

Meeting of:	Standards Committee
Date of Meeting:	Thursday, 17 July 2025
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Adjudication Panel for Wales – Recent Tribunal Decisions
Purpose of Report:	To allow Members of the Standards Committee the opportunity to consider recent decisions of the Adjudication Panel for Wales and determine whether any lessons or messages should be communicated to Members or included in future training
Report Owner:	Victoria Davidson, Monitoring Officer/Head of Legal and Democratic Services
Responsible Officer:	Amy Rudman, Principal Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	This report does not require consultation to be undertaken
Policy Framework:	This is a decision for the Standards Committee
<p>Executive Summary:</p> <p>The Adjudication Panel for Wales (APW) is an independent body that adjudicates on alleged breaches of the Members’ Code of Conduct, following referral by the Public Services Ombudsman for Wales.</p> <p>As part of the Standards Committee’s role in promoting and maintaining high standards of conduct and supporting Members to observe the Code, this report provides an opportunity to review and reflect on recent APW decisions.</p> <p>A copy of the decision notices relating to:</p> <ul style="list-style-type: none"> ➤ former Councillor Freya Bletsoe (Bridgend Town Council February 2025), is appended at Appendix 1 and link here: APW/001/2024-025/CT: Councillor Freya Bletsoe The Adjudication Panel for Wales – reference from the Public Service Ombudsman for Wales ➤ Councillor Steven Bletsoe (Bridgend Town Council January 2025), is appended at Appendix 2 and link here: APW/008/2023-024/AT: Councillor Steven Bletsoe The Adjudication Panel for Wales – Appeal against Standards Committee decision 	

- Councillor Gareth Baines (Wrexham County Borough Council Chirk Town Council January 2025) is appended at Appendix 3 link here: [apw-decision-notice-fmr-cllr-gareth-baines.pdf](#) – Appeal against Standards Committee decision
- Councillor Ian Perry (St Nicholas and Bonvilston Community Council June 2025) is appended at Appendix 4 link here: [apw-decision-notice-cllr-ian-perry.pdf](#)

The Committee is invited to consider whether there are any relevant lessons or themes arising from the decision that should be shared with Elected and Co-opted Members or incorporated into training.

Recommendation

1. That the Standards Committee notes the recent Adjudication Panel for Wales decisions appended to the report.

Reason for Recommendation

1. To ensure the Committee is aware of and reflects on relevant tribunal decisions in the context of its duty to promote high standards of conduct.

1. Background

- 1.1** The ethical standards framework under Part III of the Local Government Act 2000 provides for the establishment of the Adjudication Panel for Wales (APW).
- 1.2** The APW operates independently to consider alleged breaches of the Code of Conduct by elected and co-opted Members of Welsh Councils, following referrals by the Public Services Ombudsman for Wales (PSOW).
- 1.3** The Panel conducts hearings and issues decision notices that include findings and, where applicable, sanctions.
- 1.4** The recent APW tribunal decisions in the cases (as per the Executive Summary) are for the Committee's consideration at Appendix 1-4.

2. Key Issues for Consideration

- 2.1** The Standards Committee is encouraged to consider the cases and the reasoning applied by the Panel, particularly in relation to:
 - Interpretation and application of the Code of Conduct;
 - Types of evidence and conduct considered by the Panel;
 - The need for detailed reasons;
 - The sanctions applied (if any) and their rationale.
- 2.2** Reflecting on the decisions may help inform how the Standards Committee approaches its own role, including the design of training and support provided to Members of the Vale of Glamorgan Council and Town and Community Councils (TCCs).
- 2.3** **Summary – Cllr Freya Bletsoe – Bridgend Town Council**
Following a reference from the Public Services Ombudsman for Wales (PSOW), the Adjudication Panel for Wales considered a series of incidents involving a former town councillor and the Clerk to the Council. The Tribunal found that the Respondent had breached multiple provisions of the Code of Conduct, including:

- Paragraph 4(b) (failure to show respect and consideration) in relation to Incidents 1, 2, 3, and 4.
- Paragraph 4(c) (bullying and harassment) in relation to Incidents 2 and 4, and collectively in relation to Incidents 1, 2, 3, 5 and 6.
- Paragraph 6(1)(a) (conduct bringing the office or authority into disrepute) for Incident 4.
- Paragraph 6(1)(d) (making vexatious or malicious complaints) for Incident 5.

The Tribunal concluded that the Respondent's conduct amounted to systematic harassment. It considered aggravating factors including her seniority, lack of remorse or insight, failure to apologise, previous advice from the PSOW, and non-cooperation with the Tribunal. Some mitigating circumstances were acknowledged, including reported ill health and a previously good record of service.

Given the seriousness and pattern of behaviour, the Tribunal disqualified the Respondent from being or becoming a member of the authority for 21 months. The disqualification did not extend to her position on Bridgend County Borough Council, as no concerns had been raised in that role.

2.4 Summary – Cllr Steven Bletsoe – Bridgend Town Council

The Tribunal followed the five-stage process as per the APW Sanctions Guidance, focusing on:

- Seriousness of the breach.
- Appropriate type of sanction.
- Mitigating/aggravating factors.
- Adjustment to meet sanction objectives.
- Final decision.

Seriousness and Nature of Breach

- Not among the most serious types (e.g., deliberate dishonesty, bullying, or misuse of confidential info).
- The failure to declare personal/prejudicial interest was:
 - a) Not premeditated.
 - b) Related to minute amendments involving his wife (who was also involved in the incident).
- The most concerning behaviour was the minimizing or altering of the official record to reflect more favourably on his wife.
- Pattern of behaviour noted over multiple meetings (Sept–Dec 2022), not a single isolated event.

Consequences

- Minimal impact on PSOW's investigation.
- Negative effect on council's reputation and public trust.
- Internal conflict and public media attention made matters worse.

Culpability and Intent

- Breach considered unintentional, driven by a misguided but honest belief that no Code violation occurred.
- Appellant acted from a desire to ensure fairness in meeting minutes.
- Misunderstanding likely influenced by unclear boundaries around prejudicial interest in small councils.

Mitigating Factors

- Long-standing, positive public service record.
- Many glowing character references.
- Acted in good faith under a mistaken interpretation of rules.
- The breach arose in part from poorly drafted minutes and lack of procedural guidance (e.g., no dispensation mechanism or public gallery speaking rights).
- No relevant previous breaches or subsequent misconduct.
- Council officials did not offer advice or warnings during meetings.

Aggravating Factors

- Should have had greater awareness due to his experience.
- At times, attempted to deflect blame and was critical of standards process (e.g., Facebook post).
- Upheld breach of Paragraph 7(a): improper use of position.
- While not a "repeated" pattern of breaches, his conduct extended across three meetings.
- Demonstrated limited insight into the seriousness of the breach, maintained that "truth" conflicted with "rules".
- Had been offered Code training in 2019 and did not attend.
- Failed to seek advice from the Monitoring Officer before the relevant meetings.

Sanction Decision

- Short suspension deemed appropriate (not "no action" or "censure"):
 - a) Breach occurred over multiple meetings.
 - b) Public trust required upholding.
 - c) Less than one month would not meet deterrent objectives.

Human Rights Consideration (Article 10 ECHR)

- Tribunal acknowledged freedom of expression, but stressed that these right carries duties and responsibilities, especially in public office.

The Tribunal issued a suspension, balancing:

- The relatively low seriousness and lack of intent.
- Against the need to uphold standards, the repeated nature of involvement, and some troubling behaviour around blame and respect for process.

2.5 Summary - Councillor Gareth Baines – Wrexham County Borough Council and Chirk Town Council

Following a Standards Committee determination on 13 November 2024 that the Appellant breached the Chirk Town Council Code of Conduct, a Notice of

Decision was issued on 18 November 2024. Under Regulation 10(2) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, appeals must be submitted within 21 days—by 10 December 2024.

The Appellant submitted their appeal via email on 20 December 2024, outside the permitted timeframe. Although the Appellant claimed they lacked sufficient information to appeal, the decision letter provided clear instructions on appeal rights and deadlines. The Appellant also acknowledged emailing the Monitoring Officer on 4 December 2024 regarding their intention to appeal.

As no exceptional circumstances were identified to justify the delay, and there is no legislative provision to extend the deadline, the appeal was deemed out of time. Consequently, the President of the Adjudication Panel for Wales declined to convene an Appeal Tribunal.

2.6 Summary of Appeal Tribunal Decision – Code of Conduct Allegations – Cllr Ian Perry St Nicholas and Bonvilston Community Council

An Appeal Tribunal convened by the President of the Adjudication Panel for Wales (APW) considered an appeal against the decision of the Vale of Glamorgan Standards Committee, which had found that the Appellant breached paragraphs 4(c), 4(b), and 6(1)(a) of the Code of Conduct and imposed a two-month suspension and mandatory training.

The alleged breaches involved:

- Bullying behaviour (paragraph 4(c)) in an email to the Locum Clerk (5 July 2021),
- Disrespectful correspondence (paragraph 4(b)) with a former Councillor, and
- Conduct bringing the office into disrepute (paragraph 6(1)(a)) related to information requests to Council Members.

On 6 June 2025, the Appeal Tribunal unanimously found that the Appellant had not breached any of the cited Code provisions. As a result, the Tribunal overturned the Standards Committee's determination and sanctions under Regulation 12(1)(b) of the relevant Regulations.

• How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives. It is intended that the process adopted within this report will aim to promote that role.

- **Climate Change and Nature Implications**

- During the period of Coronavirus restrictions Independent Members' observations of TCC meetings were undertaken in the main on a virtual basis. This practice will continue if meetings are undertaken on a virtual basis, reducing both carbon emissions and paper printing however, where meetings are in person only, the Independent Members will be required to attend/travel accordingly.

- **Resources and Legal Considerations**

Financial

- Independent Members of the Standards Committee are able to be remunerated for attendance under the allowance scheme agreed by the Independent Remuneration Panel and the Vale of Glamorgan Council's Constitution. Independent Members are able to claim for a maximum of 15 days per annum as detailed within the Council's Constitution.

Employment

- There are no employment implications in relation to this report.
- Independent Members are Members who are not either a Councillor or an Officer of the Vale of Glamorgan Council or the spouse of a Councillor or an Officer of the Vale of Glamorgan Council or any other relevant Authority as defined by legislation, appointed in accordance with the procedure set out in the Standards Committees (Wales Regulations) 2001 (as amended) and the Standards Committees (Wales) (Amendment) Regulations 2006.
- Independent Members are appointed for a period of not less than 4 and no more than 6 years in accordance with Regulation 18(i) of the Standards Committees (Wales Regulations) 2001 (as amended) as amended by Regulation 28a of the Local Government (Standards Committees Investigations, Dispensations and Referral) (Wales) Amendment Regulations 2016 and may be re-appointed for one further consecutive term not exceeding 4 years.

Legal (Including Equalities)

- The Council has a duty to establish and maintain a Standards Committee as defined by legislation as set out in the Standards Committees Rules and Regulations 2001 and the Standards Committee (Wales) Amendment Regulations 2006.

