a continuing member of the Royal Town Planning Institute.

4.1.13 No members of the public attended the meeting of Manorbier Community Council or spoke in the section of the meeting for comments to be made by members of the public.

4.1.14 Cllr Parker did not withdraw from any part of the meeting when the planning application was discussed.

4.1.15 Cllr Parker voted on the motion whether or not Manorbier Community Council supported the planning application.

4.1.16 Cllr Parker declared a personal and prejudicial interest in relation to an application for planning permission for a clubhouse at Buttyland Caravan Park at a subsequent meeting of Manorbier Community Council.

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

4.2.1 Whether Cllr Parker had a prejudicial interest as defined by paragraph 12(1) of Manorbier Community Council's Code of Conduct. This paragraph applies an objective test and defines as "[a prejudicial] 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".

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

4.3.1 The Appeal Tribunal found the disputed fact to be proved that Cllr Parker did have a prejudicial interest in respect of the planning application considered on 5 January 2015. The close proximity of Cllr Parker's home to Buttyland Caravan Park, combined with the numerous concerns raised by Cllr Parker between 2012 and 2014 regarding the alleged breaches of planning controls at the caravan park, were relevant facts which a member of the public would reasonably regard as so significant that they were likely to prejudice Cllr Parker's judgement of the public interest.

4.3.2 Further, the personal objection that Cllr Parker made against the planning application the day after the meeting was more likely than not to demonstrate both her level of concern about the planning application and what was in her mind during the meeting on 5 January 2015. The Appeal Tribunal noted her objections that "the visual impact on neighbouring property is unreasonable" and the detailed submissions on the alleged negative effect the development would have on the National Park in which both Buttyland Caravan Park and Cllr Parker's home are sited. Cllr Parker's admitted pre-disposition against the planning application in the view of the tribunal was shown by the contents of her objections to the planning application.

4.3.3 While Cllr Parker had correctly declared a personal interest, but said that her judgement of the public interest would not be affected due to her professional background as a town planner, the test to be applied is an objective one. Cllr Parker's professional duties and obligations do not override her duty as a member to comply with Manorbier Community Council's Code of Conduct. The Appeal Tribunal found unanimously that, based purely on the combination of the proximity of Cllr Parker's home and the concerns previously raised by her about Buttyland Caravan Park, Cllr Parker did have a prejudicial interest in the planning application.

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

5.1 The Appellant's Submissions

5.1.1 Cllr Parker accepted that if she had a prejudicial interest in the planning application, then she had breached all three paragraphs of the Code of Conduct. She accepted that she had spoken on the application during the meeting, and felt that the issue of when and where exactly did not make much difference. Cllr Parker said that as there were no minutes of the public forum, the agreement to let her speak during the meeting was not minuted either, but she was not sure anyone was asked about that. She made the point that it was not easy to remember after the time that had elapsed.

5.2 The Ombudsman's Submissions

5.2.1 Mr Phillips drew the tribunal's attention to paragraphs 14(1) (a), (c) and (e) of Manorbier Community Council's Code of Conduct. He stated that when a member with a prejudicial interest fails to withdraw from the meeting when the relevant business was discussed, or sought to influence the decision, or made oral representations, a breach of the Code occurred.

5.2.2 Mr Phillips accepted that Cllr Parker could have made representations by speaking as a member of the public in the section of the meeting reserved for comments by the public under paragraph 14(2). The fact that no member of the public appeared to have attended the meeting does not change the rules, and there was no evidence in the minutes of the meeting or the accounts of the other councillors present that Cllr Parker was permitted to speak as a member of the public when she gave her presentation about the planning application and the history of Buttyland Caravan Park. Mr Phillips said in any event Cllr Parker should have left the room and not taken part in the discussions or voted against the planning application.

5.2.3 Mr Phillips also said Cllr Parker took part in a "pre-meeting" earlier on 5 January 2015 in the home of another councillor when the planning application was discussed with several other councillors. He suggested that this was part of Cllr Parker's activities in breach of the Code of Conduct.

5.3 Appeal Tribunal's Decision

5.3.1 On the basis of the findings of fact, the Appeal Tribunal found unanimously that Cllr Parker had failed to comply with the Code of Conduct of Manorbier Community Council.

5.3.2 Cllr Parker had a prejudicial interest in the planning application and did not have the benefit of a dispensation from the Standards Committee.

