



DECISION REPORT

APPEAL TRIBUNAL REFERENCE NUMBER: APW/002/2024-025/AT

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

APPELLANT: Councillor Ian Perry

RELEVANT AUTHORITY: St Nicholas with Bonvilston Community Council

1. INTRODUCTION

1.1 An Appeal Tribunal was convened by the President of the Adjudication Panel for Wales ('APW') to consider an appeal by Councillor Ian Perry ('the Appellant') against the decision of the Standards Committee of the Vale of Glamorgan Council ('the Standards Committee') that he had breached the Code of Conduct ('the Code') of the Relevant Authority and should receive a sanction.

1.2 Following submission of a Report of the Public Services Ombudsman for Wales ('PSOW'), at a meeting on 22 November 2024, the Standards Committee found that the Appellant had breached Paragraphs 4(c), 4(b) and 6(1)(a) of the Code. It also found that the Appellant should be suspended for a period of two months from being a member of the Relevant Authority and be required to attend Code training with the Monitoring Officer.

1.3 The President of the APW issued a decision dated 6 January 2025 which allowed the appeal to proceed on certain grounds only, as the President determined that the

Standards Committee had not explained in its decision letter how it had evaluated evidence and had not set out clear reasons to support its decisions.

1.4 The Appeal Tribunal to adjudicate upon the appeal met at 10:00 am on 6 June 2025 using remote attendance technology ('Teams'). The Appellant was represented by Mr Richard Harwood KC and the PSOW was represented by Mr Gwydion Hughes. The Monitoring Officer for the Vale of Glamorgan, Ms Victoria Davidson, was also in attendance.

1.5 Mr Hughes noted that the Appellant's representatives had produced a transcript of the oral evidence of former Locum Clerk, Mrs Jaqueline Griffin and former Councillor Maddy Sims from the Standards Committee hearing of 22 November 2024. Both Counsel indicated that any examination-in-chief and cross-examination at the Appeal hearing was likely to largely replicate the previous exercise. In the circumstances, neither Counsel called witnesses (including the Appellant) to give evidence at the hearing.

1.6 The Appeal Tribunal and the parties referred to the Final Hearing Bundle ('the Bundle') comprising 932 pages. For the avoidance of doubt and, unless otherwise stated, the page references shown in square brackets throughout this report, refer to the electronic page numbers of the Final Hearing Bundle.

2. BACKGROUND TO THE CASE AND CODE BREACHES

2.1 The Appeal Tribunal noted that the initial complaint was wide-ranging in nature, and the PSOW's report had concluded that some of the Appellant's actions complained of were suggestive of a breach of the Code of Conduct. The breaches found by the Standards Committee on 22 November 2024 did not match the breaches as alleged by the PSOW in all respects.

2.2 In summary, the PSOW had alleged that the Appellant had breached both paragraphs 4(b) and 4(c) of the Code in his conduct towards the former Locum Clerk, due to the nature of contact outside working hours and alleged lack of insight into the impact of these actions; being allowed to complete only certain parts of a clerk's role; and also with reference to a 'benchmarking' exercise undertaken by the Appellant during the PSOW investigation. The PSOW considered that an e-mail sent by the Appellant to the Clerk on 5 July 2021 was threatening in nature.

2.3 As to certain financial matters, the PSOW considered that comments made to a fellow-Councillor in an exchange of e-mails in July 2021 demonstrated a lack of respect towards her and her ability. The PSOW did not go on to confirm that this constituted a breach of Paragraph 4(b) of the Code [168], however the PSOW considered that the

Appellant had breached paragraph 6(1)(a) of the Code as the PSOW concluded that he appeared to be defensive and lacked transparency in relation to requests from members of the Relevant Council as to the Council's finances.

2.4 On the 22 November 2024, the Standards Committee subsequently found that the content of the e-mail of 5 July 2021 was intended to intimidate the former Locum Clerk and found there to be a breach of paragraph 4(c) of the Code only in relation to this conduct. As to the former Councillor, the Standards Committee said that the Appellant's conduct demonstrated a lack of respect towards her, and that her requests for information relating to the finances of the Relevant Council, including bank statements, were perfectly reasonable and legitimate. It considered that the Appellant's actions amounted to a breach of paragraph 4(b) of the Code. It also decided that the failure by the Appellant to provide appropriate responses or information and his defensive tone evidenced a lack of transparency in his dealings with requests for information from members regarding legitimate questions. It concluded that this also amounted to a breach of paragraph 6(1)(a) of the Code.

2.5 Following submission of his Appeal, the President of the APW issued her decision dated 6 January 2025 and allowed the appeal to proceed on limited grounds. The Appeal Tribunal was therefore required to adjudicate on narrow issues, being whether it considered that the Appellant had failed to follow the relevant paragraphs of the Code of Conduct as determined by the Standards Committee, and whether to uphold or overturn the decisions of the Standards Committee.

2.6 In its Listing Directions dated 14 May 2025 [7-10], the Appeal Tribunal noted that the key facts of the case were largely undisputed and that the First (Findings of Fact) Stage of the proceedings could be merged with the Second (Breach of the Code) Stage.

3. PRELIMINARY LEGAL MATTER

3.1 Both Counsel had provided helpful 'skeleton arguments' in advance of the hearing and had also provided oral submissions which can be summarised as follows in relation to the preliminary legal matter: -

Submissions on behalf of the Appellant

3.2 Mr Harwood, on behalf of the Appellant, made preliminary legal submissions about the scope of the appeal to be determined by the Appeal Tribunal. In summary, it was his submission that the Tribunal was not able to consider breaches or any other allegations which had not been found by the Standards Committee. This was in the light of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, as amended ('the 2001 Regulations').

3.3 Mr Harwood noted that the PSOW had maintained the stance adopted in the PSOW Report regarding Paragraph 4(b) as well as 4(c) of the Code, as it said that the e-mail dated 5 July 2021, taken together with other matters amounted to harassment. He said that the Standards Committee had not found breaches regarding the Appellant's contact with the Locum Clerk in the evening and on weekends; nor regarding curtailing of her role, and nor in relation to his apparent 'benchmarking' criticism of the Clerk during the PSOW investigation.

3.4 Mr Harwood stated that the Standards Committee decision was that the Appellant had failed to comply with paragraph 4(c) of the Code in relation to sending the specific email of the 5 July 2021 to the Clerk. He referred to Paragraph 2.14 of the PSOW Guidance on the Code which states; '*Harassment is repeated behaviour which upsets or annoys people*' and submitted that a single incident, such as the sending of the single e-mail of 5 July, could not constitute harassment. He noted that the PSOW may wish to reformulate the breach to refer to bullying, referenced in the Guidance as; '*such behaviour may happen once or be a pattern of behaviour directed at a weaker person, or a person over whom you have some actual or perceived influence.*' He added that the PSOW would therefore need to address whether the allegations were still being maintained.