- **Background Papers**

**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/001/2024-025/CT

REFERENCE IN RELATION TO A POSSIBLE FAILURE TO FOLLOW THE CODE OF CONDUCT

RESPONDENT: Former Councillor Freya Bletsoe

RELEVANT AUTHORITY: Bridgend Town Council

1. INTRODUCTION

- 1.1 A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
- 1.2 Unless otherwise stated, page references below are to the electronic page numbers of the Final Hearing Bundle and have been cited in square brackets.
- 1.3 For the reasons set out in paragraphs 1.3 to 1.15 of the Listing Direction of 27 November 2024 [1343-6], the Case Tribunal determined its adjudication by way of written representations at a meeting held on a 6 February 2025 by way of remote video-conferencing. The meeting was not open to the public.
- 1.4 The reasons for the decision taken in paragraph 1.2 above in relation to the format of the hearing were those set out in paragraphs 1.16 to 1.18 of the Listing Direction and were, in summary, as follows;
- The Panel had received a report from the Public Services Ombudsman for Wales ('PSOW') on 17 June 2024 and the Respondent was then duly notified to respond;
 - Nothing was received from her within the required time frame and she was notified accordingly on 17 July;
 - On 10 October, the Panel sought the parties' views about the manner in which the final hearing ought to have been convened ;
 - On 14 October, nearly 4 months after the Report had been provided, the Respondent emailed the Panel and asked if she could be telephoned. She was then given guidance about the Panel's processes and referred to some sources of advice (confirmed in an email on 17 October) [1122-3];
 - On 17 October, the Respondent emailed again stating that she had "*encountered a number of medical and mental health issues*" that had "*impacted quite severely upon me.*" She described the effects of the menopause, stated that she had become depressed and that she was undergoing tests for cancer. She said that she had not opened the report and accompanying documents, but she did not ask for an extension of time

in which to respond and/or any other dispensation within the Panel's process. She did not provide any medical or other evidence. In a separate email that day, she asked for the final hearing to have been conducted in person, but in closed session [1129];

- In reply, on 18 October, the Panel repeated the terms of rule 3 (3) in relation to its power to determine a case without a hearing in the absence of a response. Questions were also asked about her incapacity and she was asked to provide some evidence about her condition(s) which might have enabled "*the Tribunal to exercise its discretion under paragraph 3 (2) appropriately.*" She was also informed that it was unlikely that the Tribunal would convene a hearing unless an application was made and time was extended [1136];
- The Respondent's husband then started to write on her behalf. On 22 October, he stated that she had been admitted to hospital and was to undergo an operation [1145]. The Panel pointed out how it was proceeding, having not received a response, an application for an extension of time and/or any medical evidence [1147]. He replied on 25 October [1150]. Again, no application was made and no medical evidence was provided;
- There was then silence for a month until Mr Bletsoe emailed again on 25 November, saying that his wife had been advised that she required an operation. He further stated that she was "*desperate to write to you*" [1164];
- The day before the Tribunal met to discuss the Listing Direction, a further, long email was received which was purportedly written by the Respondent herself as 'a statement' in which she stated that she was recovering from an operation to remove her gallbladder. She sought to discount the suggestion that her continued service as a Bridgend County Borough Councillor was in anyway inconsistent with her inability to engage with the Panel's process. She said that she had "*felt no option but to 'carry on'* [as a BCBC Councillor]". She reiterated her mental health crisis and complained about her lack of support, her treatment generally and she continued to refute the allegations against her. Again, she did not apply for an extension of time or provide any medical or other evidence in relation to her health [1171-4];
- The Chair replied and indicated that the Respondent's comments would have been considered by the Tribunal the following day, but noted that there had still not been any application and/or medical evidence provided [1178]. The Respondent's husband wrote again and said that his wife was "*confused and concerned*" about the reply. He said that she did not know what medical evidence and/or application ought to have been made. The Tribunal considered that that had been disingenuous in light of the emails of 18 and 22 October.

- 1.5 Within the Listing Direction, the parties had been given until 8 January to file any further written submissions (paragraph 1.2 [1343]). On that day, the Respondent provided a statement [1221-1230] and 32 character references [1232-1337]. Within her statement, she continued to refute the allegations against her, she made a number of counter allegations against Mrs Edwards and requested a fresh investigation by the PSOW because she considered that

the first had been “*fundamentally flawed*”. She did not, however, make any application for an extension of time in which to engage and/or supply any medical evidence.

- 1.6 As the Tribunal pointed out in the Listing Direction, it could not exercise the power that it had to extend time to respond to allegations under the rules judicially if it was not provided with evidence in support of any contentions which had been made about ill health, nor could it if it was not actually *asked* to do so. The Respondent’s continued apparent ability to undertake her duties as a Councillor elsewhere undermined any assertion that she had been incapacitated to such an extent and for such a period of time, that engagement with the process thus far had not been possible.
- 1.7 In light of the lack of the Respondent’s engagement and the fact that some of the evidence relied upon by the PSOW was either in written form (within emails and other documents) or had been agreed by the Respondent in interview, the Tribunal saw little purpose in holding a hearing in person and it had concluded that the matter could be dealt with without a hearing in accordance with rules 3 (3) and 15.
- 1.8 Although the Respondent had engaged sporadically with the Tribunal, it was prepared to read her statement and character references and they have been referred to hereafter, where appropriate.
- 1.9 Even beyond the 8 January deadline, the Respondent submitted further material; on 30 January, she sent two pdfs described as “*‘leaked WhatsApp messages’ from the Labour group within Bridgend Town Council*” which she said were provided to the PSOW, the relevance of which has been considered below. She also provided links to several news articles and, on 3 February, a number of further documents which, she said, demonstrated bias against her on the part of the PSOW, none of which the Tribunal considered to have been helpful to its own considerations of the case. As was said in the email of 4 February to her, we determined the case by analysing the evidence that was put before us in an objective and dispassionate fashion against the alleged breaches which had been alleged
- 1.10 Finally, on 5 February, the day before the Tribunal met to determine the allegations, the Claimant sent though some evidence of the medical issues that she had experienced. Much of it had been redacted but what remained visible appeared to show that;
 - A letter from Miss Hodge, a Consultant in Obstetrics and Gynaecology, dated 29 January 2025 indicated that the effects of the menopause and the Respondent’s inability to obtain appropriate support during the Covid pandemic “*sounds like it has had a significant impact on her mental health over that time*”;
 - She had undergone a laparoscopic cholecystectomy (gallbladder removal) on 23 October 2024 following admission to the Princess of Wales Hospital on 22 October due to symptoms from gall bladder stones. She was later admitted and discharged from Hospital on 26 and 30 October 2024 as a result of symptoms following that procedure;

- She was admitted and discharged from Hospital again 16 and 17 December 2024 for a hysteroscopy and biopsy. She had attended again as an emergency on 30 January 2025 for an unspecified reason;
- A letter dated 5 February 2025 from the Respondent's GP, Dr Hughes, corroborated Miss Hodge's letter about the effects of the Respondent's menopause upon her mental health and the "*debilitating anxiety*" which it had caused.

No GP notes were disclosed nor was there any form of formal mental health diagnosis set out within any of the material.

1.11 Whilst this evidence provided some corroboration to the Respondent's previous emails, there was little to explain her non-engagement earlier in the process which had led to this point. It was particularly odd that the bursts of communication had actually come when the Respondent's health crises had apparently been at their greatest, in October 2024 and now, when she is in Hospital. Yet further, in all of this, there was still no attempt to reconcile her inability to engage with this process with her continued service as a Bridgend County Borough Councillor nor was there any application or request for the Tribunal to adopt an alternative course to that indicated in the Listing Direction.

2. PRELIMINARY DOCUMENTS

2.1 Reference from the Public Services Ombudsman for Wales

2.1.1 In a letter dated 17 June 2024, the Adjudication Panel for Wales received a referral from the PSOW in relation to allegations made against the Respondent that she had breached Bridgend Town Council's Code of Conduct in a number of different respects.

2.2 The Former Councillor's response to the Reference

2.2.1 Although the Respondent did not respond in writing to the Ombudsman's reference to the Panel, she was interviewed as part of the Ombudsman's investigation on 30 September 2023. She also provided further written submissions on 13 September 2022 [780-869]. She provided responses to the PSOW's draft Report on 16 February 2024 [409-16] and 25 April 2024 [900-924].

2.3 Further written representations following the Listing Direction

2.3.1 The PSOW provided a detailed submission in relation to some of the points raised in the Listing Direction on 8 January [1203-1208].

2.3.2 The Respondent provided further documents and statements on the evidence as set out in paragraphs 1.4 to 1.11 above.

3. FINDINGS OF FACT

3.1 Having considered the documentary evidence, the Case Tribunal found the following material facts on the balance of probabilities. The Tribunal approached

its task by addressing the main factual incidents which had been addressed in the PSOW's Report and which underpinned the allegations of breach of the Code of Conduct. We considered the undisputed facts and made determinations of those facts that were in dispute, as set out in the Listing Direction, in relation to each incident.

- 3.2 In addition to the documentary evidence in the Hearing bundle, the PSOW had taken witness statements from the following people;
- Cllr Tim Wood [432-5];
 - Ms Dawn Elliott, Community and Engagement Officer [436-443];
 - Ms Julie Brown, Democratic Services Officer [444-461];
 - Ms Helen Jenkins, Finance Officer [462-7];
 - Mrs Leanne Edwards, Clerk [468-557];
 - Cllr Alan Wathan [558-647];
 - Ms Debra Jones, Deputy Clerk [648-677].

Introduction and relevant background

- 3.3 In May 2017, the Respondent was elected to the Council and signed a declaration to abide by the Code of Conduct [257]. She received further 1 to 1 training on the Code on 19 November 2019 [73].
- 3.4 The Respondent was written to by the PSOW in November 2017, following an allegation in relation to her conduct towards the Clerk. She was asked to reflect upon her actions [772-3].
- 3.5 The Respondent was written to again in 2019 by the PSOW in relation to another complaint against her which, amongst other things, suggested that she had failed to treat others with respect, an allegation that also concerned her behaviour towards the Clerk. Additional Code of Conduct training was advised (see paragraph 3.3 above) [190-7]
- 3.6 The Respondent herself asserted that the previous complaint to the PSOW had been vexatious and was "*dismissed*" as having had "*no merit*" (paragraph 64 [53]). The Tribunal certainly did not consider that to have been a fair reflection of the letter of 9 September 2019 [190-7].
- 3.7 We noted that many of the witnesses who provided evidence to the PSOW's investigation had been critical of the manner in which the Respondent had treated the Clerk to the Council, Mrs Edwards. Ms Elliott described her as having been generally dismissive of her. She said that she did not respect her and that she 'huffed and puffed' when the Clerk spoke during meetings such that it was "*embarrassing to witness*" (paragraphs 5 and 9 [438-9]). Ms Jenkins and Ms Brown similarly claimed that the Respondent had shown no respect towards her (paragraphs 4 [464] and 5 [447] respectively). Mrs Edwards herself described a pattern of behaviour which had been ongoing since 2017; a failure to show her respect, undermining and "*numerous malicious and vexatious threats and complaints*" (paragraph 5 [470]).

- 3.8 In relation to the key relationship at the heart of the case, it would have been rather easy for the Tribunal to have concluded that there had been one entirely innocent party and one who had behaved egregiously and unreasonably throughout on a simple reading of the Report. We considered the Respondent's supporting character references and other evidence carefully. It was clear that a lot of people had committed themselves to making warm and supportive comments about the Respondent and her hard work and dedication towards various causes. There was, however, precious little direct evidence which threw a different perspective upon the relationship between her and the Clerk than that put forward by the PSOW and the witness statements within the Report, beyond the evidence of her husband, which we treated with some circumspection for obvious reasons.
- 3.9 Mrs Rees, who alleged that the Respondent had been the victim of "*toxic behaviour of town council staff*", did not descend to provide any details [1282]. Ex-Councillor Evans referred to 'signs of conflict' between the Respondent and the Clerk back in 2018, but she did not specifically indicate who had been the protagonist [1320]. Many witnesses related stories of the Respondent having been the victim of bullying by *others* on the Council, particularly on social media. Despite in excess of 30 statements, there was very little material indeed which served to paint a different picture of the events than that in the Report in relation to the six incidents.