5.3.3 Paragraph 14(1)(a) of the Code of Conduct states that "...where you have a prejudicial interest in any business of your authority you must....withdraw from the room, chamber or place where a meeting considering the business is being held..". Paragraph 14(1)(a)(i) goes on to state that if an affected member is making representations, answering

questions or giving evidence in relation to the business, they may attend provided the public are also allowed to attend the meeting for the same purpose, but the member must withdraw immediately after the period for the public to making representations, answer questions or give evidence and before the business is further considered by the authority.

5.3.4 Cllr Parker did not withdraw from the meeting at any point as confirmed by her own admission and the evidence of the minutes of the meeting and her fellow councillors. The Appeal Tribunal has no doubt that Cllr Parker was present when the planning application was considered by Manor Bier Community Council, and finds that her failure to withdraw was a breach of the Code of Conduct.

5.3.5 Paragraph 14(1)(c) of the Code of Conduct states that “..where you have a prejudicial interest in any business of your authority you must....not seek to influence a decision about that business.” Paragraph 14(1)(e) of the Code of Conduct states that “..where you have a prejudicial interest in any business of your authority you must....not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent”.

5.3.6 The Appeal Tribunal’s findings in relation to both paragraphs were the same and therefore both paragraph 14(1) (c) and (e) will be dealt with together. Cllr Parker accepted that she “spoke on the application”, highlighting the history of Buttyland Caravan Park, the alleged previous breaches of planning controls at the site and the planning application itself. The tribunal noted that according to the minutes of the meeting Cllr Parker made representations about the “visual amenity and special qualities of the National Park” and issues about breaches of the Park Development Plan and other planning controls.

5.3.7 Cllr Parker and her fellow councillors agree that she voted against the planning application. The Appeal Tribunal found unanimously that Cllr Parker had sought to influence the decision about the planning application.

5.3.8 There was no evidence available to the Appeal Tribunal about how long Cllr Parker spoke and the time limits applicable to representations by members of the public. The minutes and evidence from the other councillors did not address this point, and Cllr Parker’s evidence was inconclusive. The tribunal took the view that this point was not essential to resolve the issue as to whether Cllr Parker made oral representations outside the ambit permitted by paragraph 14(2).

5.3.9 The public forum where members of the public could make representations regarding the planning application took place before the meeting formally commenced according to the minutes prepared by the clerk to the council. Cllr Parker did not speak in this section, and the absence of members of the public did not mean that the public section of the meeting did not occur. Simply, it was held and no-one spoke.

5.3.10 The Appeal Tribunal found that, in the course of the meeting itself, Cllr Parker gave a detailed presentation about Buttyland Caravan Park as part of

the discussions by the whole council. There was no record in the minutes or other evidence to suggest that the council had decided to allocate any of the discussions as a period for representations by members of the public. The tribunal unanimously found Cllr Parker made oral representations, as a councillor in the course of the meeting, about a matter in which she had a prejudicial interest.

5.3.11 The Appeal Tribunal considered the “pre-meeting” which took place earlier on 5 January 2015. There were no minutes of the meeting, but it had the benefit of both Cllr Parker’s recollections of the pre-meeting and those from other councillors who attended. The tribunal is not empowered to make findings about the wisdom of such meetings, but given that council business should be carried out in a transparent and accountable manner it can understand why the issue was raised as a cause for concern by the Ombudsman.

5.3.12 All of the relevant evidence supports the finding that Cllr Parker at the pre-meeting summarised what the planning officer had told her earlier that day about the planning application, and that she had given factual information only to those attending. The Appeal Tribunal on the balance of probability was unable to say that the supply of such information equated to making oral representations about the planning application or seeking to influence the decision, although it noted Cllr Parker’s comments that she was giving “proper advice” at that pre-meeting. Given Cllr Parker’s background as a town planner, the tribunal concluded that “advice” was more likely than not to refer to the factual information given, rather than instructions as to how the members should vote.

5.3.13 In light of the above conclusions, the Appeal Tribunal unanimously found that Cllr Parker had sought to influence a decision regarding a matter in which she had a prejudicial interest and had make oral representations about the matter during the period when the authority was considering the planning application, and had accordingly breached paragraphs 14(1) (a), (c) and (e) of the Code of Conduct.

6. SUBMISSIONS ON ACTION TO BE TAKEN

6.1 The Appellant’s Submissions

6.1.1 Cllr Parker contended that as she had acted to the best of her ability she should not be penalised for making the wrong decision, particularly by a suspension. She said she had not intentionally breached the Code of Conduct and her actions had not caused any harm.

