

Extract from 'Decisions'

Relevant body: Flintshire County Council & Connah's Quay Town Council

Tribunal date: 26th April 2024

Nature of Allegation: Breach of paragraphs 4(b), 4(c), 4(d), 5(a), 6(1)(a), 7(a), 11(2)(a) & 14(1)(d)

Tribunal Decision: Breach of paragraphs 4(b), 4(c), 5(a), 6(1)(a) and 7(a). No breach of paragraphs 4(d), 11(2)(a) and 14(1)(d)

Tribunal reference number: APW/0004/2023-024/CT

In a letter dated 11 December 2023, the Adjudication Panel for Wales received a referral from the Public Service Ombudsman for Wales ('the Ombudsman') in relation to allegations made against the Respondent. The allegations were that he had breached the Authorities' Code of Conduct by attempting to develop a relationship with someone who, whilst not in his ward, had wanted help with a family member's housing problem. Once he had indicated that he was attempting to help, his messages to the individual became sexually explicit as he hoped for reciprocation. When he did not get the help and cooperation that he had hoped for from Housing Officers, he became rude and threatening and subsequently adopted a similar approach to the Monitoring Officer when the issues came to light.

The Respondent had known a local resident, Ms M for many years. She did not, however, regard him as a 'friend' and did not recall ever having met him in person. Mr B, another local resident, was a mutual friend of them both. By 2021, Ms M had moved out of the Respondent's ward and he was not then her local councillor.

Between 14 July 2021 and 9 May 2022, Ms M and the Respondent exchanged a number of messages on Facebook Messenger. During some of the initial exchanges, he made a number of sexualised comments to her, whilst discussing her relationship with Mr B.

Meanwhile and following on from a further exchange with Ms M in April, the Respondent raised a question about another family's housing situation with two Housing Officers on 26 April. He asked for information about Family X, a family whose circumstances had previously been covered in unfavourable press reports. The Respondent then messaged Ms M later that day and told her that Family X owed the Council a "30k recharge" in respect of their previous Council property at Bryn Road. As far as the Tribunal could discern, that information was not publicly available.

On 27 April, the Service Manager explained to the Respondent that she could not share details about Family X with him unless he was enquiring on their behalf. He then asserted that he had been treated like "a naughty school boy getting shouted at for asking a difficult question" and that the answer might have been different if it had been given after 6 May (the date of the local government elections).

It was asserted that the information which the Respondent shared with Ms M about Family X's housing situation (that they owed a "30k re charge") was confidential. There was no indication that such information was in the public domain and/or that Ms M was in any way entitled to it. It was financial information related to someone else's tenancy and ought to have been regarded as confidential.

This allegation concerned the information which was shared with Ms M about Family X's housing situation. The Tribunal could see nothing within the information produced by the Respondent and/or elsewhere in the Hearing Bundle which descended to the detail given to Ms M by him. It was reasonable, therefore, to conclude that the Respondent had come by that information in his role as a councillor and there was no suggestion that he had the relevant housing department's authority to release it and/or that he was required by law to do so. Accordingly, he was in **breach of paragraph 5 (a)** of the Code of Conduct.

During a further Facebook Messenger exchange in early May, the Respondent sent a series of sexualised messages to Ms M. Ms M disclosed the Respondent's exchanges to Council officers and confirmed that she wished to pursue a complaint. According to the Monitoring Officer, Mr Owens, the complaint surfaced through Ms M's Social Worker. She was in receipt of support from social services since she had been identified as a vulnerable adult.

It was alleged that the over sexualised exchanges with Ms M after she had requested help with her granddaughter's housing situation appeared to have been an attempt by the Respondent to have obtained an advantage by way of a potential sexual relationship with Ms M in return.

The Tribunal was satisfied that the Respondent's interactions with Ms M could have brought his office or the authorities into disrepute. The level of disgust and revulsion shown by the Respondent himself in interview and elsewhere was, perhaps, sufficient to suggest how a member of the public might receive his conduct. It constituted a **breach of paragraph 6 (1)(a)** of the Code of Conduct.

Once the Respondent had offered to assist Ms M with her granddaughter's housing issue, the nature of his messaging became more sexualised and the messages strongly indicated that he was courting some sort of sexual relationship or favour in return. In interview, he accepted that he had 'wanted a woman' and the power imbalance demonstrated that he had therefore attempted to use his position as a councillor improperly in order to obtain an improper personal advantage. He therefore acted in **breach of paragraph 7(a)** of the Code of Conduct.

The Tribunal unanimously concluded that the appropriate sanction in all of the circumstances was for the Respondent to be suspended for a period of 4 months from acting as a member of the relevant authorities or, if shorter, the remainder of his term of office.

Relevant body: New Quay Town Council

Tribunal date: 3rd July 2024

Nature of allegation: Breach of paragraph 6(1)(a)

Tribunal Decision: Breach of paragraph 6(1)(a)

Tribunal reference number: APW/007/2023-24/CT

By letter dated 27 March 2024 the APW received a referral from the Public Services Ombudsman for Wales ('the PSOW') regarding a complaint made against the Respondent.

The allegation was that the Respondent had breached the Code of Conduct of the Relevant Authority by failing to comply with Paragraph 6(1)(a) of the Code of Conduct which states; *'you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.'*

In summary, the details of the allegation were that the Respondent had sent messages of a sexually explicit nature to an individual which amounted to the offence of harassment, culminating in what could be perceived to be an attempt to blackmail the recipient, and which resulted in a conditional caution being issued by the Police. It was alleged that this conduct could reasonably be regarded as bringing the Respondent's office as Member or the Relevant Authority into disrepute and was therefore suggestive of a breach of Paragraph 6(1)(a) of the Code of Conduct for Members.

The relevant offence was that between 19 August and 21 September 2022, the Respondent had pursued a course of conduct which amounted to harassment which he knew, or ought to have known, amounted to harassment in that he sent numerous unwanted text messages to the victim of a sexual nature and threatened to publicly reveal a falsehood about the victim's brother. The conditions were that he would send a letter of apology to the victim, and that he was not to approach four named individuals including the recipient of the messages and his brother, a mutual friend and a work associate of the recipient. The Report concluded that the Respondent's misconduct, and the criminal caution he received, were serious matters and fell below the standards expected of a Member.

The PSOW considered that although the conduct occurred in the Respondent's private life, the nature and seriousness of the offence which resulted in a criminal caution could reasonably be regarded as having brought his office as Member into disrepute. Additionally, although the matter was not reported in the press, the PSOW considered that it was likely that, in a small community, people in the locality and the New Quay Town Council would have become aware of it, and that the victim had been required to continue to address rumours in the community arising from this incident.

On the balance of probabilities, the Case Tribunal was persuaded that the conduct as outlined above was so serious, threatening and disturbing that, despite the fact that it

occurred entirely within a private capacity, it was very likely to reach the public domain and such conduct was by an individual who held an important leadership role in the community as a Town Councillor. The Case Tribunal was satisfied that even though the Respondent had not been convicted of an offence, due to the nature and seriousness of the offence, it was extremely likely that the matter would be reported to the Police with serious consequences. This would inevitably be viewed by the public in the light of the Respondent's important status as a Member.

The Case Tribunal considered a period of disqualification to be necessary and proportionate to allow the Respondent a further period of reflection in the light of his continuing failure to recognise the severe impact which his behaviour had on the recipient of his messages, and the wider impact this would have upon his role and Council which could reasonably have been foreseen.