3.5 As to the allegations regarding the Appellant's approach to financial matters, Mr Harwood stated that the allegations were confined to the e-mail exchanges of 17 and 18 November 2021 and that the parties were aligned in respect to the timeline. In the Skeleton Argument on behalf of the Appellant, he said that the PSOW had sought to rely on the Relevant Authority's '*repeated internal and external audit failure*', which was not a matter of complaint, nor indeed the '*trenchant resentment of scrutiny from [the former Councillor] expressed in interview*'.

3.6 In the Skeleton Argument, Mr Harwood also referred to Regulation 10(1) of the 2001 Regulations which states that '*an appeal may only be brought by a person against a determination that he has failed to comply with the code of conduct*'. As such, he said that neither the PSOW, nor anyone else, could appeal against a finding that the person had breached the code of conduct. With reference to Regulation 12(1)(a), he stated that the Adjudication Panel must uphold or overturn the determination of breach and may uphold certain breaches and overturn others. It was not able to make findings of breaches which the Standards Committee had rejected or had not considered.

3.7 Finally, Mr Harwood submitted that the PSOW's position that she '*maintains the stance adopted in her report*', was unlawful. He said that the PSOW's response to the appeal was impermissible in contending that the 5 July email 'taken together' with the calls, benchmarking and interference with duties, was harassment. He submitted that

the Standards Committee's harassment finding was solely concerned with the 5 July email, and no breach of Paragraph 4(b) had been found.

Submissions on behalf of the PSOW

3.8 Mr Hughes stated that whilst the Standards Committee had agreed that there had been Code breaches, it had not specified the details of what conduct constituted the breaches. He said that regarding the finding of the Standards Committee of breach of Paragraph 4(b) as to the exchange of e-mails in November 2021 with the former Councillor, the PSOW had not concluded that there was a breach, and he would not now take an opportunistic approach to adopt submissions of breach of 4(b) of the Code

3.9 Mr Hughes stated that it was difficult to disagree with the decision of the President of the APW dated 6 January 2025 in terms of the lack of reasoning for the decision of the Standards Committee. He also agreed that the Standards Committee imposed a training requirement which it did not have the right to impose.

3.10 As to the 2001 Regulations, Mr Hughes recognised that Regulation 10 limited the right of appeal to the member only, and that this might support a narrow construction of Regulation 12, which sets out the choice of conclusions that an Appeal Tribunal must reach, and would suggest that the Appeal Tribunal is effectively bound by the findings of the Standards Committee. He considered that the wording was capable of wider construction, however, and that the Tribunal could conclude that there was a breach or no breach of the Code without descending into detail as to which paragraph of the Code had been breached.

3.11 In the Skeleton Argument on behalf of the PSOW, Mr Hughes noted that the 2001 Regulations do not specify whether an appeal is to proceed by way of review or rehearing, or a hybrid of these, and noted that the practice and procedure would be such as the President of the APW would decide. He duly referred to the APW Procedural Guidance; *'Appeals against the Decision of a Standards Committee'* and said that it appeared to contemplate *'something of a hybrid, not consisting of an entirely fresh rehearing... but also not being completely confined to a review of the decision made by the standards committee.'*

3.12 Finally, he considered that Paragraphs 43 to 55 of the Guidance very clearly contemplated the Appeal Tribunal; *'hearing evidence on disputed factual issues and reaching its own conclusions on those disputed facts, as opposed to merely reviewing the factual findings of the Standards Committee'*. He said that the absence of a power to simply remit a case to the Standards Committee to make a fresh decision also suggested that the Appeal Tribunal had a power to substitute its own factual findings *'as well as its own findings on breach and recommendation as to sanction (up or down)'*.

Decision of the Appeal Tribunal as to the Scope of the Appeal

3.13 The Appeal Tribunal considered the relevant paragraphs of the 2001 Regulations as follows: -

‘10(1) Where a Standards Committee determines under Regulation 9(1) above that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may seek permission to appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales....

10(4) An application for permission to appeal is to be decided by the president of the Adjudication Panel for Wales or a member of the panel nominated by the president of the Adjudication Panel to exercise this function....

10(8) In reaching a decision on whether to grant permission to appeal, the president of the Adjudication Panel for Wales or the nominated panel member must have regard to whether the appeal or part of it has a reasonable prospect of success.

12(1) An appeals tribunal must:

(a) uphold the determination of the relevant authority’s Standards Committee that any person who was subject to the investigation breached the code of conduct and either

(i) endorse any penalty imposed, or

(ii) refer the matter back to the Standards Committee with a recommendation that a different penalty be imposed;

or,

(b) overturn the determination of the relevant authority’s Standards Committee that any person has breached the code of conduct...’

3.14 The Appeal Tribunal also reviewed the decision of the President of the APW dated 6 January 2025 [106-111]. In relation to the Code breaches, the President had determined that, as to the Standards Committee’s finding of breach of Paragraph 4(c), 4(b) and 6(1)(a) of the Code, she could not be satisfied that the grounds of appeal had no prospect of success, and the absence of reasons for the findings meant that the relevant grounds should be considered by the Appeal Tribunal.

3.15 With regard to Paragraph 4(c), the President noted that the first Standards Committee resolution was in relation to the sending of an email dated the 5 July 2021 to the former Locum Clerk. It did not, however, explain how the evidence had been evaluated. Regarding Paragraphs 4(b) and 6(1)(a), the President noted that the second and third resolutions of the Standards Committee essentially related to the same

matters. She noted that the Standards Committee decision letter did not limit the findings to the single exchange of e-mails on the 17 and 18 November 2021 over a 30-hour period. In the third resolution there was also reference to requests for information from 'Council Members' and it was not clarified in the Standards Committee decision whether other evidence was taken into consideration.

3.16 The Appeal Tribunal also reviewed the APW Procedural Guidance; '*Appeals against the Decision of a Standards Committee.*' It noted that the Guidance contemplated evidence being heard by the Appeal Tribunal on disputed factual issues and reaching its own conclusions on those disputed facts, as opposed to merely reviewing the factual findings of the Standards Committee. This suggested that the Appeal Tribunal had power to substitute its own factual findings, and the 2001 Regulations explicitly allowed an Appeal Tribunal to recommend a different sanction. The Appeal Tribunal did not consider, however, that this necessarily implied that an Appeal Tribunal had the power to substitute its own findings on breach.

