

NOTICE OF DECISION

TRIBUNAL REFERENCE NUMBER:

APPELLANT: Councillor Paul Rogers

RELEVANT AUTHORITY(IES): Wrexham County Borough Council
Brymbo Community Council

1. Following a decision by the Standards Committee of Wrexham County Borough Council (“the Standards Committee”) that the Appellant breached the Code of Conduct of the Relevant Authority on 12 January 2023, and the Notice of Decision emailed to the Appellant on 17 January 2023, the Appellant has made an application for permission to appeal under Regulation 10(8) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees (Wales) Regulations 2001.
 2. I have deemed the application to have been made out of time. The Appellant’s appeal was received by the Adjudication Panel for Wales (“APW”) on 14 February 2023, outside of the 21 day period in which applications for permission to appeal must be received. The application was sent by post. The deadline by when the application had to be received by the APW was 7 February 2023, 21 days from the notification by the Standards Committee on 17 January 2023; it is not sufficient to post the application within that period. While the letter enclosing the application is dated 6 February 2023, the requirement of Regulation 10(2) is that the notice must be given to the APW within the 21 day period. There is no deemed service provision within the Regulations, nor any ability to grant an extension to the 21-day period.
 3. In addition, I note that the Registrar for the APW informed the Appellant in response to his email on 6 February 2023 that the application could be submitted electronically; it was the choice of the Appellant not to do so. I also note that the Deputy Monitoring Officer advised the Appellant that the deadline was 9 February 2023; I asked the Registrar to ask the Monitoring Officer to provide further information as to when and how the notification of the decision of the Standards Committee was sent to the Appellant. The notification was dated 17 January 2023 and marked as sent by email only. Evidence was immediately provided that the notification was sent to the Appellant on 17 January 2023. Emails are
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regarded as received on the date that they are sent; the time to appeal ran from 17 January 2023.

4. An Appeal Tribunal will not be convened by the President of the Adjudication Panel for Wales to consider the Appellant's appeal.

Signed:



Date: 15 February 2023

Claire Sharp
President of the Adjudication Panel for Wales