Incident 1

- 3.10 On 9 June 2021, the Respondent attended the Council's Community Engagement and Wellbeing Meeting on line. She asked questions about the proposed contents of the July Newsletter. The Clerk told her that it was to have included details of the County Council's free parking scheme and information about library re-openings. The Respondent then questioned the inclusion of such *County* Council information. The Clerk responded; she thought that it was within the Council's remit to have signposted activities and/or amenities which were available to the community. The Respondent left the meeting, without an apology or explanation, the inference having been that she had been dissatisfied with the Clerk's approach.
- 3.11 The exchange was caught by Ms Elliott in the Minutes and the message meant by her actions had been "*quite obvious*" to her ([291-2] and paragraphs 10 and 11 [439-440]). No one subsequently suggested that the minutes had not been substantively correct and they were ratified. We therefore considered that they were probably a reasonably accurate record of the discussion.
- 3.12 The Tribunal noted that the Respondent did not specifically recall the event when she was first asked about it in interview [792-3]. That was, perhaps, unsurprising given the time which had elapsed. Subsequently, however, she said that she *did* recall leaving the meeting because she had received a phone call from her daughter [794-5]. She stated that she may not have said 'bye' when she did so [797]. In light of her previous answers, her subsequent

evidence in relation to her daughter's telephone call was suspicious. The fact that she also accepted that she had disagreed with the Clerk over her position, inclined the Tribunal to the view that Ms Elliott's interpretation of the situation had been correct. She would have had a good reason to recall the incident as the minute-taker.

- 3.13 Although the Respondent's decision to leave as and when she did imparted frustration and disagreement, there was no evidence of overt anger and/or shouting and it was clear that the event had not been sufficiently noteworthy for others to have remembered it (for example, Cllr Wathan, paragraph 6 [560]).

Incident 2

- 3.14 On 3 December 2021, the Respondent submitted a SAR by email to the Clerk in which she sought all of the information held by the Council since the date of the last election in 2017 which related to her, a five year period [617-8].
- 3.15 In the Clerk's response to the SAR on 10 December 2021, she stated that she would have needed to source documents from the Council's archive and she deemed the request to have been 'complex' under the guidance issued by the Information Commissioner's Office, such that a longer, 3 month response time would have applied [616-7].
- 3.16 The Respondent challenged the Clerk's interpretation of the request on 20 January and said she was "*displeased*" with her handling of it. In order to assist, she said, she set out 13 categories of information that she was looking for over the five year period. She asked the Clerk not to edit any of the information and she said that she would have "*no hesitation in drawing this matter to the attention of the ICO*" if it was not dealt with within the extended timeframe [613-6]. The SAR was fulfilled within statutory timeframes in March 2022.
- 3.17 During her interview, the Respondent attempted to justify her use of language in her emails [376-7], but she did accept that the Clerk may have felt intimidated and harassed by it, although that had not been her intention. She accepted that her communications might "*potentially not*" have been in keeping with the protocol of fostering relationships of mutual trust and confidence [827].
- 3.18 For the avoidance of doubt, the Tribunal did not consider that it needed to resolve the PSOW's proposed disputed fact at paragraph 96 of the Report [75] since it was not considered relevant to an assessment of the conduct of the *Respondent* against the Code breaches alleged.

Incident 3

- 3.19 On 27 May 2022, a town twinning meeting took place which was attended by Councillors, staff, French guests, Twinning Association members and the Council's former Clerk. After the meeting had finished and in front of others in her office, the Respondent told the Clerk that the former Clerk had said some disparaging things about the manner in which she had handled the meeting.

- 3.20 Ms Elliott described the Respondent's actions as an obvious attempt "*to stir up trouble*" (paragraph 7 [439]). Ms Jenkins described the Respondent as having been "*quite intimidating*", that her voice was "*raised and angry*" and that she had been "*quite irate*" (paragraph 7 [465]). All of the staff in the office had been "*aghast*" at what they had heard.
- 3.21 The Respondent suggested that she had supported, defended and backed up the Clerk when others, including the former Clerk, had criticised her [357-8]. She also complained that others at the meeting had not been interviewed. By speaking to her in the office afterwards, she had merely wanted the Clerk to know what had been said about her [829].
- 3.22 But in light of the history between the two and the evidence of Ms Elliott and Ms Jenkins, we found it difficult to accept the Respondent's assertion that she had intended to support and/or defend her by saying what she said. The relationship between them was already strained, as the Respondent had pointed out during the investigation. Although she may have superficially expressed criticism of the former Clerk and apparent support for Mrs Edwards, it was seen as an attempt to manipulate a dispute and/or upset the Clerk, which it succeeded in doing. Ms Jenkins' evidence gave a strong indication that it had been her intention to sour relations between the Clerk and/or members of the Twinning Association.

Incident 4

- 3.23 At the Regeneration Committee meeting that was held on 14 June 2022, there was discussion about the possibility of inviting a 'high-profile guest' (possibly a member of the Royal family) to unveil a blue plaque in honour of a former Royal Harpist, John Thomas [498-500]. The Clerk advised that the budget which had been set aside was for the plaque only and that any invitation, if accepted, would have had further budgetary implications. The Respondent, who attended by video, considered that the Committee could have dealt with the matter but that, if it did need to have been referred back to the Council, it ought to have been done on 'pink papers', a system which ensured confidentiality around the subject matter which, she asserted, would have been appropriate for security reasons if the invitation was accepted, and so as to have avoided reputational damage, if it was refused.
- 3.24 The Clerk did not believe that the matter could have been referred back to Council on 'pink papers' and said so. She explained that, following her recent CiLCA training, it would not have been appropriate to have hidden the subject matter from public scrutiny. The public had to have been able to understand what the Council was transacting. The identity of the guest and/or the date of the visit did not need to have been given.
- 3.25 The discussion between the Clerk and the Respondent on the issue escalated and the minutes recorded that the Respondent "*became irate*" and said that the

Committee should “*get proper advice*”. She wanted to know the source of the Clerk’s advice and “*why a curve ball was being thrown*” [499].

- 3.26 The Clerk cited the statutory basis for her advice (Schedule 12 of the Local Government Act 1972) and indicated that she could send copies of the legislation to the Committee members the following day. The Respondent wanted the information there and then and the Clerk asked permission to leave to go to her office to find it. Having done so, she returned to say that she needed more time but would supply it the following morning as she had indicated. She further stated that she felt “*bullied and intimidated by the Respondent’s conduct towards her*”. At that point, the Respondent then left the meeting [499].
- 3.27 The Respondent’s husband later queried the accuracy of the Minutes at a full Council meeting. They were sent back to the Regeneration Committee, which he Chaired, for further consideration and then abridged in order to “*omit conflict*” and record “*just resolutions*” [522-3]. In their previous form, they were not considered to have been inaccurate, but were abridged nevertheless.
- 3.28 In her own accounts during the PSOW’s investigation, the Respondent made it clear that she had not agreed with the Clerk’s position at the meeting [358-362], but she gave two slightly different accounts as to how she had left; in one, she said that she stated that she had had enough of the accusations of bullying and ‘did not feel able to continue’ before leaving [360]. In another, she said that she had stated [380];
- “I am sorry, but I am not having this, that is not the case and I am leaving this meeting.”*
- A similar account was given elsewhere [906]. In interview, she confirmed that latter account [843]. She also denied that she had suggested that the Committee should get ‘proper advice’ [831], that she had raised her voice [832] or that she referred to ‘throwing curve balls’ [834]. It was clear that her motive for leaving the meeting had been the disagreement and/or the Clerk’s accusation of intimidation and bullying. In her written submissions, she also accepted that she had been both “*forthright*” and “*robust*” in her dealings with Mrs Edwards that day [908-9].
- 3.29 Having considered the evidence as a whole, and having noted that there were a number of witnesses to the events whose accounts broadly correlated, the Tribunal considered that the contemporaneous minutes probably represented the most fair and accurate record of the discussions that took place at the meeting. That record, in our judgment, demonstrated that the Respondent had been belittling, demanding and high handed towards the Clerk.
- 3.30 Whilst she had been irate and had raised her voice, the Tribunal did not consider that the balance of the evidence supported an assertion that the Respondent had shouted. We could see that there was some evidence in support (paragraph 5 of Ms Brown’s statement [447]), but that account was not

entirely consistent with all of her evidence on that issue (see her initial statement [456-460]). Further, the WhatsApp conversation which the Respondent had sent in her email of 30 January 2025 indicated that Councillor Felton *'didn't think'* that there had been shouting. She nevertheless said that the Respondent had *"got worked up over some information not being made available immediately and consequently caused upset to Leanne [Edwards]"*. Despite the Respondent's assertion that that evidence had been omitted from the PSOW's report due to bias, it was within Annex 6 to the Report [405].

Incident 5

- 3.31 After the Committee meeting, the Respondent raised a 'formal complaint' about the Clerk's conduct at the meeting to Councillor Wathan, the chair of the Personnel Committee the Clerk's line manager, in an email sent at 23:44 [638-641]. Within it, she demanded the retraction of the Clerk's comments at the meeting and an apology. She accused her of having made *"vexatious complaints"* to the PSOW in the past.
- 3.32 The following day, as promised, the Clerk circulated the Committee members with the authority for what she had said at the meeting regarding the use of 'pink papers' [636]. Later that day, the Respondent complained again to Councillor Wathan, an email that was also copied to the Mayor and the chair of the Regeneration Committee, her husband [631-2]. She repeated her previous complaint, she accused the Clerk of having made *"false statements to the committee and other Cllrs"*, of having failed to properly prepare for the meeting and alleged that it had been wrong for her to have been accused of bullying and suggested that it was *"not acceptable professional standards of behaviour we as councillors should expect from our staff"*.
- 3.33 The Clerk telephoned Councillor Wathan who told her about the complaints that he had received from the Respondent. The Clerk referred to previous complaints that the Respondent had made about her, that she had felt bullied and harassed then and that the events of 14 June had been a further repetition (paragraph 7 [560]).
- 3.34 On 22 June, the Clerk commenced a period of illness absence and, on the 24th, she issued a grievance which focused upon the Respondent's treatment of her on 14 June and on other occasions [619-630].
- 3.35 The Respondent's emails of complaint and the Clerk's grievance were considered by the Personnel Committee on 1 July. The Committee was then comprised of five Independent and one Labour member. The Committee considered that there was no substance to the Respondent's allegations and decided that it wished to take legal advice on the Clerk's grievance [602-3]. At a subsequent meeting on 8 July, the Committee decided to make a referral to the PSOW in relation to the entirety of the grievance [574].

- 3.36 During the investigation, the Respondent clearly stood by the contents of her complaints [382-3]. In interview, she did not accept that her complaint had lacked merit [847] and reiterated her belief that it had been the Clerk who had overstepped the mark at the meeting, not her [844]. She went further and stated that the Clerk's actions had been "*intended as bullying*" towards her [844].
- 3.37 There was little that the Tribunal could gainsay about the evidence on this issue as it was contained within the emails and/or the grievance. We did, however, have to consider whether the Respondent's complaint had merit, as she claimed.
- 3.38 The main issue which the Respondent had focused upon in her emails of 14 and 15 June had been the fact that she had been accused of bullying by the Clerk. She complained that it was "*not right that any Cllr should feel unable to question things presented to them in council for fear of being accused of bullying and intimidation*" and that the Clerk had "*overstepped the line here*" [639]. Given our previous findings in relation to the events of the meeting, our view of the matter was that the Clerk had not alleged that she had been bullied because she had been asked a question but, rather, because of the manner in which her advice had been challenged and the fact that the Respondent had demanded that certain information should have been provided immediately. On the basis of our previous findings, that part of the complaint had no merit.
- 3.39 In the Respondent's further email of 15 June, she claimed that she did not dispute the Clerk's advice and that her assertion that she was not given a fair opportunity to provide the information was factually untrue [631]. It was clear, however, from her own evidence to the investigation that she had not agreed with the Clerk's advice [358-362] and we also concluded that the minute of the Respondent's demand for the information there and then was likely to have been accurate.