3.17 Having listened carefully to the parties' submissions regarding the scope of the Appeal Tribunal's powers, and with particular regard to Regulations 10(1) and 12(1) of the 2011 Regulations, as well as the APW Procedural Guidance regarding appeals, the Appeal Tribunal was satisfied that the Standards Committee had found three separate breaches of the Code. The first breach specifically identified conduct towards the former Locum Clerk, and the second towards the former Councillor. The Appeal Tribunal was satisfied that the wording of the 2001 Regulations was clear. It could proceed on the basis of either upholding or overruling each of the findings of breach, having considered the relevant evidence. It considered that it would be artificial to impose a wider interpretation of this clear and unambiguous wording.

3.18 The Appeal Tribunal concluded that it therefore did not have the power to substitute a finding of breach of a different Code paragraph to that found by the Standards Committee in relation to the former Locum Clerk. It was required to uphold or overrule a finding of breach of the Code. It was therefore satisfied that it had no power to substitute a finding of 4(b) for a finding of 4(c), and the Appeal Tribunal therefore ordered the hearing to proceed on this basis.

3.19 The Appeal Tribunal did not, however, impose a limit as to the facts and evidence which could be adduced in relation to the three resolutions of breach as found by the Standards Committee. For instance, it did not limit evidence to the single event recorded in the Standards Committee's decision, being in relation to the e-mail of 5 June 2021. It was common ground that the reasoning of the Standards Committee decision process had been lacking. However, the reasoning did state that the Standards Committee reached its decision '*considering the totality of the evidence*' and not simply the e-mail of 5 July 2021 in isolation.

4. ALLEGED BREACH OF THE CODE RELATING TO THE FORMER CLERK

The Appellant's Submissions (Mr Harwood)

4.1 Mr Harwood stated that the e-mail dated 5 July 2021 was the only source of complaint found by the Standards Committee in relation to Paragraph 4(c) of the Code concerning the former Locum Clerk. It did refer to the 'totality of the evidence', but did not explain what was inferred from that statement. He said that the email was sent following a conversation between the Appellant and the Clerk.

4.2 The relevant email read: *'I'm catching up on CC work this week. I'll get onto the Clerk advertisement before the end of this week. Would you have 5 minutes before the meeting so we can have a quick catch up? A few years ago, I made a Subject Access Request to OVW. This is what came back – an email to OVW from the former Clerk. Hi [redacted] Hope you're well? I'm still having problems with Cllr Perry. We are trying our best with him and we are putting measures in place to help control him but he just seems to find other ways of making his voice heard.*

The bullying was intense! I wasn't going to be silenced! [emoji] As for [redacted], I regret not going to get the CC archive myself. It was so obvious that there'd be a catastrophic loss of it ... I hope that this council, for all its continuing faults, never goes back to what it was when I joined. See you tomorrow. Ian'.

4.3 Mr Harwood said that the e-mail was in the context of the former Locum Clerk's intention to be at the Relevant Authority for a few months only, and announcing in June 2021 that she would leave by August 2021. It was not an unexpected departure and was to take up another role. In his Skeleton Argument, Mr Harwood stated that the Council was already starting the recruitment process for a new clerk in May 2021. He said; *'There were no other suggestions of rudeness or friction between [the Appellant] and [the Clerk]. They had discussed their own earlier experiences in community councils.'* He also stated, *'there was no intimation of any problems between [the Clerk] and [the Appellant].'* [187]

4.4 Mr Harwood said that the e-mail contents indicated that the individual (a previous Clerk) was trying to control the Appellant; however, he said that councillors are meant to have their voices heard and it is not the role of a clerk to prevent this. It was common ground that the individual's language was inappropriate and that a councillor should not be inappropriately silenced. In his Skeleton Argument, Mr Harwood stated that *'the email was not a threat, whether to Mrs Griffin or anyone else. Councillor Perry was recounting a previous experience. Mrs Griffin agreed in oral evidence to the Standards*

Committee that it was inappropriate for the former Clerk to put measures in place to try to control a councillor or to object to him making his voice heard.' He added; *'She was not trying to silence [the Appellant], nor was there any intimation that she would make a complaint about [him].'* Mr Harwood stated that it was not tenable to argue that this was to do with the Appellant preventing the individual from operating as a clerk, or to do with interventions or harassment from the Appellant. He said it was consistent with a show of frustration by the individual that the Appellant was getting his voice heard.

4.5 In considering the former Locum Clerk's perception of the e-mail of 5 July 2021, Mr Harwood noted that her original complaint of 21 September 2021 [176], did not refer to the e-mail. She had not said that she had been harassed or bullied by the Appellant in any fashion and did not complain about the Appellant's conduct towards her. It was a complaint about how the Council was being run, and she placed the blame for that on the Appellant. As to how she perceived telephone calls in the evening [178], there was no complaint as to how she was being treated, and she was simply relating to the experience of a previous clerk.

4.6 Mr Harwood referred to the transcript of the former Locum Clerk's evidence that she had experience of being a clerk in her own right since 2002, and that she was experienced and was familiar with the Code [905]. She had a conversation with the former Monitoring Officer before submitting the complaint and had therefore complained following a great deal of thought. This initial complaint was rejected by the PSOW in November 2021 as inadequate [918]. The e-mail of 5 July 2021 was raised in the revised complaint of December 2021 for the first time [182].

4.7 It was submitted on behalf of the Appellant that an incident of bullying and/or harassment would undoubtedly be distressing, and that it was notable that when there was an opportunity to raise it, it was not raised at all. This was therefore a strong indication that it had not been seen as a matter of concern by the former Locum Clerk. Mr Harwood said that the e-mail of 5 July 2021 could not reasonably be considered to be harassment. In the Clerk's own words, the e-mail was *'probably a very mild form of bullying'* [182]. The Clerk could not understand why the e-mail had been sent. She had later bolstered this comment and said she had felt it to be a 'warning shot' [912]. In context, however, he said that this did not make sense.

4.8. Mr Harwood briefly dealt with the other behaviour which had been raised in the PSOW Report. As to working hours, the Relevant Council met in the evening, and it was in the nature of a small council of volunteers that phone calls would be received in the evening. There had been no concern expressed by the Clerk, nor an indication that she did not wish to take the Appellant's calls. As to the role of the clerk and who should write and send communications on behalf of the Authority, this had no bearing on allegations of bullying or harassment. The 'benchmarking' exercise followed, a long time after the

series of allegations had been made against the Appellant and was not relevant to the allegation of Code breach. Mr Harwood stated that the Standards Committee finding of breach of Paragraph 4(c) of the Code was made on a narrow basis, and that the other matters did not assist the case. One event could not be construed as harassment and the behaviour was nowhere near harassment or bullying. He suggested that there had been 'rooting around' for a revised complaint, based on the misreading of the e-mail of 5 July 2021.

