

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD IN REMOTELY - VIA MICROSOFT TEAMS ON THURSDAY, 25 FEBRUARY 2021 AT 10:00

Present

Councillor Mr C Jones OBE – Chairperson

G Thomas
Mr J Baker

MC Clarke
P Davies

Mr P Clarke

Mrs J Kiely

Officers:

82. DECLARATIONS OF INTEREST

There were no Declarations of Interest

83. URGENT ITEMS

There were no Urgent Items

84. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business, as the report contains exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the provisions of the Act referred to above, to consider the under-mentioned item in private with the public being excluded from the meeting, as it would involve the disclosure to them of exempt information as stated above.

85. OMBUDSMAN INVESTIGATION UNDER S69 OF THE LOCAL GOVERNMENT ACT 2000

The Committee considered a report by the Public Services Ombudsman for Wales regarding alleged breaches of the Code of Conduct for Members by former Councillor Ian Griffiths, which was referred to the Standards Committee by the Ombudsman under Section 69 of the Local Government Act 2000 for determination.

The Monitoring Officer presented the report and it was noted that former Councillor Griffiths had been given an opportunity to attend the meeting but had not responded to three letters that had been sent to him. Councillor Griffiths had also been emailed the link to join the remote meeting. The Committee were also advised that no written submission had been received from former Councillor Griffiths.

The Committee determined it appropriate to consider the issue in the absence of Councillor Griffiths and deal with matters on the basis of written submissions from the Public Services Ombudsman for Wales.

The Monitoring Officer outlined that the Ombudsman had commenced an investigation following a complaint that former Councillor Griffiths, whilst Chair of Laleston Council, had failed to observe the Code of Conduct for Members of that Council.

The Committee were advised that the Ombudsman's report set out that former Councillor Griffiths had given an undertaking that, in performing his functions, he would observe the Code of Conduct. This undertaking was given on 18th May 2017.

The Monitoring Officer further outlined that it was alleged that former Councillor Griffiths had misused Council funds via unauthorised cashpoint withdrawals and debit card transactions between 1st November 2018 and 18th January 2019.

The Monitoring Officer explained that the report outlined allegations that former Councillor Griffiths had control of the Council's debit card and changed the PIN number. The card was subsequently used to withdraw cash and make debit card payments at retailers. No supporting invoices were produced to demonstrate that this expenditure was on behalf of the Council.

The Committee were asked to note that in his referral the Ombudsman highlighted that during a police interview in November 2019 former Councillor Griffiths had admitted that what he had done was wrong and had accepted a Simple Caution for an offence of fraud by false representation. It was also evidenced that former Councillor Griffiths had agreed to repay £1849 to Laleston Community Council.

The Monitoring Officer advised the Committee that the Ombudsman had concluded that the actions of Cllr Griffiths may have been a breach of the model code and had referred the matter to her as Monitoring Officer for consideration by the Standards Committee.

The Members of the Standard Committee discussed the report and all members noted that former Councillor Griffiths had accepted a simple caution from the Police in relation to his actions outlined by the Ombudsman thereby accepting that he had acted inappropriately.

The Standards Committee then considered the application of the Code of Conduct to the facts and determined that former Councillor Griffiths, as a member had failed to comply with the following provisions of the Code of Conduct:

- 6(1)(a) must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 7(a) must not in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage....
- 7(b) must not use, or authorise others to use, the resources of your authority –
 - (i) Imprudently
 - (ii) In breach of your authority's requirements
 - (iii) Unlawfully

- (iv) Other than in a manner which is calculated to facilitate, or to be conducive to the discharge of the functions of the authority or of the office to which you have been elected or appointed
- vi) Improperly for private purposes

Having concluded that the facts constituted a breach of the Code of Conduct the Standards Committee considered the appropriateness of sanction in the present circumstances.

The Standards Committee acknowledged that in line with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 the maximum sanction they can impose is a six month suspension.

The Standards Committee noted that although former Cllr Griffiths had been given the opportunity he had not put forward any representations that they could consider as mitigation.

The Standards Committee concluded that a public censure would not be appropriate as it was important to send a message to all Councillors that such behaviour is not appropriate for an elected official. The Standards Committee concluded that a suspension of some duration was the appropriate course of action.

The Standards Committee determined that the facts of this case amounted to a significant breach of the Code of Conduct. They determined that former Councillor Griffiths has acted dishonestly and had broken the public's trust in elected members

They noted that the actions had been subject to a criminal investigation which had resulted in former Councillor Griffiths accepting a caution. Therefore Pursuant to Regulation 9 of the 2001 Regulations, the Standards Committee made a determination that former Councillor Ian Griffiths should be suspended as a Councillor for a period of six (6) calendar months from the date that this notice takes effect. This decision is effective from the 2nd March 2021 and former Councillor Griffiths has 21 calendar days in which to make an appeal. In the event that no appeal is made, the suspension will take effect following the expiration of the 21 day period.

At this point in proceedings and following guidance given by the Council's Monitoring Officer, Members agreed for the meeting to go into open session in order to consider the decision immediately below.

Determination:-

That the Member be suspended for a period of six months.