6.1.2 Cllr Parker said that she had learned a lot from this procedure, but that she still did not understand what she had done which was wrong as she had acted in good faith. She said she would make the same decision if the issue arose again today, and nothing would change that. Cllr Parker said she still believed that she had made the right decision, and that no penalty imposed would change her view. Cllr Parker did not believe that attending training would assist her in the future, and pointed out that she said if she was suspended then she would not be able to attend training.

6.2 The Ombudsman's Submissions

6.2.1 Mr Phillips drew the Appeal Tribunal's attention to the mitigating factors which the Ombudsman felt should be considered when deciding what sanction, if any, was appropriate. He pointed out Cllr Parker had declared a personal interest, and clearly given her decision some thought. Mr Phillips also noted that Cllr Parker had not previously been found to have breached the Code of Conduct.

6.2.2 Mr Phillips also highlighted factors which he submitted should be viewed as aggravating. He noted Cllr Parker's continued challenge to the finding, by both the Ombudsman and the Standards Committee, that she had a prejudicial interest and despite repeated explanations of what constituted such an interest. Mr Phillips also said that an experienced town planner should be able to recognise a prejudicial interest, particularly when it related to a planning application.

6.2.3 Mr Phillips submitted that a one-off breach of the Code did not deserve the highest possible sanction, and if suspension was being considered, then it was necessary to reflect the requirements of Article 10 of the European Convention of Human Rights. The Appeal Tribunal had to balance the seriousness of the breach of the Code of Conduct and the need to maintain public confidence in members of councils against the need to protect freedom of expression.

6.3 Appeal Tribunal's Decision

6.3.1 The Appeal Tribunal considered all the facts of the case, the nature of the breaches and that there were three breaches of the Code of Conduct, together with the submissions made by the Appellant and the Ombudsman.

6.3.2 The Appeal Tribunal also had regard to its own Sanctions Guidance and took into account the following matters.

6.3.3 In mitigation, it accepted that Cllr Parker had declared a personal interest, and in October 2015, had declared a prejudicial interest in respect of Buttyland Caravan Park. The Appeal Tribunal judged that Cllr Parker had considered the issue of the nature of her interest in planning applications concerning the site and her conduct had arisen from an honestly held, if mistaken, belief that she did not have a prejudicial interest. In addition, Cllr Parker had not previously been found to have breached the Code of Conduct and was a relatively inexperienced councillor.

6.3.4 The Appeal Tribunal also considered that the extra protection for political expression under Article 10 of the European Convention of Human Rights applied in Cllr Parker's case. It noted that Buttyland Caravan Park was located within a National Park, and that many of Cllr Parker's representations related to concerns about development of land within the National Park and alleged breaches of planning controls designed to protect the Park. The tribunal reminded itself of the legal principles set out in the cases of Calver v Adjudication Panel for Wales [2012] EWHC 1172 (Admin) and Heesom v Public Services Ombudsman for Wales [2014] EWHC 1504 (Admin), namely

that the definition of political expression has a wide ambit and covered expressions regarding the operations or policies of authorities. Given the potential divergence of political views about developments within National Parks, and the role played by Community Councils in considering planning applications, the tribunal concluded that many of Cllr Parker's representations were political expressions.

6.3.5 However, the Appeal Tribunal did consider that there were a number of aggravating factors. Cllr Parker's submissions displayed a lack of insight regarding both her breaches of the Code of Conduct and the importance of sanctions. Sanctions are not designed to punish members, but rather to protect the public interest and maintain confidence in authorities, members and the decisions taken by them. When members agree to serve, they are held to a higher standard of conduct as set out in the Code than ordinary members of the public, in order to maintain the community's confidence in its representatives. As was made clear by the Court of Appeal in Bolton v Law Society [1994] 1 WLR 512, the purpose of sanctions are not to punish the individual, but to maintain the reputation of the profession or office involved, in this case the role of councillor.

6.3.6 In addition, as Cllr Parker was unable to accept that she had wrongly concluded that she did not have a prejudicial interest and stated that she would make the same decision again, the Appeal Tribunal was concerned that there was a risk of repetition of the breaches. Cllr Parker, as a former town planner, could reasonably be expected to understand and recognise a prejudicial interest in relation to a planning application, but had failed to do so despite attending training as a councillor regarding the Code of Conduct.

6.3.7 The Ombudsman provided the Appeal Tribunal with a copy of his Guidance to members regarding prejudicial interests in existence on 5 January 2015. Cllr Parker either failed to read the Guidance or did not understand its contents. The tribunal noted the example given of a close personal associate of a member living adjacent to a property subject to a planning application presenting a prejudicial interest for that member. It concluded that Cllr Parker's failure to consider the Guidance when she had given evidence that she had consulted and obtained information from the clerk before reaching her decision was an aggravating factor.