Incident 6

- 3.40 After the Clerk's return from her illness absence in September, on 24 October 2022, the Respondent sent an email to Councillor Wathan and the Mayor in which she stated that, despite her having let staff know previously about her eyesight issues, no reasonable adjustments had been made for her as she had requested, contrary to the requirements of the Equality Act [644-6]. In the email, she said that she had raised the issue verbally with the Clerk and Deputy Clerk and in writing with Sharlene Lewis. She claimed that her disability had been disclosed to everybody when she had asked for a dedicated seat within the chamber. She complained that minutes had been sent to her in too small a font for her to be able to read.
- 3.41 On 26 October, Councillor Wathan directed the Clerk to provide the following adjustments; the provision of documents to the Respondent in font size 16, the provision of designated places for Councillors at meetings and for the details of the Respondent's health to remain confidential [686].

- 3.42 The issues here concerned the accuracy of the Respondent's statements within her complaint of 24 October; had she advised the Clerk, the Deputy Clerk and/or Sharlene Lewis that she had eyesight issues and that reasonable adjustments were required, either in terms of her attendance at council meetings and/or adjusting the font for written materials that she received?
- 3.43 The Clerk said not (paragraph 13 [471-2] and [680-4]). She said she was never asked for adjustments, either directly or indirectly through Sharlene Lewis and/or the Deputy Clerk.
- 3.44 The Deputy Clerk's evidence echoed the Clerk's and was consistent on the point (paragraphs 1-3 [650]), but she had received an email from the Respondent on 23 March 2022 which had concerned the provision of a seat in meetings due to "*worsening sight issues*" [662]. No request to her had been made in respect of the font size of documents [654] and Sharlene Lewis had been off sick between June 2022 January 2023 [656].
- 3.45 During the PSOW investigation, the Respondent stuck by her initial email and maintained that she had made "*an application*" to have papers provided to her in font 16. She said that she had raised it in writing to Sharlene Lewis on 9 February 2022 and verbally to the Clerk and Deputy Clerk [383]. There was, therefore, a stark difference in evidence on that issue.
- 3.46 That evidence, however, unravelled. The email of 9 February 2022 to Sharlene Lewis only concerned her attendance at meetings in person and had contained nothing about the font size of documents [417-8]. When she was interviewed, she initially stated that she had asked the Deputy Clerk for documents in a larger font [849], but then seemed to indicate that she had not been specific [850]. When pressed, she accepted that she had not asked the Clerk personally at all [852].
- 3.47 On the basis of that evidence, we had little difficulty in accepting that the accounts of the Clerk and Deputy Clerk on these issues were probably correct. We concluded that the Respondent's inclusion of the reference to the Clerk in her email to Councillor Wathan had been incorrect and, at best, reckless.

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

4.1 The Code of Conduct

4.1.1 The relevant parts of the Code of Conduct were as follows;

Paragraph 4 (b) and (c);

"*You must-*

- (b) show respect and consideration for others;*
- (c) not use bullying behaviour or harass any person;”*

Paragraph 6 (1)(a) and (d);

“(1) You must –

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;*
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.”*

4.2 The Respondent’s Submissions

4.2.1 The Respondent’s only submissions, beyond the evidence which she had provided to the Ombudsman, were contained within the emails referred to above. Although some were filed beyond the date required in the Listing Direction, they were nevertheless circulated, read and considered.

4.2.2 There was, in particular, a statement from her within one of her emails of 8 January [1221-1230] which, whilst not addressing each incident in any chronological or systematic fashion, did contain some submissions in relation to some of the incidents. In relation to Incident 2, she alleged that the Clerk *“tried to delay and frustrate the process under the guise of it being a difficult SAR to undertake”* [1224]. In relation to Incidents 4 and 5, she reiterated her position set out above. Most of the document, however, contained allegations against the Clerk and her conduct which had been borne, she said from a deep seated dislike of her, submissions that there was a political agenda against her and concerns about the PSOW’s investigation which she had aired through the subsequent emails discussed above.

4.3 The Ombudsman’s Report

4.3.1 It was contended that the following breaches of the Code of Conduct had occurred in relation to each numbered incident;

Incident 1; paragraphs 4 (b), (c) and 6 (1)(a);

The PSOW submitted that the evidence in the witness statements and the minutes supported the proposition that the Respondent had been annoyed with the Clerk’s advice which had caused her to leave the meeting in a way which demonstrated her annoyance to others (paragraph 109 [78]). This, it was said, demonstrated a lack of respect and consideration, contributed to an overarching pattern of behaviour that amounted to bullying and, because it took place in public, also brought her or her office into disrepute because the conduct had been capable of undermining the confidence of the public and/or staff in the Council;

Incident 2; paragraphs 4 (b) and (c);

As above, the PSOW asserted that similar breaches occurred when the Respondent wrote in an intimidating and threatening tone in January 2022 in respect of her SAR (paragraph 161 [101]).

Incident 3; paragraphs 4 (b) and (c);

The PSOW clearly did not accept the Respondent's suggestion that she had been attempting to stand up for the integrity and professionalism of the Clerk when she discussed with her what the former Clerk had said in front of others, particularly because those who witnessed the conversation had been uncomfortable and had found it strange. It had been, according to the Clerk, another attempt to stir up trouble and ought to have been viewed in the same light as the other allegations (paragraphs 113-8 [79-81]).

Incident 4; paragraphs 4 (b), (c) and 6 (1)(a);

On the basis of the facts put forward by the PSOW, the same breaches under paragraph 4 were alleged and, because of the public nature of the confrontation, a further breach under paragraph 6 (1)(a) was alleged mirroring the approach taken in respect of Incident 1 (paragraph 168 [106]).

Incident 5; paragraphs 4 (c) and 6 (1)(d);

Not only was it alleged that the Respondent's complaints constituted further acts of bullying, but it was also contended that they were vexatious and/or malicious within the meaning of paragraph 6 (1)(d) (paragraph 162 [102]).

Incident 6; paragraphs 4 (c) and 6 (1)(d);

Similarly, the PSOW contended that the Respondents complaint of 25 October had been malicious and/or vexatious within the meaning of paragraph 6 (1)(d) (paragraph 165 [103]).

4.4 Case Tribunal's Decision

Incident 1

4.4.1 The Tribunal concluded that the Respondent's conduct on 9 June 2021 demonstrated a lack of respect for the Clerk within the meaning of paragraph 4 (b) of the Code on the basis of the findings set out above. Paragraph 1.37 of the *Guidance from the Public Services Ombudsman for Wales in relation to the Code of Conduct* ('the Guidance') encouraged councillors to "*work as a team with their Clerk within a culture of mutual respect and consideration to serve the community.*" We considered that the Respondent had lost sight of that requirement more as her relationship with Mrs Edwards deteriorated. The Guidance further required the Respondent "*to afford...officers the same courtesy and consideration they show to others in their everyday lives*". We considered that the Respondent had not done so.

4.4.2 Harassment and bullying within the meaning of paragraph 4 (c) imparted a more serious level of conduct than that which paragraph 4 (b) covered. The conduct could include, according to the Guidance, "*attempts to undermine an individual*" (paragraph 2.14). The Tribunal gave particular attention to paragraphs 2.16 to 2.20 of the Guidance and, whilst we did consider that the Respondent's conduct

across all of the incidents amounted to harassment (and some in isolation), we did not consider that it would have been appropriate to find the Respondent to have been in breach of that paragraph in respect of the single incident on 9 June 2021. Indeed, the PSOW's report dealt with the allegation on the basis of Respondent's overall conduct.

4.4.3 There was the further allegation under paragraph 6 (1)(a) to consider. When considering whether a member's conduct could reasonably have been regarded as having brought their office or the authority into disrepute, the Guidance suggested that their actions ought to have been considered from the viewpoint of a reasonable member of the public (paragraph 2.32). The paragraph was not to have been applied as a factor to a councillor's freedom of expression, but the making of "*unfair or inaccurate criticism in a public arena*" was the mischief which it sought to prevent (paragraph 2.34).

4.4.4 On the basis of the factual findings set out above, however, we did not consider that this incident crossed the threshold for a breach of paragraph 6 (1)(a) to have been demonstrated. Members of staff who knew the dynamic between the Clerk and the Respondent took more from the Respondent's actions than a reasonable member of the public might have in the same circumstances.

Incident 2

4.4.5 Again, the Respondent's correspondence of 20 January 2022 was disrespectful and threatening and a clear breach of paragraph 4 (b) of the Code of Conduct. In relation to the further breach alleged under paragraph 4 (c), we refer to paragraph 3.17 above; even the Respondent had accepted that her email might have seemed threatening and/or harassing to the Clerk. We were satisfied that a breach of paragraph 4 (c) had also been committed.

Incident 3

4.4.6 The comments made in relation to Incident 1 apply equally here in relation to the alleged breaches of paragraphs 4 (b) and (c). This was an attempt to cause trouble and was seen as such by others in the room but it was not, in isolation, to have been properly seen as an act of harassment.

Incident 4

4.4.7 A breach of paragraph 4 (b) was clearly made out on the evidence. We further considered that this incident was sufficient, in and of itself, to have constituted harassment under paragraph 4 (c). The Respondent's conduct had been insulting (for example, her comment about the Council needing to get 'proper advice'), it was intimidating (the demand for the Clerk to supply information immediately) and, in our judgment, it was a deliberate attempt to undermine her in a public forum.

4.4.8 In reaching that conclusion, we considered the perspective of the victim and the Respondent and, in particular, whether the Clerk was reasonably entitled to have believed that she was being bullied (paragraph 2.15 of the Guidance). We also considered the status of the victim and the context in which the conduct occurred, namely that of a town council (paragraph 2.16 of the Guidance).

4.4.9 We also considered that this incident was one which crossed the threshold under paragraph 6 (1)(a). The evidence of those present was sufficient to indicate that the conduct was sufficiently high-handed so as to have brought the Respondent's office and/or the Council into disrepute at least in the eyes of its staff. This was not the way that the public would have expected a councillor to have behaved in a formal meeting.

Incident 5

4.4.10 The Tribunal considered that the Respondent's complaints of 14 and 15 June had been disingenuous and were further shots fired in the conflict between them.

4.4.11 The real issue to determine here was whether the complaints had been vexatious, malicious or frivolous within the meaning of paragraph 6 (1)(d). We considered that they had, based upon the factual findings set out above. Paragraph 2.44 of the Guidance referred to the need to avoid "*making complaints which have little or no substance (frivolous complaints) which are designed mainly to annoy the person complained about.*" We considered that to have been an accurate description of the Respondents complaints here.

Incident 6

4.4.12 The contents of the Respondent's communication to Councillor Wathan on 25 October had been inaccurate. That said, it was difficult for the Tribunal to conclude that the inaccuracy had been deliberate. The Respondent clearly had raised one of the issues in writing with Sharlene Lewis and the Deputy Clerk (attendance at meetings in person due to her failing eyesight), but the balance of the evidence certainly indicated that she had not raised that issue with the Clerk or any issue in relation to the font size of documents with anyone. Was it vexatious for her to have said so or, at the least, frivolous within the meaning of paragraph 6 (1)(d). Whilst her email was demonstrated to have been incorrect, we did not consider that the evidence necessarily justified a finding that it had been deliberately written to cause the type of nuisance contemplated by that paragraph in the Code.

4.5 Taking the evidence in relation to Incidents 1, 2, 3, 5 and 6 together in the context of the broader history and relationship between the Respondent and the Clerk, we considered that there was sufficient evidence of a pattern of behaviour towards Mrs Edwards to justify a finding under paragraph 4 (c) in relation to those incidents together, in addition to finding in respect of Incident 4.