4.9. In conclusion, Mr Harwood submitted that the PSOW had recognised that the e-mail of 5 July 2021 could not, on its own, be regarded as harassment. It also could not, in any respect, be seen as bullying or threatening behaviour. He said that the e-mail had not caused concern at the time and had been omitted from the initial complaint. He said that it was astonishing that it was now to be something to be treated seriously.

The PSOW's submissions (Mr Hughes)

4.10. Mr Hughes noted that Mr Harwood had already taken the Appeal Tribunal through the detailed evidence. He accepted that the finding of the Paragraph 4(c) Code breach by the Standards Committee was squarely based on the e-mail of 5 July 2021. With regards to the facts and evidence, he did not think that the Standards Committee had mentioned that the other matters were contributory to the finding.

4.11 As for the e-mail itself, Mr Hughes said that there was not a lot of information as to the context of why it was sent, what it was intended to convey, and what appeared to perturb the former Locum Clerk. He acknowledged that the Appellant had thought that he had been controlled in an inappropriate way in the past and was not really able to explain why he sent it when interviewed [420 onwards]. Mr Hughes said that the interview was rambling with a lot of digressions and not a lot of clear explanation as to what was intended, and the effect the e-mail was intended to have.

4.12 Mr Hughes accepted that the e-mail of 5 July 2021 was not mentioned in the first complaint. He said, however, that the former Locum Clerk's witness statement made it clear that she did not understand why the Appellant had sent the e-mail to her, and she felt that he was warning her not to speak to One Voice Wales ('OVW') or the Monitoring Officer. She adopted the same stance during cross-examination at the Standards Committee hearing. In his Skeleton Argument, Mr Hughes stated that the sending of the e-mail was an action which the former Locum Clerk had interpreted as a veiled threat.

4.13. In conclusion, Mr Hughes said that it was for the Appeal Tribunal to decide whether it thought that the single e-mail, in context, breached Paragraph 4(c) of the Code. He conceded that it was difficult to see why it would amount to harassment, but

said that it could conceivably be construed as bullying, and the Standards Committee believed that it was.

5. ALLEGED BREACHES OF THE CODE IN RELATION TO THE FORMER COUNCILLOR AND REQUESTS FOR FINANCIAL INFORMATION

The Appellant's Submissions (Mr Harwood)

5.1 Mr Harwood submitted that the relevant correspondence, which was the subject of this complaint, took place over a very short 30-hour period on the 17 and 18 July 2021. This was essentially a complaint about how financial matters were handled by the Relevant Authority and about the question of transparency. As to the context of the matter, he stated in his Skeleton Argument that; *'Councillor Perry put considerable work into trying to sort out and make transparent the Council's finances. However, sorting this out was difficult, complicated by Covid'*. He added that *'Councillor Perry had also received verbal advice from One Voice Wales that members would not normally see bank statements. That accorded with the Council's own practice.'*

5.2 Mr Harwood then took the Appeal Tribunal through the minutes of a number of meetings of the Relevant Authority. He noted that the minutes of the meeting of 18 November 2021 were not in the original bundle, however this had now been admitted in evidence with no objection from Mr Hughes on behalf of the PSOW and with the consent of the Appeal Tribunal. The meetings to which he referred were those of 14 April, two meetings of the 10 May (one being the Annual General Meeting), 7 June, 6 September, 5 October, 1 November, 18 November, and 6 December 2021 [213-278]. He referred to the financial matters which were being addressed in the meetings, to include details of payments and income, appointment of, and updates regarding the Internal Auditor, updating the bank mandate, lack of access to the bank account, bank card arrangements, involvement of an accounting firm, the budgeting process, and appointment of the Responsible Financial Officer ('RFO'). At the meeting of 6 December 2021, the Internal Auditor had provided an update and concluded that there was no money missing or incorrectly spent, and there was no reference for the need for a monthly rather than quarterly reconciliation and there was no need for all councillors to see bank statements. In his Skeleton Argument, Mr Harwood stated; *'The Council's bank statements were not accessible for 14 months (until September 2021)'* [833]

5.3 As to the wider background, Mr Harwood said that the Relevant Authority had experienced a variety of problems. A previous clerk had returned bank statements, and this had led to the bank blocking the account, which then had to be resolved. He said that the Appellant had to go into his own pocket to pay certain invoices. He said that there had been complete openness and transparency regarding these matters.

5.4. As to the bank statements, Mr Harwood referred to those contained in the bundle [498-549]. He said that no bank statements appeared in the bundle from January 2021 onwards, and he referred to an exchange of e-mails in August 2021 which showed that the Appellant was collecting and sending bank statements to the accountancy firm [566-567]. Mr Harwood submitted that at this time, the evidence showed that the Appellant did not have recent, up-to-date bank statements.

5.5. Mr Harwood then turned to the events of 17 and 18 November 2021 and went through the exchange of e-mails in detail [320-334], which included responses by the Appellant as follows; *'...may I REPEAT, REPEAT, REPEAT, REPEAT, REPEAT, that there has been no bank reconciliation because we have not had access to our bank account, no access to bank statements. It's impossible to do bank reconciliation without bank statements. Why can you not understand this??????'* and; *'Since the Locum Clerk departed, I took on the task of writing minutes and now have taken on the task of sorting through our finances. This is TENS of hours of work! Why are you not volunteering? You have hours of time to spend harassing me! Why not offer to do something constructive?'* Mr Harwood stated that the exchange took place over a short, 30-hour period, and that the former Councillor had raised a substantial number of requests for information, copied to other councillors, including information as to legal costs and suggested illegality. Mr Harwood said that the former Councillor's concerns did not reflect normal practice, nor what the Internal Auditor subsequently advised should happen.

5.6 As to the context of the exchange, Mr Harwood said that this happened when the Appellant had spent 10 hours trying to put financial material together for the Internal Auditor, but also with an imminent Council meeting, at a time when there was no clerk. He said that the Appellant was trying to sort out the financial problems even though this was not his job. As to the former Councillor's request for bank statements for the last 18 months before the meeting could go ahead, she had made it clear that she would not be attending the meeting. The Appellant had also understood that, as the former Councillor had become a signatory in relation to the bank mandate, she could have accessed the information herself in any event. As to an e-mail from another councillor, Mr Harwood said that he appeared to be trying to lower the pressure of the exchange. It was submitted that the exchange was no more than a 'bad-tempered spat' over a short period, in the late hours, containing allegations and a demand for documents at short notice, at which the Appellant was becoming progressively more annoyed.

5.7 Mr Harwood said that the Appellant had carried out an immense amount of work, and that the outcome of the meetings of 18 November and 21 December 2021 appeared to be positive and matters were resolved. This led to reconciliation exercises each quarter which involved the RFO and another councillor carrying out checks, but did not involve all councillors every month.