6.3.8 The Appeal Tribunal judged that Cllr Parker's conduct had the potential to benefit herself as, if the planning application was successful, there may have been an adverse impact on her property either financially or in terms of impact upon her and any other occupants. It considered Cllr Parker's suggestion that no harm was done as at best naïve, and at worst mendacious. Mr Brown withdrew the planning application for reasons unknown to the tribunal. The damage done to the reputation of Manorbier Community Council due to Cllr Parker's conduct is also unknown, but it is generally accepted that the public will not have confidence in decisions taken by those with a prejudicial interest.

6.3.9 Cllr Parker also, in the view of the Appeal Tribunal, was pro-active in her involvement in the planning application, its process through the council, and its consideration by the council. She met with the relevant planning officer, reported the information provided to her to other councillors information and

gave a presentation about the site and its planning history. The tribunal viewed this as an aggravating factor as it meant that Cllr Parker was taking an active, if not campaigning role, in her capacity as a member in a matter in which she had a prejudicial interest.

6.3.10 Cllr Parker breached three sub-paragraphs of the Code of Conduct. Yet, as Cllr Parker was able to raise her objections in her personal capacity, which she did in writing to the Pembrokeshire Coast National Park Authority on 7 January 2015, as well as make representations in the public section of the Manorbier Community Council meeting, her freedom of expression was not limited by compliance with paragraphs 14(1) (a), (c) and (e).

6.3.11 The Appeal Tribunal considered that Article 10 of the European Convention of Human Rights was engaged. As the Article states, “*everyone has the right to freedom of expression*”, but goes on to state this freedom “*may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society...*”.

6.3.12 The Appeal Tribunal concluded earlier that at least some of the representations made by Cllr Parker were political expressions. Political expressions are afforded greater protection than other expressions, and a greater weight given to such expressions when balancing whether it is necessary to restrict the freedom of expression.

6.3.13 In order to maintain public confidence in decision making by councils, legislation denies councillors the right to be present, influence decisions or make oral representations when they have a prejudicial interest in the business being decided. Affected councillors are still able to make representations in the same way as any other member of the public, which preserves their private freedom of expression. Cllr Parker made private representations in her personal capacity, and no criticism is levied at her for availing herself of this right.

6.3.14 The Appeal Tribunal considered that in respect of the conduct and representations by Cllr Parker which were not political expressions, such as not withdrawing from the meeting and voting, her actions were a serious breach of the Code of Conduct and warranted a period of suspension.

6.3.15 The freedom of expression afforded to political expressions can still be lawfully limited if necessary in a democratic society. The Appeal Tribunal appreciated the evident frustration felt by Cllr Parker, a professional town planner, regarding the alleged breaches of planning controls in a National Park, and judged that in respect of these political expressions, it was right to place a greater weight in favour of Cllr Parker’s right to express such views.

6.3.16 However, it was justified and proportionate to prevent councillors with a prejudicial interest expressing such political views when planning applications are being considered by councils. The Appeal Tribunal concluded that such expressions should not receive as severe a sanction as would be imposed for similar expressions which were not political expressions and should not be viewed as seriously as the rest of Cllr Parker’s conduct.

6.3.17 The Appeal Tribunal concluded that if there had not been any political expression connected to the conduct of Cllr Parker, it would have been proportionate and just to suspend her for 4 months.

6.3.18 As some of Cllr Parker's conduct did, in the judgment of the Appeal Tribunal, involve political expression, it found that a suspension of 3 months would be the appropriate sanction in this case.

6.3.19 The Appeal Tribunal accordingly decided by unanimous decision to refer the matter back to the Standards Committee with a recommendation that Cllr Parker should be suspended from being a member or co-opted member of Manorbier Community Council for a period of 3 months.

6.3.20 The Appeal Tribunal noted that the Standards Committee had also required Cllr Parker attended a training course on the Code of Conduct within 6 months. The Appeal Tribunal considered that the issue of attendance at training courses was outside its powers. The Appeal Tribunal can only recommend sanctions set out in Regulation 9(1) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001. However, given the evidence and submissions from Cllr Parker during the course of this hearing, the tribunal concluded that her attendance at such a training course would be beneficial.

6.3.21 The authority and its Standards Committee are notified accordingly.

Signed:



Date: 11 October 2016

Claire Sharp
Chairperson of the Appeal Tribunal

Sian Jones
Panel Member

Juliet Morris
Panel Member