5. SUBMISSIONS ON ACTION TO BE TAKEN

5.1 The Respondent's and Ombudsman's submissions

5.1.1 The Respondent made no submissions on this issue.

5.1.2 The PSOW explicitly avoided submissions on the issues too (see the end of the letter of 8 January [207]).

5.2 Case Tribunal's Decision

5.2.1 The Case Tribunal considered the *Sanctions Guidance* issued by the President of the Adjudication Panel for Wales under s. 75 (1) of the Local Government Act ('the Sanctions Guidance') and went through the five stage process within it.

5.2.2 Under the first stage, the Tribunal did not consider that it could take no action in relation to the breaches. They were too numerous (10) and, whilst not the worst that the Tribunal had seen, they were certainly not technical. The Respondent had behaved either intentionally or recklessly and the Clerk had been caused significant upset. As defined within paragraph 36 of the Sanctions Guidance, there had been "*systematic harassment*".

5.2.3 Since the Respondent was no longer a member of the Town Council, no purpose was served by a suspension. The Tribunal therefore considered that the likely sanction to have been applied was that of disqualification.

5.2.4 The Tribunal considered mitigating and aggravating factors under the second stage of the process. All the facts of the case and, in particular, the following aggravating factors;

- (i) The Respondent was an experienced councillor and subsequently went on to be mayor of the Council;
- (ii) Her conduct had not been isolated and/or a one off incident. The matters set out above reflected a pattern of behaviour which had extended over the years;
- (iii) We did not find any evidence of provocation or goading;
- (iv) In hindsight, even the Respondent appeared to accept that some of her behaviour might have been perceived as intimidating and she ought therefore to have realised that it could have constituted a breach of the Code;
- (v) The Respondent appeared to show no recognition, insight or regret about her behaviour. Much of the material that she had produced to the PSOW and to the Tribunal in the recent past showed that she was still blaming everybody else for what had happened and that she had no apparent willingness to rectify her behaviour;
- (vi) No apology had been given nor had there been any attempt to repair the relationship with the Clerk;
- (vii) She had failed to heed the previous advice of PSOW in relation to similar conduct;
- (viii) The Respondent had failed to cooperate with the Panel and this Tribunal as set out above.

5.2.2 The Tribunal considered the following mitigating factors;

- (i) The Respondent's personal circumstances, including her physical and mental ill-health. Although never properly supported by medical evidence and/or a diagnosis or detailed timeline, there was no reason for the Tribunal to gainsay her assertion that she had had "*a very difficult time in relation to my health in the past several months with a number of admissions to hospital and operations, as well as struggling with my*

- mental health*" (her statement of 8 January 2025 [1221]). We considered that this may have impacted upon her conduct during the relevant period;
- (ii) Her past record of good service. Although there had been referrals to the PSOW which had resulted in her having been required to refresh herself in respect of the Code, she had never been in receipt of any formal sanction;
 - (iii) The Respondent had clearly been dedicated, hard-working and considerate in many aspects of her role as a councillor, as reflected by the numerous references that were provided;
 - (iv) The Respondent cooperated with the PSOW in relation to the investigation.

5.2.3 The Case Tribunal unanimously concluded that the appropriate sanction in all of the circumstances was for the Respondent to be **disqualified for a period of 21 months** from being or becoming a member of the Authority on all allegations concurrently.

5.2.4 The Tribunal did not consider that there was any further adjustment appropriate at the fourth stage of the sanctions process. In particular, we did not consider it appropriate to apply the disqualification to her role as a councillor within Bridgend County Borough Council in the absence of any evidence to suggest that she was not fulfilling that role appropriately and professionally.

5.2.5 The Authority and its Standards Committee is notified accordingly.

5.2.6 The Respondent has the right to seek the permission of the High Court to appeal the above decision. A person considering an appeal is advised to take independent legal advice about how to appeal.

6. CASE TRIBUNAL RECOMMENDATIONS

1.1 No recommendations are made.



Signed.....
John Livesey
Chairperson of the Case Tribunal

Date.....6 February 2025.....

Dr G Jones
Panel Member

Mr D Morris
Panel Member



REASONED DECISION

TRIBUNAL REFERENCE NUMBER: APW/008/2023-24/AT

APPELLANT: Councillor Steven Bletsoe

RELEVANT AUTHORITY: Bridgend Town 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 Steven Bletsoe ('the Appellant') against the decision of the Standards Committee of Bridgend County and Borough Council ('the Standards Committee') which was convened on 9th of May 2024.

1.2 The Standards Committee found that the Appellant had breached Paragraphs 6(1)(a), 7(a), 11(1), 14(1)(a), 14(1)(c) and 14(1)(e) of the Code of Conduct ('the Code'). It also found that, in the light of certain aggravating factors, the Appellant should receive a sanction of six months' suspension in accordance with its powers under the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended).

1.3 The President of the APW had issued a decision dated 5 June 2024 which allowed the appeal to proceed on a limited ground of appeal in relation to sanction only. The President decided that the appeal in relation to the breach of Code element of the appeal had no reasonable prospect of success.

1.4 The Appeal Tribunal to adjudicate upon the appeal met at 10:30am on the 5th of December 2024 at the Port Talbot Justice Centre, Harbourside Road, Port Talbot, SA13 1SB, and the hearing was open to the public. The Appellant represented himself, with

the support of Councillor Martin Williams. The Public Service Ombudsman for Wales ('the PSOW') was represented by Mr Phillip Morris of 9 Park Place Chambers, Cardiff. The Monitoring Officer for Bridgend County Borough Council City ('BCBC'), Ms Kelly Watson, was also in attendance.

1.5 The Appeal Tribunal and the parties referred to a final Hearing bundle comprising 491 pages. The Appellant called Councillor Martin Williams to give evidence as to his character and he also supplied a large number of written character references.

2. BACKGROUND TO THE CASE AND CODE BREACHES

2.1 In summary, the Regeneration Committee of Bridgend Town Council had met on the 14th of June 2022. One of the items under discussion related to blue plaque unveilings in the town, and a heated discussion took place around inviting a high-profile guest to unveil a plaque. This discussion involved the Appellant's wife, who was also a Councillor, and the Clerk. Minutes were prepared and were to be received by a Council meeting on 26th September 2022. At that meeting, the Appellant proposed that the minutes be deferred to the next meeting, as he had '*questions regarding inaccuracies in the minutes.*'

2.2 On 24th October 2022, the Appellant chaired a further meeting of the Regeneration Committee. In relation to the item to confirm and sign the minutes of the meeting of 14th June 2022, the Appellant stated that the minutes needed to be reviewed, as certain references should not have been included and that the purpose of minutes was to record resolutions, not conflict. As regards the reference to his wife having left the meeting without apology, the minutes recorded that the Appellant said that he had heard his wife say; "*I'm sorry, I can't do this*" before leaving the meeting. The Appellant did not declare a personal or prejudicial interest in the matter; however, he abstained from the vote to amend the minutes and to omit the details of the dispute recorded in the draft minutes.

2.3 At a Council meeting on 12th December 2022, in an item to receive draft minutes of the Regeneration Committee held on 24th October 2022, the minutes record that the Appellant again spoke to state that he believed he had said at the meeting of 14th June 2022, that his wife had said "*I can't do this, I'm leaving*" as opposed to the wording recorded in the minutes; "*I'm sorry, I can't do this*". The Appellant did not declare a personal or prejudicial interest in the matter and confirmed that he was happy for his comments to be recorded in the minutes of the meeting of 12th December 2022.

2.4 The Standards Committee hearing of 9th May 2024 found the following on the balance of probabilities as regards the disputed facts, that: -

2.4.1 The Appellant did have a personal interest in the agenda item to ratify the committee minutes of 14 June 2022;

2.4.2 The Member did have a prejudicial interest in the same agenda item in accordance with the Code;

2.4.3 It was reasonable that a member of the public with all of the facts may consider that the Appellant was seeking to influence other Committee members inside the Chamber on the question of whether minutes, as drafted, should be ratified; and

2.4.4 There was an advantage to the Appellant's wife in his raising concerns about the draft minutes, due to the ongoing PSOW investigation and the public perception at that time.

2.5 As to breaches of the Code, the Standards Committee resolved that;

2.5.1 There was a clear and obvious breach of Paragraphs 11(1), 14(a), 14(c) and 14(e) of the Code as the Appellant had failed to withdraw from the discussion and made representations in respect of an agenda item in which he had a prejudicial interest;

2.5.2 There was a breach of Paragraph 7(a) as the Appellant's involvement in the agenda item could reasonably be considered by the public as an attempt to seek an advantage for his wife, or a disadvantage for the Clerk; and

2.5.3 In relation to Paragraph 6(1)(a), the overall conduct was sufficiently serious to damage the public's trust and confidence, and to bring the Council and the Appellant's office into disrepute.

3. PRELIMINARY APPLICATIONS

3.1 The Appellant applied to exclude two items of evidence. These two items provided by the PSOW consisted of a Facebook post made on the 12th of May 2024, following the Standards Committee meeting, and an on-line news article dated 15th May 2024 entitled; '*Councillor given maximum suspension after 'trivial row' raises bias concerns about committee*'. He stated that these items post-dated the events and were of no relevance to the findings of fact and breach by the Standards Committee. He was adamant that he had not generated the news article and did not deliberately go out to make a news story. He said that persons aligned to a political party had, however, been active in the media in making extremely unpleasant accusations and comments about him following the Standards Committee hearing.

3.2 Mr Morris for the PSOW submitted that the documents were relevant in the Appeal Tribunal's consideration of aggravating and mitigating factors, for example as to the question of whether the Appellant felt remorse and insight regarding his actions.

3.3 The Appeal Tribunal retired to consider the Appellant's application. Following careful consideration of the application, it determined that the material which post-dated the Standards Committee hearing in May 2024 could be considered in the context of the sanction to be imposed following an appeal on sanction, as the Tribunal was considering the question of sanction afresh based on all relevant circumstances. It would however give due consideration as to the weight which would be placed on these items during the proceedings.

3.4 The Appellant apologised that due to the amount of material involved, he had not appreciated that Directions issued by the Appeal Tribunal had required him to provide the relevant timings for the part of the Standards Committee hearing which he wished the Appeal Panel to watch in connection with his submissions. Mr Morris indicated on behalf of the PSOW that he was content for this extract to be viewed, and the Appeal Panel duly viewed the relevant extract of the final part of the Standards Committee meeting during a break in the proceedings.

4. SUBMISSIONS OF THE APPELLANT ON THE ACTION TO BE TAKEN

4.1 The Appellant said that he respected rules and the law and was not a *'firebrand councillor.'* He gave an example that if he might not agree with the 20mph speed limit, he would abide by it and respect it. At the time he committed the breach, he did not think that he had a personal and prejudicial interest. He had whole-heartedly believed that he was acting in the interests of the Council. He had felt that the wording of the minutes had been inaccurate and not in the usual 'house style' and had been written under the direction of the Clerk to support her complaint to the PSOW. If he had sat back and accepted the Standards Committee sanction, he would be back in the Chamber by now. He felt he had to go through the ordeal, as he strongly believed that the sanction of six months' suspension had been too harsh. He felt that the PSOW had characterised him in an unfair way as being cavalier or a rule-breaker, whilst his aim was to serve the public. He felt that the PSOW had not recognised mitigating factors, and even the Deputy Clerk had confirmed in her statement that he was a good councillor.

4.2 The Appellant said that he was passionate about his work on the Town Council and serving his community and had refused councillor remuneration and chairman's allowance. He hoped that his commitment was evidenced by the many character references which had been submitted. He described on-line abuse which he had received at the time of the local government elections in 2022 and in relation to the standards process for three days in a row, which had made him emotional. He said that abuse had come from individuals using a fake profile, including a PSOW officer. This led to him having no faith in the system and a need to put his side of the story. He said he would not do the same again given the same set of circumstances.