5.8 As to the Code breaches found by the Standards Committee, Mr Harwood noted that the PSOW did not support a finding of failure to show respect and consideration towards the former Councillor, and he said that this was not remotely something which brought the office of councillor or the Relevant Authority into disrepute. Mr Harwood referred to the PSOW Code Guidance which, with regard to Paragraph 6(1)(a) of the Code, referenced behaviour as follows; *'2.33 Dishonest and deceitful behaviour will bring your Council into disrepute, as may conduct which results in a criminal conviction, especially if it involves dishonest, threatening or violent behaviour, even if the behaviour happens in your private life.'* In addition to this, the Guidance stated; *'2.34 Whilst you have the right to freedom of expression, making unfair or inaccurate criticism of your Council in a public arena might be regarded as bringing your Council into disrepute. Similarly, inappropriate emails to constituents or careless or irresponsible use of social media might bring the office of member into disrepute, bearing in mind the community leadership role of members. Cases considered by the Adjudication Panel have shown that such behaviour will often be viewed as a serious breach of the Code.'* [668].

5.9 In summary, Mr Harwood argued that this was a 'spat' between two councillors as to what needed to be produced in advance of a meeting in the context of financial difficulties. He said that the Appellant had been working phenomenally hard to get the Authority's financial affairs in order, with the former Councillor making direct criticisms of him. He said that it may be thought that neither councillor came out particularly well when reading the exchange and that someone should have 'parked' the correspondence so that it could be dealt with at the meeting. For the purposes of the Appeal however, it did not matter whether one individual behaved better than the other and the Appellant's behaviour did not equate to a breach of Paragraph 6(1)(a) of the Code. The e-mails only became known due to these proceedings, but even if they had been viewed by the public, Mr Harwood submitted that this would have been seen as no more than a 'spat' between two local politicians.

5.10 Mr Harwood said that there had been recognition by the Relevant Authority that its financial mechanisms were not adequate and the Appellant as Chairman was trying to do something about it. Mr Harwood submitted that 'badgering' by the former Councillor was a fair description, as decisions are taken by the Authority as a whole and not something for which one individual councillor was responsible. If the former councillor had sent this to the clerk late at night, one would reasonably consider that matters had got out of hand. He said that the PSOW had accepted that it was 'moot', debatable and borderline as to whether there had been a breach of the Code in this context. The complaint was also rejected in many respects by the Standards Committee. He submitted that the Code was not there to police whether a council worked well or to be weaponised against politicians but was in place to regulate very bad behaviour. This

case was nowhere near that level and so the Appeal Tribunal should overturn the decision of the Standards Committee as to breach.

5.11 In conclusion, as to the Paragraph 4(b) matter, Mr Harwood said that the PSOW had not suggested that there was a Code breach, and the Scrutiny Committee decision and sanction was not justified in the light of the exchange being no more than a spat between two councillors. With regard to Paragraph 6(1)(a), Mr Harwood said that this was a 30-hour spat, which was internal to the Authority. No-one had been able to resolve what bank statements were available, and the PSOW had not argued that recent statements were available in November 2021 when the banking problems were ongoing. He added that it was for the Authority to decide what it needed to do. Finally, he said that the PSOW had not suggested there had been a lack of transparency or that the ultimate financial approach was incorrect. The conduct had not remotely brought the Appellant's role or Authority into disrepute, and did not amount to really serious conduct. If such conduct was a breach of the Code, then this would make any local authority conduct impractical, and stifle opinions and different views.

The PSOW's submissions (Mr Hughes)

5.12 Mr Hughes stated that Paragraph 4(b) and 6(1)(a) breaches were found on the same premise, based on the exchange of e-mails between the former Councillor and the Appellant, with most of the other councillors being copied in. Mr Hughes took the Appeal Tribunal to the audit documentation for the year ended March 2021 [285] and referenced the qualified audit opinion, with no cause of concern recorded in any material respect, including as regards proper practices. This provided a relatively clean bill of health, however Mr Hughes pointed out the specific failings which had been raised. A similar qualification then applied in the following year with almost identical conclusions [282]. He also referred to the failings recorded in the Annual Governance Statement ('AGS') [282] which raised failures in relation to a list of matters including accounting statements and internal control. Mr Hughes accepted that there had been some sort of reconciliation carried out, although not necessarily in the correct form. Some of the matters identified were things that had been warned about in the previous year.

5.13 On the face of it therefore, Mr Hughes considered that the former Councillor had reasonable concerns, and both she and the Internal Auditor had concerns about the absence of bank reconciliation exercises. He submitted that during the e-mail exchange and then in investigation interviews, there was a sense of continuing resentment as to what the Appellant considered to be inappropriate 'badgering' [476-480]. In the circumstances, he had not really changed his position, and still did not think the former Councillor's approach had been helpful or constructive. Both the former Councillor and Appellant had maintained the stance that they were right.

5.14 As to the bank statements, it remained unclear as to what access the Appellant had to which bank statements at the relevant time, however there had been reference to access to certain statements in both February and August 2021 in communications with the relevant accounting firm. [566-572]. In August 2021, it appeared that there was access to seven bank statements, and it was not clear which period they covered. As the bank accounts had been sent in tranches, this would appear consistent with some irregularity as regards the ability to receive bank statements. This was the only evidence, however, to assist as to the availability of statements in November 2021.

5.15. In conclusion, Mr Hughes repeated that he would not be adopting an opportunistic change of stance by arguing breach of Paragraph 4(b) of the Code in relation to the Appellant's conduct towards the former Councillor. As regards Paragraph 6(1)(a), he accepted that this paragraph was meant to cover serious conduct, or something that would need to be a '*big deal*'. The PSOW Guidance was consistent with the APW Sanction Guidance in this respect, that such behaviour was to be seen in the context of being aggravating and therefore serious behaviour. Finally, with regard to Paragraph 6(1)(a) of the Code, and in his Skeleton Argument, Mr Hughes had stated; '*In this conduct he had displayed a rejection of the principles of transparency and openness which underpin the code of conduct, and which are directed to fostering public confidence in public life. In that respect his conduct was conduct which could reasonably be regarded as bringing his office or authority into disrepute.*'

The Monitoring Officer

5.16 The current Monitoring Officer was provided with an opportunity to address the Appeal Tribunal. She confirmed that she had submitted a letter dated 23 May 2025, which explained the manner in which the Standards Committee had reached its determination on 22 November 2024 [900-901].

