

(AT03 v01.09.10)

PDC / APW

PANEL DYFARNU CYMRU  
ADJUDICATION PANEL FOR WALES

NOTICE OF DECISION

TRIBUNAL REFERENCE NUMBER: APW/001/2014-015/AT  
APPELLANT: Councillor Lino Scaglioni  
RELEVANT AUTHORITY: Sully and Lavernock Community Council

1. An Appeal Tribunal convened by the President of the Adjudication Panel for Wales has considered an appeal by Cllr Scaglioni against the decision of the Vale of Glamorgan Standards Committee that he had breached Sully and Lavernock Community Council's Code of Conduct ("the Code") and should be suspended for six months.

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

3. In accordance with Cllr Scaglioni's wishes, the Appeal Tribunal determined its adjudication by way of written representations at a meeting on Thursday 22 January 2015 at the Tribunal Unit Office, Spa Road East, Llandrindod Wells. The Appeal Tribunal found by unanimous decision that Cllr Scaglioni did not fail to comply with Sully and Lavernock Community Council's Code of Conduct.

4.1 Paragraph 4(b) of the Code of Conduct states that '*You must show respect and consideration to others*'. It was alleged that emails sent by Cllr Scaglioni failed to show respect and consideration to Cllr Mahoney and contained offensive and personal comments.

4.2 The Appeal Tribunal found that Cllr Scaglioni did not breach paragraph 4(b) of the code of conduct on the basis that some of the comments were political in nature and attracted enhanced protection under Article 10 of the ECHR. The Tribunal considered that the comments were not sufficiently offensive or abusive in the context in which they were written to amount to a failure to show respect and consideration.

4.3 Paragraph 6(1)(a) of the Code of Conduct states that '*You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute*'.

4.4 The Appeal Tribunal having found that Cllr Scaglioni did not breach the code of conduct with regard to failing to show respect and consideration could not have brought the office or authority into disrepute.

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5. The Appeal Tribunal accordingly decided by unanimous decision to overturn the determination of the Vale of Glamorgan Standards Committee that Cllr Scaglioni had breached Sully and Lavernock Community Council's code of conduct. It follows from this decision that any sanction imposed by the Vale of Glamorgan Standards Committee is rescinded.

6. The Sully and Lavernock Community Council and the Vale of Glamorgan Standards Committee are notified accordingly.

Signed... *E. Boothroyd* ...

Date... *22-1-15* ...

Mrs Emma Boothroyd  
Chairperson of the Appeal Tribunal

Mr Ian Blair  
Panel Member

Mr Colin Evans  
Panel Member