4.3 The Appellant acknowledged that his Facebook post following the Standards Committee hearing stated; *'if the rules mean that you cannot be truthful, then the rules are wrong'* and said that he regretted the posting due to its personal impact and the on-line abuse which had taken its toll. He also acknowledged that it was very likely that the quotes attributed to him in the on-line article were correct but said that he did not stand by some of the comments. He had since had a meeting with the Monitoring Officer and acknowledged that he should have discussed the matter with her in the first place.

4.4 The Appellant did not agree that the Code breaches had been clear-cut, and he therefore considered that suspension for the maximum period of six months had been harsh. He did not realise at the time that he could apply for dispensation to speak and vote and considered that the lack of training had been highlighted by the Standards Committee in the recommendations it issued at the hearing of 9th May 2024. Whilst the Appellant accepted responsibility for his actions, he said that neither the Proper Officer of the Town Council nor her Deputy had advised him about the opportunity to apply for dispensation.

4.5 The Appellant accepted that he could not lodge an appeal regarding the Standards Committee decision as to breach, and he respected that fact. He had researched cases online regarding the suspension of other politicians and provided a number of examples, where he argued that the behaviour had been more egregious than his own behaviour, and yet the sanction had been less harsh. He felt that he had been suspended for telling the truth. He said that it would have been abhorrent to him to have asked another Councillor to act on his behalf to challenge minutes which he knew to be wrong in terms of style. In response to a question from the Appeal Tribunal, the Appellant did not know why he had felt he should abstain from voting in relation to the minutes, and yet not declare a personal and prejudicial interest. In terms of the impact of this breach, he said that everyone in the community knew that he and his wife were married.

4.6 The Appellant gave his reasons for not seeking advice from the Monitoring Officer on this matter. He said that he had talked to the Monitoring Officer many times in relation to other business. He had unfortunately taken a letter from the Monitoring Officer about her limited involvement in Town Council business the wrong way. He also said that he had been involved in a County Council issue where he had felt that he had been 'let down', and did not think that he could approach the Monitoring Officer as a result. He had felt a disconnect at the time but felt that he could now contact her.

4.7 In summary, the Appellant accepted that there had been a Code breach but could not accept the level of sanction, which he felt to be egregious. He said that the truth was dear to him, and he simply wanted to be open and truthful. At the relevant time, he thought he was acting properly as the Chairman to correct the minutes in terms of their style and had not felt that he was breaking the rules. However, he said that he now

realised that this was wrong, and he could not contest that there had been a breach. He said that he had made a judgment call which had been wrong. He did not feel that he had deflected blame onto others as he said that he was responsible for his own actions. He had acted unwittingly and with the best of intentions and had not acted deliberately.

5. CHARACTER REFERENCES

5.1 The Appellant said he had received a ‘tidal wave’ of offers to provide character references for him. He said that these had been provided by people with whom, and for whom, he had worked over the years.

5.2 Councillor Martin Williams provided oral evidence in relation to the Appellant’s character and also in relation to sanction. He said that he was an Independent member, being the same political group as that of the Appellant. He was also a member of the BCBC Standards Committee but had taken no part in the hearing of 9th May 2024.

5.3 Councillor Williams stated that the Appellant had also been the subject of a complaint in 2023, in relation to voting for his wife to become the chairman of a committee. He said that this was dismissed as the PSOW took the view that such matters attracted ‘political protection’. He did not think that the issue in this case was clear-cut, unlike the case where a close personal associate applied for planning permission. He felt that the examples contained in the Guidance were very different to this case. In addition, Councillor Williams referred to three other cases which had come before the Standards Committee earlier in 2024. Although these were not to do with declaration of interest, he considered that they were more serious than this case and yet attracted lower sanctions. He considered that there had been a lack of consistency, and queried what would occur if a more serious case came before the Standards Committee.

5.4 Councillor Williams referred to the Appellant being a ‘political pedant’, who loved nuance, but who believed in doing the right thing and had never knowingly subverted process. Regarding the Standards Committee hearing, he accepted that the Appellant initially did not agree that he had breached the Code of Conduct. Councillor Williams said that, with the benefit of hindsight, he would have declared a personal interest if he had been in the Appellant’s position. He said that the Appellant now accepted the position in view of the APW President’s decision. The question was now how to navigate the way forward. He did feel that the facts of this case were nuanced and had been over-simplified by the PSOW. He said this was very different to the case where a member did not declare a personal and prejudicial interest and remained in a meeting in relation, for example, to an increase of salary of the clerk where she was a close personal associate of the councillor.

5.5 He said that the Appellant had been advised by the Monitoring Officer that, whilst his wife had declared a personal and prejudicial interest and left the meetings, she could have remained in the debate about the minutes, and he found this to be a real contradiction. He also considered that there was nothing to differentiate between other members on the relevant committee who had likewise been close personal associates of the Appellant's wife. He said that this decision had caused great disquiet amongst councillors who were terrified about finding themselves in the same position as the Appellant. He said there was confusion as to where the line was drawn in relation to declarations. He referred to the need to test the legal position and to find the right answer, and he felt that training, guidance and legal opinion was needed to deal with the grey areas such as in this case.

5.6 Councillor Williams said that if all members continually erred on the side of caution and did not take part in debates, this would not serve democracy and the work of elected members. He said that some councillors were considering their position in politics because of such intervention, and he said; *'that chills me.'* He said that online abuse of politicians and their families, whilst shocking and sickening, had become normalised and had reached a crescendo at the time of the spring elections in 2022 elections. He accepted however that, as the Appellant had not declared interests, to an extent he was the author of his own misfortune. He had since accepted that he was responsible for his actions, but he had simply done his best.

6. SUBMISSIONS OF THE PSOW ON THE ACTION TO BE TAKEN

6.1 Mr Morris, on behalf of the PSOW, referred in detail to the Sanctions Guidance issued by the PSOW under section 75(10) of the Local Government Act 2000. He said that none of the aggravating factors referenced by the PSOW had been challenged by the Appellant in substance. He said that the Appellant was an experienced member, and so the expectations upon him were greater than they would have been for an inexperienced member. He said that there had been six breaches, that there was therefore a pattern of behaviour, and the Appellant had failed to declare an interest on more than one occasion.

6.2 He stated that there had been no real reflection or remorse by the Appellant. He said that the Facebook post following the Standards Committee indicated that the Appellant would do the same again and that he felt that the rules were wrong. He said that whilst there was a tacit acknowledgement of some regret, this was more about the Appellant putting himself through an ordeal, rather than about the consequences of his actions, despite having been given the opportunity to acknowledge the breaches and to put his hands up to them.

6.3. Mr Morris considered that there had been repeated attempts by the Appellant to deflect blame onto others, including the Proper Officer, and he had not asked for further time to take advice, including from the Monitoring Officer. Mr Morris also submitted that the Appellant had tried to undermine the process, and he again referenced the Facebook post which he said was inappropriate, particularly in view of the pending appeal. He said that the Appellant did not regret what he said, only the reaction to it and he did not withdraw the comments which he had made to the journalist. He submitted that the Appellant's answers to questioning had been evasive or qualified and that there had been no real sense of regret, and any remorse was; '*remorse through gritted teeth*'.

6.4 Mr Morris also submitted that the Appellant continued to misunderstand the basis of the Standards Committee findings. He said that this was not about whether the relevant minutes were accurate or not, nor about the ability to correct them. Indeed, there were other legitimate opportunities to correct them, such as obtaining dispensation. He said that the Appellant should not have involved himself in business where there was a clear personal and prejudicial interest. The effect of doing so would be to undermine democracy. He said that the Appellant showed continued disregard for, or ignorance of, the importance of the rules when, in his own view, they were wrong.

6.5 Finally, with regard to the PSOW's investigation into a previous complaint regarding the Appellant's participation in a vote regarding his wife's chairmanship of a committee, he said that the PSOW did not recognise the phrase '*political protection*' from the relevant response letter. He said that in that case, it was decided that the Appellant had a personal but not prejudicial interest. However, he did not consider this previous case to be relevant to the question of sanction.

6.6 With regard to Article 10 of the European Convention on Human Rights ('ECHR'), Mr Morris stated that this would have been considered in the balancing exercise carried out by the Standards Committee. Whilst the right to political freedom of expression was important, the private rights of others likewise needed to be considered. Mr Morris referenced the decision of the Standards Committee. He said that this showed that the Committee had properly reached its decision having carried out that balancing exercise.

7. THE MONITORING OFFICER'S INPUT

7.1 The Monitoring Officer confirmed that there were no previous breaches of the Code of Conduct by the Appellant which the Appeal Tribunal needed to consider. She explained that the Appellant would have received the County Council Code of Conduct training from 2022 onwards. She confirmed that the general training did deal with the right to apply for dispensation. However, she confirmed that the facility for applying for dispensation had not been used during her time as Monitoring Officer. In relation to a

complaint made against the Appellant in 2019, training had been offered to the Appellant as recommended in the PSOW's letter at that time, however this was not taken up by the Appellant.

7.2 The Monitoring Officer confirmed that she had met with the Appellant following the Standards Committee hearing and his Facebook post. Following that meeting, the Monitoring Officer had understood that the Appellant would issue a further Facebook clarification, however he did not proceed with this. She confirmed that complaints had been received from members of the public that the Facebook post had brought the Council into disrepute. The issue about which the Appellant said he had been uncomfortable with her input occurred in 2023, and not 2022 when the relevant events took place. The Appellant apologised to the Monitoring Officer and said that he had not realised the sequence of events and he had not sought to mislead the Appeal Tribunal. The Monitoring Officer said that, in any event, the Appellant had readily approached her regarding other issues. In addition, he would have been able to approach the Deputy Monitoring Officer.

7.3 Finally, the Monitoring Officer confirmed that she had no recollection of having advised the Appellant that his wife could have attended and participated in the relevant item at the Regeneration meeting of 24th October 2022, and neither the Appellant nor his wife had requested Monitoring Officer advice prior to the meeting.

8. APPEAL TRIBUNAL'S DECISION ON THE ACTION TO BE TAKEN

8.1 The Appeal Tribunal had regard to the parties' submissions, to the APW Sanctions Guidance, and to the PSOW Guidance. It also had regard to the purpose of sanctions which was to provide a disciplinary response to breaches of the Code, and to place the sanction on public record, deter future misconduct, promote a culture of compliance and to foster public confidence in local democracy. It then followed the five-stage process set out in the Guidance, being to assess the seriousness and consequences of the breach, identify the broad type of sanction, consider mitigating or aggravating circumstances, consider further adjustment to ensure the sanction achieved an appropriate effect regarding the sanction purposes and to then confirm the decision.

8.2 Firstly, the Appeal Tribunal assessed the seriousness of the Appellant's breaches of the Code with particular regard to the nature, extent, and number of breaches. It did not consider that the breaches comprised of the most serious type of breach typically referred to Standards Committees in Wales. It reached this view for the following reasons.

8.3 The Appeal Tribunal noted that the examples of failure to declare personal and prejudicial interests provided in the PSOW Guidance were clear-cut, relating to matters

such as deliberate deception for personal gain, systematic bullying, or a breach of confidentiality regarding sensitive information. The substantive issue in this case, which was being discussed in a Regeneration meeting on 14th June 2022 was to do with the unveiling of blue plaques and was not to do with a matter which personally affected the Appellant's wife. The failure to declare a personal and prejudicial interest arose in relation to the subsequent minutes and arose because of the recording of certain details of a dispute that occurred at the meeting and involving the Appellant's wife and the Clerk which then led to a complaint to the PSOW about the wife's behaviour at that meeting. Significantly, however, the Appellant's wife declared a personal and prejudicial interest and the Appeal Tribunal considered that this should have alerted the Appellant to the need to consider his own position with regard to the relevant item.