6. FINDINGS OF WHETHER MATERIAL FACTS DISCLOSE A FAILURE TO COMPLY WITH THE CODE OF CONDUCT - ALLEGED BREACH OF THE CODE IN RELATION TO THE FORMER LOCUM CLERK

The Decision of the Appeal Tribunal

6.1 The Appeal Tribunal noted that Counsel for both parties had reached a common understanding as to the Appellant's conduct in relation to the former Locum Clerk, that the Standards Committee had made a finding of breach of Paragraph 4(c) of the Code concerning the e-mail of 5 July 2021 only. Paragraph 4(c) states that a member '*must*

not use bullying behaviour or harass any person.' They had also reached a common position that a single incident could not amount to harassment.

6.2 In this respect, the Appeal Tribunal noted the PSOW Guidance on the Code as follows [660]: -

2.14... 'Harassment is repeated behaviour which upsets or annoys people. Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be a part of a pattern of behaviour directed at a weaker person, or a person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

2.15 When considering allegations of bullying and harassment, I will consider both the perspective of the alleged victim, and whether the member intended their actions to be bullying. I will also consider whether the individual was reasonably entitled to believe they were being bullied. Bullying is often carried out face to face but, increasingly, it can be carried out in print or using electronic media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.'

6.3 As to whether the single incident could amount to bullying, the Appeal Tribunal noted that the former Locum Clerk's initial complaint had made no reference to the e-mail of 5 July 2021. It considered that if the e-mail had any adverse impact upon the Clerk, it was extremely unlikely that a complaint about the Appellant, clearly submitted after much thought, would have failed to make any reference whatsoever to it.

6.4 As to the amended complaint dated 2 December 2021 [180-186], the Appeal Tribunal noted that the former Locum Clerk had stated that she had not understood why the e-mail had been sent. In the lengthy and rambling interviews with the Appellant in March 2023 and 4 August 2023 [405-496], the Appellant had said; *'It was just a bit of conversation really, you know, it was all innocent, there was nothing, you know, I just starting going,....I told you about this, what happened and I've just shown you the email about what I've just told you about...I didn't see it was that confidential, ..that I couldn't tell my Clerk a little bit of the background history of what had been going on.'* [423]

6.5 The Clerk had made it clear that her relationship with the Appellant was positive at the outset; *'During my time as Clerk, I did not meet Councillor Perry in person, but I dealt with him on the phone and via Zoom. My first impression of Councillor Perry was that he was very friendly and helpful. When I first commenced my role, Councillor Perry gave me some helpful background information on the Community Council.'* [288] The Appellant had said that there had been discussions about the Clerk's negative experiences at previous community councils where she had worked. In the light of the

apparently good relationship and open discussions at the outset, the Tribunal was satisfied that there had been such background discussions.

6.6 The Appeal Tribunal was also satisfied that, on the balance of probabilities, the e-mail represented the Appellant's style of operation as Chairman, and readiness to share information with the Clerk. It also noted that an e-mail had been sent to the Appellant by the Monitoring Officer on the 2 July 2021,[303] warning him of unconnected conduct in relation to his contact with County Council officers. A meeting of the Relevant Authority was also due to take place on the day following dispatch of the e-mail in question. Neither the Appellant nor the former Locum Clerk seemed to be able to recall any specific conversation that had occurred in the lead-up to the e-mail which was sent late into the evening on the 5 July 2021, however the Appeal Tribunal considered it likely that the above matters were on his mind.

6.7 On the balance of probabilities, and on the face of it, the Appeal Tribunal concluded that the wording of the e-mail of 5 July 2025 was consistent with an ongoing conversation between the Appellant and the former Locum Clerk, recounting a difficult experience from the past which involved a former clerk, and an issue in relation to the former Monitoring Officer. It was not consistent with the notion of being a '*shot across the bows*' or a '*veiled threat*' against an experienced and valued Clerk or an attempt to threaten, harass, bully or undermine her.

6.8 The Appeal Tribunal noted that the Appellant had praised the Clerk's contribution both during her tenure as clerk, and in feedback to the Local Council Consultancy ('LCC'). At a meeting of the Relevant Authority on 19 July 2021, the Appellant stated; '*Jackie's been brilliant*' [834]. In his letter to LCC dated 10 August 2021, the Appellant had stated; '*It's been fantastic for us*' [91]. In his interview of 4 August 2023, he stated that he'd received an e-mail from the former Locum Clerk to say; '*Well that's it then, just to wish the Community Council lots of luck with the work and projects in the future. Thank you for your assistance to me during the past few months and good luck with finding yourself a good Clerk to help the community move forward.*' [487]. In the circumstances, the Appeal Tribunal did not consider that this was consistent with the notion of poor relations or any intention by the Appellant to bully or harass the Clerk.

6.9 The Appeal Tribunal therefore found that there was no evidence that the former Locum Clerk was considering making any complaint against the Appellant, nor indeed that his behaviour was the reason for her departure. The departure had been announced in June 2021, and the role was always intended to be short term. In view of her long experience, the Appeal Tribunal considered it notable that the Clerk did not complain about the e-mail of 5 July 2021 on her departure and there was no evidence that it had caused upset at the time. If bullying had occurred, this would undoubtedly

have left a deep impression, but there was no evidence that this was present at the time, and no evidence that the Clerk had taken this as an attempt to bully or harass her.

6.10 In conclusion, the Appeal Tribunal was satisfied that the sending of the e-mail of 5 July 2021 did not amount to conduct that could be characterised as bullying. The Appeal Tribunal was also satisfied that this single incident could not be characterised as harassment.

6.11 For the avoidance of doubt, the Appeal Tribunal went on to consider the other matters which had been raised in the PSOW Report in relation to conduct towards the former Locum Clerk. The Appeal Tribunal had regard to the reasoning provided by the Standards Committee for a finding of breach of Paragraph 4(c) of the Code, being *'In considering the totality of the evidence the Committee found that the content of the email sent to Mrs Griffin on the 5th July was in their view intended to intimidate her'* [28]. It therefore went on to consider whether any of the other matters identified in the PSOW's Report amounted to bullying or, together, amounted to harassment.

6.12 In the PSOW Report, the PSOW had suggested that the Appellant's lack of insight into the impact of his communication with the former Locum Clerk in the evenings and weekends was a matter of concern. The Report noted; *'the telephone calls made outside working hours resulted in Mrs Griffin avoiding calls from Councillor Perry and feeling harassed.'* [167] In the transcript from the Standards Committee hearing of 22 November 2024 however, the Appeal Tribunal noted that the Clerk had stated; *'While I wasn't necessarily bothered by it myself—I just wouldn't answer—it could certainly be inconvenient for others.'* The Appeal Tribunal was satisfied in the circumstances that the Clerk had not felt bullied or harassed by the conduct. The Appeal Tribunal noted that the Clerk was experienced and was working for another community council at the relevant time, and evening meetings were standard practice. The contract with CCL made it clear that it was for the employer and Clerk to discuss working hours and arrangements [81]. The Appeal Tribunal considered that it was likely that the Clerk was aware of this provision. In the circumstances, the Appeal Tribunal was satisfied that the contact did not amount to bullying or harassment.

