

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO STANDARDS COMMITTEE

30 SEPTEMBER 2022

REPORT OF THE MONITORING OFFICER

ADJUDICATION PANEL FOR WALES – CODE OF CONDUCT DECISION

1. Purpose of report

- 1.1 To notify the Committee of a recent Case Tribunal decision of the Adjudication Panel for Wales (APW) in respect of former Member Gordon Lewis.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-

Smarter use of resources – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 The Council has a statutory duty to establish and maintain a Standards Committee as defined by legislation as set out in the Standards Committee Rules and Regulations 2001 and the Standards Committee (Wales) Amendment Regulations 2006.
- 3.2 The APW is an independent tribunal set up to determine alleged breaches of an Authority's Statutory Members' Code of Conduct by Elected and Co-opted Members of Welsh County, County Borough and Community Councils, Fire and National Park Authorities.
- 3.3 The APW has two statutory functions in relation to breaches of the Members' Code of Conduct:
- To form case or interim case tribunals to consider references from the Public Services Ombudsman for Wales ("the Ombudsman") following the investigation of allegations that a Member has failed to comply with their Authority's Members' Code of Conduct; and
 - To consider appeals from Members against the decisions of Local Authority Standards Committees that they may have breached the Members' Code of Conduct.

4. Current situation/proposal

- 4.1 By letter dated 17 March 2022, the Adjudication Panel for Wales received a referral from the Ombudsman in relation to allegations made against former Member Gordon Lewis. The Case Tribunal determined its adjudication on the basis of the papers only, at a meeting on 10 June 2022, conducted by means of remote attendance technology. The Case Tribunal found by unanimous decision that the Respondent was subject to the Code of Conduct (“the Code”) of Pencoed Town Council at the relevant time.
- 4.2 Paragraph 6(1)(a) of the Code states that a Member must not conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.
- 4.3 The Case Tribunal found that the Respondent had failed to comply with paragraph 6(1)(a) of the Code, having deliberately or recklessly completed election paperwork which falsely declared that he was eligible to stand for election in 2018, and having continued to act as Member despite being disqualified for being elected. The Case Tribunal concluded by unanimous decision that the Respondent be disqualified for a period of 24 months from being, or becoming, a member of Pencoed Town Council or of any other relevant authority within the meaning of the Local Government Act 2000, with effect from the date of the Notice.
- 4.4 A copy of the APW's Notice to the Council is attached at **Appendix 1** to this report.

5. Effect upon policy framework and procedure rules

- 5.1 None.

6. Equality Impact Assessment

- 6.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Wellbeing of Future Generations (Wales) Act 2015 implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.
- 7.2 Compliance with the Code of Conduct by members ensures the Council maintains a high standard of behaviour and conduct and thereby encouraging and promoting democracy throughout society thereby contributing to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A more equal Wales
 - A Wales of cohesive communities

- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

8. Financial implications

8.1 There are no financial implications.

9. Recommendation

9.1 It is recommended that Members note the report and decision of the APW.

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September 2022

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Background documents

None