8.4 Involvement in business relating to a close personal associate would usually constitute a serious breach of the Code of Conduct, including using a casting vote to pass a relative's planning application. The Appeal Tribunal did not, however, consider that the breach in this case had been as clear-cut. In this case, the nature of input was to reduce the detail contained within the minutes and to record that there had been an apology by the Appellant's wife before leaving. It was not to erase from the record the fact that there had been a dispute. A complaint had already been submitted to the PSOW by the complainant to outline her concerns, and a copy of the draft minutes had presumably already been submitted in relation to the complaint. In the circumstances, the Appeal Tribunal considered that it was unlikely that the Appellant's input could have made any difference to PSOW's decision to investigate or pursue the Clerk's complaint.

8.5 The Appeal Panel considered the most concerning aspect in relation to the Appellant's behaviour to have been the Appellant's comment at the meeting of 24th October 2022 that his wife had said "*I'm sorry, I can't take this*" at the June meeting in response to the draft minutes which recorded that the Appellant's wife had left abruptly without apology. It noted the further input at the Council meeting of 12th December 2022, to record that he had in fact stated, "*I can't do this, I'm leaving*". In evidence, the Appellant demonstrated some confusion about the order of events in this respect. The Appeal Tribunal concluded that on the balance of probabilities, the Appellant's input at the October meeting sought to minimize the absence of an apology by his wife before leaving the meeting. This was despite the fact that any failure to apologise before leaving a meeting was unlikely to have made any real difference to the investigation.

8.6 As to the number of Code breaches, the Appeal Tribunal noted that the Standards Committee found the Appellant to have been in breach of six paragraphs of the Code. However, these were all in relation to the same events concerning the minutes of the Regeneration Committee dated 12th June 2022. The Appeal Tribunal did however consider that there had been a pattern of behaviour in terms of there being a repeated failure to declare personal and prejudicial interests, particularly in relation to the

Regeneration Committee meeting of 24th October 2022 and the full Council meeting of 12th December 2022. As regards the Council meeting of 26th September 2022, the Appeal Tribunal recognised that, as Chairman of the Regeneration Committee meeting, the Appellant was in an invidious position in his chairman's role of presenting and signing minutes which he did not feel able to support.

8.7 Paragraph 35 of the Sanctions Guidance also makes it clear that the level of culpability, intention of the member, and previous breaches of the Code are all relevant to the question of seriousness. The Appeal Tribunal found the Appellant's evidence and that of Councillor Martin Williams to be credible and persuasive in terms of the Appellant's general intentions. He had been described by an official as being a good Councillor. The Tribunal considered that the breaches had been unintentional and had been due to a misguided view of the Code rather than a deliberate breach. It was satisfied that the Appellant's primary motivation had been to ensure that minutes of the Regeneration Committee meeting had been fair and balanced. The Appeal Tribunal was clear however that this could not be divorced from the fact that the draft minutes focused on the behaviour of the Appellant's wife.

8.8 The Appeal Tribunal then considered the consequences of the breaches for individuals, the wider public and the council as a whole. Whilst it considered that the impact of the breach upon the complaint to the PSOW against the Appellant's wife was likely to have been minimal, the alteration of the narrative in the public record would have caused upset to officers and would have been a matter of concern for the general public. As for the Council, the obvious underlying relationship issue within the Council provided the background to this breach and would, in itself, have brought the Council into disrepute. The breach would however have caused a further layer of difficulty and media interest for the Council, unfortunately for the wrong reasons.

8.9 Finally, the Appeal Panel considered the evidence of previous cases supplied by the Appellant, both in the wider political context in Wales and in relation to recent cases which had been before the Standards Committee and where breaches had been more serious, and yet the sanction imposed had been less harsh than that imposed in this case. It also had regard to the fact that there had been previous complaints made against the Appellant which had resulted in no action. In a recent investigation, it appeared that the PSOW had decided that no prejudicial interest arose where the Appellant had participated in a vote to enable his wife to take up a remunerated chair position. On the face of it, voting in such a case might appear to be more serious than speaking in relation to the current issue. The PSOW may however have taken a pragmatic view in the recent case, that where a husband and wife were members of the same Council and the business related to routine, administrative arrangements, then no prejudicial interest would arise. The question of where the line is drawn in relation to

prejudicial interests is therefore not always clear cut, and the Appeal Tribunal noted that this may have caused understandable confusion for the Appellant.

8.10 In summary, and on the facts of this particular case, the Appeal Tribunal did not consider that the Code breaches by the Appellant in this case could be regarded as being amongst the most serious examples of breaches noted in Paragraphs 36 and 37 of the Sanctions Guidance.

8.11 Having assessed the relative seriousness of the member's breach of the Code, the Appeal Tribunal then considered which course of action would be the most appropriate and noted from the Sanctions Guidance that, *'in line with the principles of fairness and proportionality, the tribunal should start its considerations of possible sanctions with that of least impact.'* The Appeal Tribunal first considered the option of 'No action' or 'censure' as it had accepted that the breaches of the Code in this case had not been deliberate. As the course of action had however continued in more than one meeting, it was not simply one isolated incident, and it did have potential consequences in relation to alteration of an official record. It therefore considered that a short period of suspension was necessary.

8.12 The Appeal Tribunal therefore determined that a time-limited form of disciplinary response was appropriate to deter such future action, and to temporarily remove the Appellant from the Relevant Authority to safeguard the standards set by the Code and to reassure the public that standards were being upheld. It noted from Paragraph 39.5 of the Standards Guidance that a suspension of less than a month was unlikely to meet the objectives of the sanctions' regime.

8.13 The Appeal Tribunal then went on to consider any mitigating and aggravating circumstances in this case. It had regard to Paragraph 42 of the Sanctions Guidance in taking care to respect the Appellant's legitimate right to appeal, and to *'distinguish protestations or assertions made in the course of exercising that right from those actions that might be regarded as aggravating factors designed to obstruct the processes of the Ombudsman or Adjudication Panel.'*

8.14 In relation to mitigation, the Appeal Tribunal had regard to the large number of extremely positive character references supplied on behalf of the Appellant, which referred to his dedication to the role of Member and to his integrity and honesty. It was also satisfied that the following mitigating circumstances applied; -

8.14.1 It was satisfied from the evidence it had seen that the Appellant had a previous record of good service over a long period of time. The Appellant had been a Member for a period of six years. The Appeal Tribunal also noted that there were no previous relevant breaches which the PSOW and Monitoring Officer thought it should consider.

8.14.2 The misconduct related to one set of minutes, albeit that the failure to declare a personal and prejudicial interest, and participation in relation to the relevant item, took place over more than one meeting.

8.14.3 The Appellant was acting in good faith and due to an honestly held, albeit mistaken view that the conduct did not involve a breach of the Code of Conduct.

8.14.4 The misconduct arose from the unusual way in which the minutes had been drafted. The Appeal Tribunal considered that if the minutes had been drafted in a neutral manner, to simply record that a dispute had occurred, then it was unlikely that the minutes would have been controversial or that a Code breach would have been established.

8.14.5 The Appeal Tribunal accepted that a further failure to comply with the Code on the part of the Appellant in similar circumstances was unlikely, and it trusted that the Appellant would be prepared to attend all available training and accept appropriate advice in relation to the Code of Conduct and, in particular, in relation to personal and prejudicial interests in future.

8.14.6 The Appeal Tribunal had seen nothing to suggest that the Appellant had not complied with the Code since the events giving rise to the adjudication. It considered that the evidence showed the Appellant to be a dedicated and hard-working Member with the interests of his community at heart.

8.14.7 Whilst it would have been technically possible for the Appellant to have applied to the Standards Committee for dispensation, in reality, it was not a facility that had been used in Bridgend. The Appeal Tribunal also noted that the Standards Committee made certain recommendations on 9th May 2024 which clearly indicated that awareness-raising was required in relation to dispensation applications. Likewise, any facility for Members to be able to speak from the public gallery, in a similar manner to members of the public, did not appear to be used at the Town Council. The Appellant rightly made it clear that it would not be appropriate to influence any other member 'behind the scenes' to put forward views on his behalf. As such, the Appeal Tribunal understood why the Appellant had found himself in a difficult position as chairman, however if he could not have availed himself of the above mechanisms, he should have left the debate for other Members to resolve.

8.14.8 The Appeal Tribunal noted that none of the Town Council officials appeared to have provided any advice or warning to the Appellant about his interventions at any of the relevant meetings.

8.15 The Appeal Tribunal then went on to consider aggravating factors, and it considered that the following aggravating circumstances applied; -

8.15.1 In view of the Appellant's fairly long experience as a Member on both BCBC and the Town Council, as well positions of responsibility held on the Town Council, the Appeal Tribunal considered that the Appellant should have had greater awareness of the requirements of the Code of Conduct with regard to personal and prejudicial interests. Indeed, due to atmosphere of hostility in which he was working, particularly around the time of the local government elections in 2022, the Appeal Tribunal considered that the Appellant should have been alert to the need to take care in declaring personal and prejudicial interests where appropriate.

8.15.2 The Appeal Tribunal did consider that, at times, the Appellant sought to deflect blame against both Town and County Council officials, as well as political opponents. It also recognised that this was against a background of considerable hostility and abuse on social media. Nevertheless, it was most unfortunate that the Appellant had posted a Facebook message criticising the standards process, particularly as the appeal process was readily available for the Appellant to enable challenge of the decision of the Standards Committee.

8.15.3 The finding of the Standards Committee that the Appellant had breached Paragraph 7(a) of the Code of Conduct was upheld by the President of the APW. The finding was therefore that the Appellant had used/attempted to use his position improperly to confer/secure an advantage, or to create/avoid a disadvantage. In the circumstances, the Appeal Tribunal considered that there had been a degree of conscious, or at least, subconscious, attempts by the Appellant to influence the treatment of the minutes for these purposes.

8.15.4 Whilst the Appeal Tribunal noted that there were breaches of six separate Paragraphs of the Code, it was satisfied that these could not be fairly classified as a '*pattern of behaviour*' or a case of repeatedly failing to abide by the Code. The Appellant's interventions all related to the minutes of the meeting of 14th June 2022 and formed a pattern of behaviour only to the extent that the Appellant's input regarding the minutes continued over certain meetings between September and December 2022.

8.15.5 Whilst the Appeal Tribunal recognised the Appellant's legitimate right of appeal, it did consider that there had been an on-going lack of understanding or acceptance by the Appellant of the breaches and any consequences. Whilst the Appeal Tribunal had already given credit for the fact that the question of prejudicial interest is not always clear-cut, the current circumstances did not relate to routine, administrative business, it related to a heated discussion and controversy which directly involved the Appellant's wife which had already led to a complaint to the PSOW. This should have alerted the Appellant to the fact that he should not have participated in the business.

8.15.6 Whilst it was noted that the Appellant had attended Code of Conduct training, the Appeal Tribunal was concerned to note that the Monitoring Officer had reached out to

the Appellant to provide training in relation to personal and prejudicial interests following a complaint in 2019. It appeared that the Appellant had not taken up the offer and so, on the balance of probabilities, the Appeal Tribunal felt that Appellant had deliberately ignored the offer.

8.15.7 The Appeal Tribunal considered that the Appellant's Facebook post and input to the on-line press article, notwithstanding any provocation, amounted to a failure to co-operate with, and lack of respect for, the relevant standards regime and procedure. It noted that the article stated that the Appellant stood by his comment that, if the rules meant that he could not be truthful, then the rules were wrong. During the Appeal hearing, however, the Appellant made it clear that he would not do the same again in these circumstances.