6.13 Similarly, in relation to the alleged curtailing of her role, as an experienced Clerk, it would have been expected that the former Locum Clerk would discuss any concerns that she had about the extent of her role directly with the Appellant as Chairman. While it appears that on one occasion, the Clerk had expressed a view to two other councillors that she should respond to planning consultation exercises, it appears that the Relevant Authority did ensure that this did happen on that occasion [177]. The Appeal Tribunal was mindful that the role of Locum Clerk was to be a short-term role, and that the requirements for the role focused on limited issues, including minute-taking [77]. Again, the Appeal Tribunal considered that it was for the employing Authority and the Clerk to

discuss the remit of the role, and the Tribunal noted that the Appellant wished, at least over the short term, to retain certain work for which he considered he had expertise. The Appeal Tribunal was satisfied that the Appellant's conduct in this respect did not amount to bullying or harassment.

6.14 Finally, the Appeal Tribunal considered the Appellant's 'benchmarking exercise' which he had carried out during the PSOW investigation. The Appeal Tribunal considered that it was most unfortunate that the Appellant felt that it was appropriate to carry out this exercise. In the exercise, he appeared to suggest that the Clerk had failed in relation to some, or all, of a list of achievements which he felt that he had achieved. However, in all the circumstances, it considered that this was a clumsy attempt to extoll his own virtues in the role as Chairman, in the face of a wide-ranging investigation. It clearly came from a position of anger and frustration at the complaint being made against him, and the Clerk only became aware of the existence of this exercise just before the date of the Standards Committee hearing, and long after the event [913]. In the circumstances, the Appeal Tribunal was satisfied that this did not amount to bullying or harassment.

6.15 In conclusion, the Appeal Tribunal has determined that the sending of the e-mail of 5 July 2021 did not amount to harassment, whether as a single event or in the context of the other events listed above, and nor did it amount to bullying. For the avoidance of doubt, it did not consider that any of the above conduct amounted to harassment or bullying.

7. FINDINGS OF WHETHER MATERIAL FACTS DISCLOSE A FAILURE TO COMPLY WITH THE CODE OF CONDUCT IN RELATION TO THE FORMER COUNCILLOR AND REQUESTS FOR FINANCIAL INFORMATION

The Decision of the Appeal Tribunal

7.1 Firstly, whilst the Appeal Tribunal noted that the PSOW Report focused on the correspondence which took place on the 17 and 18 November 2021, it noted that there had been significant earlier exchanges [752-793] which showed that the former Councillor had been expressing concerns about the way in which financial matters were being handled. As the Standards Committee had not limited its resolutions to the exchange of e-mails of 17 and 18 November 2021 in its findings of breach of Paragraphs 4(b) and 6(1)(a) of the Code, the Appeal Tribunal had regard to all e-mail exchanges concerning the financial information.

7.2 Having considered all these exchanges, the Appeal Tribunal noted that there had been escalating conflict in views between the Appellant and the former Councillor over a range of issues concerning the Council's finances, including an issue of alleged illegal

spend. Mr Harwood categorised this as a 'spat', however the Tribunal considered that at its culmination, this had become more than a 'spat' and became a very heated, undignified and unpleasant exchange.

7.3 The Appeal Tribunal considered that neither the Appellant nor the former Councillor had conducted themselves in a dignified and professional manner. As Chairman of the Relevant Authority however, it was the Appellant's role to diffuse such a situation. He had the responsibility to show 'Leadership' and to lead by example to promote public confidence in his role and in his Authority, this being one of the principles governing conduct of members in Wales, and which reflected the Nolan principles. Instead, however, he had inflamed the situation. In his interview on 16 March 2023, the Appellant conceded that *'I may have bitten'* in the face of what he considered to be the former Councillor having been *'very very critical of me in public'* and that *'...I couldn't say anything that...she'd accept'* [426]. He also acknowledged that his e-mails weren't the most professional in parts, and explained the context of having worked very hard to try to ensure improvement in the Relevant Authority's handling of its financial affairs.

7.4 Mr Harwood referred to the former Councillor's requests for information as 'badgering'. The Appeal Tribunal had no doubt, however, that many of the points raised by the former Councillor were legitimate. Any disagreement as to the approach to financial affairs however could, and ultimately was, resolved at Council meetings. Unfortunately, the former Councillor was unable to attend some of these meetings. The Appeal Tribunal noted that the dispute escalated, whereas a measured response from the Appellant as Chairman would have been to acknowledge concerns and refer to the need for any difference of opinion to be resolved by the Council as a whole. Whilst the Appeal Tribunal considered that the Appellant had handled the situation poorly, his responses did not cross the line in terms of breach of the Code.

7.5. As to the question of bank statements, the Appeal Tribunal noted that Counsel for both parties agreed that there was no available evidence that all bank statements had been available by November 2021. In the interview of 4 August 2023, and in response to the interviewer's question as to why the Appellant had not supplied the available bank statements, the Appellant acknowledged that *'I mean I guess I could have sent them. I could have found some more time to do that for her.'* [479]. It was also clear that the Appellant had scanned and sent seven bank statements by e-mail to the Authority's accountants in August 2021.

7.6 On the balance of probabilities, the Appeal Tribunal considered that it was highly probable that by November 2021, the Appellant had managed to send all bank statements to the Internal Auditor. The transparent approach would have been to send these on to the former Councillor, who no doubt had genuine concerns about the Authority's finances. The Appellant's response had become defensive and lacked

transparency in terms of the availability of bank statements. Nevertheless, the Appeal Tribunal noted that the requests for information were numerous, varied and made at relatively short notice before a meeting of 18 November 2021. Undoubtedly, there had been problems obtaining all statements to carry out full financial reconciliations. There had also been difficulties in terms of the bank mandate and in changing signatories.

7.7 As regards Paragraph 4(b) of the Code, the Appeal Tribunal noted that Mr Hughes did not seek to defend the finding of breach by the Standards Committee. The Appeal Tribunal considered that the Appellant's responses had been intemperate, defensive, and lacked transparency in some respects. Having considered the overall context of the matter, however, it did not find that the behaviour amounted to a breach of Paragraph 4(b) of the Code. The exchange demonstrated starkly different viewpoints as to how to progress financial matters and deep frustration on the part of the Appellant. It did not, however, amount to egregious personal abuse towards the Appellant. In addition, the course of action pursued by the Appellant to resolve the financial issues was not a wholly unreasonable one, and it was ultimately adopted by the Relevant Authority. There was no record of other members requiring sight of all bank statements or a different approach to bank reconciliation, either at the meeting of 18 November 2021 or at subsequent meetings. Whilst the Internal Auditor expressed certain concerns, the Appellant's approach generally conformed with her advice and was pursued in the context of the considerable financial difficulties which the Relevant Authority needed to address in the light of on-going external audit input.