8.15.8 The Appeal Tribunal noted that the Appellant had accepted the fact that he had breached the Code, albeit that the PSOW argued that this was done through '*gritted teeth*' and that he had not shown remorse for his actions. The Appeal Tribunal noted that the Appellant was reluctant to acknowledge that he had breached the Code as he considered that the treatment of prejudicial interests was not clear-cut. His portrayal of the situation as being a binary '*The Truth*' versus '*The Rules*' was however unhelpful, and it considered this to be an aggravating factor in this case. The Appeal Tribunal considered that a more accurate portrayal of the issue would have been to compare the wish to continue to chair and/or speak about what the Appellant considered to be unfair or one-sided minutes, versus the requirement to declare interests and leave the meeting where a personal and prejudicial interest applied.

8.15.9 Finally, the Appeal Tribunal noted that, despite the fact that the Appellant had been in touch with the Monitoring Officer over several issues, he had failed to ask her for advice regarding the specific situation. It considered that he had ample time to consider his position between the Council meeting in September 2022 and the Regeneration meeting in October 2022 and then again, prior to the Council meeting in December 2022. The Appeal Tribunal was concerned that the Appellant had sought to excuse this lack of contact by referring to events which post-dated the current issue, albeit he apologised to the Monitoring Officer at the Appeal hearing for this error. The Appeal Tribunal was however mindful that the events in question took place in 2022, and it was most unfortunate that the proceedings were still in train in late 2024, so that memories will no doubt have faded.

8.16 The Appeal Tribunal then considered whether any further adjustment was required to the sanction in order to achieve an appropriate deterrent effect and to maintain public confidence. It also considered the overriding purpose of the sanctions regime to uphold standards of conduct in public life and to maintain confidence in local democracy. It therefore considered relevant previous decisions of the APW as follows: -

8.16.1 With regard to APW/001/2015-016/CT, the Appeal Tribunal considered that the personal and prejudicial interest in that case in terms of a partner's pay increase as clerk was clear and obvious. Nevertheless, the Member remained in the meeting but appeared not to have participated in the debate. In that case, a three-month suspension was imposed.

8.16.2 With regard to APW/011/2021-022/CT, the Appeal Tribunal noted that in that case, the sanction of suspension was not available as it involved a former member. It noted that it had been a finely balanced decision as to whether or not to impose any sanction and that the Guidance stated that a disqualification of less than 12 months was regarded as being unlikely to be meaningful. The behaviour in that case was seen to involve voting by the member in relation to a substantive decision as to whether to report her member husband to the PSOW, in full knowledge of the Code requirements and with a clear statement that she would do the same again.

8.17 Finally, the Appeal Tribunal had regard to Article 10 of the European Convention on Human Rights ('ECHR') as follows: -

8.17.1 *'Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.... The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of...public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others...'*

8.17.2 The Appeal Tribunal also had regard to the case of *Heesom v Public Services Ombudsman for Wales [2014] EWHC 1504*, which provided a reminder of the principle that to deprive constituents of the elected member of their choice required particular justification, and that consideration must be given to imposing the minimum sanction consistent with the aims of maintaining standards in public life.

8.17.3 In conclusion, with regard to Article 10 ECHR, in the light of other cases to which the parties had referred, and in the interests of proportionality, the Appeal Tribunal concluded that a period of suspension of six months was excessive, as this was the maximum sanction which could be imposed by the Standards Committee and it considered that the breaches in this case were not of the most egregious nature. As referenced in the Heesom case, the sanction of six months' suspension would not give *'adequate head room for the much graver breaches of the Code which could be envisaged'*.

DETERMINATION

8.18 The Appeal Tribunal, by unanimous decision, decided to refer the matter back to the BCBC Standards Committee with a recommendation that the Appellant should be suspended for **10 weeks** pursuant to the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.

8.19 The Authority and its Standards Committee are notified accordingly.

8.20 The Appeal Tribunal noted that the Standards Committee also made certain recommendations regarding advice and training upon elements of the Code. The Appeal Tribunal was mindful that such recommendations were outside its powers under the 2001 Regulations. Nevertheless, given the evidence received during the course of the Appeal hearing, it considered that it would be beneficial for the Standards Committee to pursue such recommendations.

Signed..........

Date: 03rd January 2025

Chair of the Appeal Tribunal: Ms C Jones

Case Tribunal Member: Dr G Jones

Case Tribunal Member: Mr D Morris

NOTICE OF DECISION

TRIBUNAL REFERENCE NUMBER: APW/003/2024-025/AT

APPELLANT: Councillor Gareth Baines

RELEVANT AUTHORITY(IES): Wrexham County Borough Council
Chirk Town 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 Chirk Town Council on 13 November 2024, and the Notice of Decision emailed and posted to the Appellant on 18 November 2024, the Appellant has made an application for permission to appeal under Regulation 10 of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.
 2. Regulation 10(2) provides “The application for permission to appeal must be instigated by giving notice in writing within 21 days of receiving notification of the Standard Committee’s determination to the president of the Adjudication Panel for Wales.”
 3. On the 20 December 2024, the Appellant sent an email to the Tribunal stating that he wished to appeal the decision of the Standards Committee. The Appellant’s appeal was received by the Adjudication Panel for Wales (“APW”) on 20 December 2024, after the end of the 21 day period in which applications for permission to appeal must be received.
 4. The email submitted that the Appellant had not received the relevant information to allow him to appeal and confirmed that he had emailed the Monitoring Officer on the 4 December 2024 to indicate his intention to appeal the decision.
 5. The decision letter was sent to the Appellant by post and email on the 18 November 2024. The penultimate paragraph notified the Appellant that the right of appeal lay to the APW, specified the deadline of 21 days from the date of the letter for making the appeal and signposted the Appellant to the APW
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website for further information about appeals against standards committee decisions.

6. I am satisfied that the Appellant was provided with the relevant information to enable him to make a timely appeal but he failed to do so. The fact that he wrote to the Monitoring Officer to inform her of his intention to appeal on the 4 December 2024 reflects the information provided in the final paragraph of the decision letter.
7. The Appellant sent further information to the APW on the 23 December 2024 stating that he had received no notification of his appeal rights “..other than a decision letter from the Deputy Monitoring Officer..” a copy of which was attached to his email. The decision letter attached to the email was the letter dated 18 November 2024.
8. The requirement of Regulation 10(2) is that the notice of appeal must be given in writing to the APW within the 21 day period. There is no provision within the legislation to grant an extension to the 21-day period. Even if there was an obligation on the APW to take into consideration that submission of an application for permission to appeal had been delayed due to exceptional circumstances, no such exceptional circumstances have been identified in the application. I conclude that there are no grounds upon which exceptional circumstances could be identified as the cause of the delay in making the application for permission to appeal.
9. The decision notice was dated 18 November 2024 and marked as sent by email and post. A copy of the decision letter so dated has been provided by the Appellant and he does not deny receiving the decision letter on that date. Emails are regarded as received on the date that they are sent; the time to appeal therefore ran from 18 November 2024. The calculation of 21 clear days from the date of issue runs to the 10 December 2024 and the application is out of time.
10. An Appeal Tribunal will **not** be convened by the President of the Adjudication Panel for Wales to consider the Appellant’s appeal.

Signed: Judge Meleri Tudur

Date: 03 January 2025

Judge Meleri Tudur

President of the Adjudication Panel for Wales



NOTICE OF DECISION

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

APPELLANT: Councillor Ian Perry

RELEVANT AUTHORITY: St Nicholas with Bonvilston Community Council

1. An Appeal Tribunal convened by the President of the Adjudication Panel for Wales ('APW') has considered an appeal by the Appellant against the decision of The Vale of Glamorgan's Standards Committee ('the Standards Committee') of 22 November 2022 that he had breached paragraphs 4(c), 4(b) and 6(1)(a) of the Code of Conduct for Members ('the Code'), and that the Appellant 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. The Standards Committee's decision arose from allegations contained in a report of the Public Services Ombudsman for Wales ('PSOW').

2. The findings of the Standards Committee as to breach of the Code were that the Appellant had; -

2.1 failed to comply with paragraph 4(c) of the Code; '*you must not use bullying behaviour or harass any person*', in relation to the sending of an email of the 5 July 2021 to the Locum Clerk

2.2 failed to comply with paragraph 4(b) of the Code of Conduct; '*you must show respect and consideration for others*', in email correspondence with a former Councillor.

2.3 failed to comply with paragraph 6(1)(a) of the Code of Conduct; *'you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'* in respect of actions in relation to requests for information from Council Members which, in the Standard Committee's view, demonstrated a lack of respect and transparency.

3. By decision of the President of the APW dated 6 January 2025, the appeal had been allowed to proceed on certain grounds in relation to the Standards Committee's decision, both in relation to its findings of breach of the Code and the Sanction imposed by the Standards Committee.

4. At a hearing conducted on 6 June 2025, by means of remote attendance technology, and based on the available evidence, the Appeal Tribunal found by unanimous decision, that the Appellant had not failed to comply with paragraphs 4(c), 4(b) or 6(1)(a) of the Relevant Authority's Code as set out in the Standards Committee's findings.

5. In accordance with Regulation 12(1)(b) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001, the Appeal Tribunal accordingly decided by unanimous decision to overturn the determination of the Standards Committee that the Appellant had breached paragraphs 4(c), 4(b) and 6(1)(a) of the Code.

7. The Relevant Authority, being St Nicholas with Bonvilston Community Council, and the Standards Committee of the Vale of Glamorgan Council are notified accordingly.

5. The Reasoned Decision Report will be sent to the parties and published on the APW website in due course.

Signed.....  Date 6 June 2025

Chairperson of the Appeal Tribunal: Ms C Jones

Appeal Tribunal Member: Mr H E Jones

Appeal Tribunal Member: Ms S Hurds

Summary of Appeal Tribunal Decision – Code of Conduct Allegations – Cllr Ian Perry St Nicholas and Bonvilston Community Council

Alleged Breach in Relation to the Former Locum Clerk

Key Findings:

- The Appeal Tribunal concluded that the email sent on 5 July 2021 did *not* amount to bullying or harassment under Paragraph 4(c) of the Code of Conduct. It was considered part of an ongoing conversation and consistent with the Appellant's open leadership style.
- The former Clerk described a friendly and helpful relationship with the Appellant. Her departure had been planned and not triggered by the email or any inappropriate conduct. She did not originally raise concerns about the email in her initial complaint.
- The Tribunal did not find that evening calls or any restriction on the Clerk's role constituted bullying or harassment. The Clerk had options to set boundaries, and the limited scope of her role was clear.
- Though deemed inappropriate and stemming from frustration, the Appellant's benchmarking comments during the investigation did not rise to the level of bullying.

Conclusion (Section 6):

No evidence of bullying or harassment toward the former Locum Clerk; the 5 July 2021 email and related conduct did not breach the Code of Conduct.

Alleged Breach in Relation to the Former Councillor and Financial Information

Key Findings:

- Disputes over council finances escalated into a heated email exchange. The Tribunal found that while the former Councillor's concerns were often legitimate, the Appellant (as Chairman) failed to de-escalate and instead inflamed tensions. However, this *did not* breach Paragraph 4(b).
- While the Appellant could have acted more transparently regarding bank statements, his conduct was not unreasonable. Most concerns stemmed from poor communication rather than deliberate obstruction.
- The Tribunal did not consider the Appellant's tone or behaviour to have brought his office into disrepute. The exchanges remained internal and were not publicly damaging. The Tribunal acknowledged Covid-related communication challenges and the burden the Appellant had taken on.

Conclusion (Section 7):

No breach of Paragraphs 4(b) or 6(1)(a) of the Code. The Tribunal recognised the Appellant's efforts to address financial issues and attributed the situation to overextension rather than misconduct.

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