7.8 As to the question of Paragraph 6(1)(a) of the Code, the Appeal Tribunal noted that the Standards Committee finding of breach essentially related to the same set of facts as the Paragraph 4(b) finding, however it also included e-mail input from another Councillor who had tended to agree with certain points being made by the former Councillor.

7.9 The Appeal Tribunal noted that the relevant exchange of e-mails took place in advance of the public meeting of 18 November 2021, with e-mails being copied to other members. There was no evidence, however, that the exchange had been reported in the press or had become known to members of the public at the time. The Appeal Tribunal considered that the Appellant's intemperate responses in the e-mail exchange should be viewed in this wider context. It considered that the challenge of being unable to meet face-to-face during the Covid 19 pandemic, and consequential communication breakdown should also not be underestimated. Apart from the intervention of another councillor however, who appeared to be trying to diffuse the situation, there was no comment or concern expressed by colleagues. In addition, whilst financial matters were not necessarily given prominence on Council Agendas prior to concerns being raised by the former Councillor, it noted that details of financial matters and spending did appear on most Agendas, were debated in public, and were recorded in the official Minutes.

7.10 Finally, the Appeal Tribunal noted that the Appellant had clearly put in a considerable amount of work and had taken it upon himself to resolve financial and audit problems at the Authority, whilst this was clearly an issue for the Authority rather than for one individual. It appeared that by the meeting of December 2021, he had appreciated that he needed to relinquish control in the absence of a Clerk, and the role of RFO was allocated to another member. The Tribunal recognised that the Appellant was committed, hard-working and enthusiastic about the Relevant Authority, being a small authority, but which nevertheless had to comply with the same financial rules and audit procedures as any larger authority. It considered that the Appellant had been doing his best to improve the operation of the Authority, and that the unfortunate exchange of e-mails in this case was an indication that he had taken on too much, rather than an indication of poor behaviour. The Appeal Tribunal observed that the lengthy Code investigation process to which he had been subject, had provided the Appellant with an opportunity to reflect upon his Chairing and communication style, as he remained as Chairman of the Relevant Authority.

7.11 In all the circumstances, the Appeal Tribunal did not consider that the Appellant's '*defensive tone*' of response, or '*lack of transparency*' as identified in the Standards Committee reasons for its decision could reasonably be regarded as bringing the Appellant's office or authority into disrepute in breach of Paragraph 6(1)(a) of the Code.

7.12 For the avoidance of doubt, whilst neither Counsel made submissions regarding Article 10 of the European Commission on Human Rights ('ECHR'), the Appeal Tribunal considered this aspect which was touched upon in the PSOW Guidance [657]. The Appeal Tribunal noted that even if the Appellant's conduct had, in principle, constituted a breach of Article 4(b) and 6(1)(a) of the Code with regard to his responses to requests for financial information, a finding of breach would not have been compatible with the Appellant's Article 10 ECHR right to freedom of expression. At local authority level, 'political expression' covers expressions regarding issues of public concern and not simply high manifestations of political dogma, so that robust debate is permitted (as opposed to simply egregious personal abuse) and politicians are expected to have 'thicker skins' than ordinary members of the public during oral or written debates.

8. THE APPEAL TRIBUNAL'S DETERMINATION AS TO THE QUESTION OF BREACH OF THE CODE

8.1 In accordance with Regulation 12(1)(b) of the 2001 Regulations, the Appeal Tribunal accordingly determined by unanimous decision to overturn the resolutions of the Standards Committee that the Appellant had breached paragraphs 4(c), 4(b) and 6(1)(a) of the Code.

8.2 The Relevant Authority and the Standards Committee of the Vale of Glamorgan Council are notified accordingly.

9. ADDITIONAL MATTERS

General

9.1 Whilst not forming a part of the Appeal Tribunal's determination, it observed that the context of the Appeal was initially in relation to a wide-ranging complaint by a former Locum Clerk about the running of the Relevant Authority. It had no doubt that the Clerk had genuine concerns and may have been mindful in her initial complaint of the PSOW's wider powers under the Public Services Ombudsman (Wales) Act 2019 to investigate a local authority's alleged maladministration or failure to provide a service.

9.2 It noted that the revised complaint was reformulated in terms of certain Code breaches against the Appellant, as the Clerk clearly considered that the Appellant had an integral role as regards the Authority's failures. Whilst the investigation was similarly wide-ranging, the PSOW rejected a number of the elements of the complaint and did not pursue matters raised in the former Monitoring Officer's witness statement. The matters ultimately placed before the Standards Committee were therefore limited, and the Standards Committee in turn found limited breaches of the Code.

9.3 In this context, the Appeal Tribunal expressed concern at the length of time that it had taken for the PSOW Report to be produced and then for the Report to come before the Standards Committee. It also expressed concern that these lengthy processes will have taken their toll on all concerned, but particularly upon the Appellant and the witnesses. The Appeal Tribunal hoped that lessons would be learned in terms of the conduct of future investigations.

Training

9.4 For the avoidance of doubt, the Appeal Tribunal confirmed that Regulation 9(1) of the 2001 Regulations does not include power for a Standards Committee to impose a training requirement upon a member as part of a sanction following a finding of breach of the Code. The Regulation specifies the four determinations available to the Standards Committee, and ordering attendance at training is not amongst the determinations available to the Committee.

Costs

9.5 Finally, Mr Harwood raised the question of costs with reference to Regulation 15 of the 2001 Regulations, which states as follows; *'An appeals tribunal shall not normally make an order awarding costs or expenses, but may,...make such an order:- (a) against a person if it is of the opinion that that person has acted frivolously or vexatiously, or that his or her conduct in pursuing an appeal was wholly unreasonable;...'*

9.6 Mr Harwood applied for, and the Appeal Tribunal duly issued Directions that the Appellant file any costs application he wished to make, within two weeks of the date of receipt of the Reasoned Decision Report. It further directed that the PSOW be allowed two weeks to respond from the date of receipt of any application. Finally, it directed that the Appellant be allowed to reply within one week of receipt of any PSOW reply.

Signed.....

A handwritten signature in black ink, appearing to be 'enfor' followed by a long horizontal stroke.

..... Date: 30 June 2025

Chairperson: Ms C Jones

Member: Ms S Hurds

Member: Mr H.E Jones