

BRIDGEND COUNTY BOROUGH COUNCIL
NOTICE OF DETERMINATION OF THE STANDARDS COMMITTEE

Member	Cllr Brian Jones
Relevant Authority	Porthcawl Town Council
Date and Location of Hearing	21 June 2024
Complainants	Mr Scot Daly and Ms Kerry Grabham
Public Services Ombudsman Reference No:	202201353

Background

On 9 May 2024, the Council’s Standards Committee considered a report from the Public Services Ombudsman for Wales (“PSOW”) into two complaints that Cllr Brian Jones (“the Member”) had failed to observe the Porthcawl Town Council Code of Conduct for Members (“the Code”).

The First Complainant alleged that the Member had used racial slurs and disrespectful language towards other members of the Town Council on social media. It was alleged by the Second Complainant that the Member had used disrespectful language towards the Former Clerk in an exchange on social media and had refused to apologise at a Town Council meeting.

During the course of the investigation the PSOW also found that the Member had disclosed information about the investigation to a third party, and in doing so had failed to comply with the PSOW’s requests regarding the need for privacy and the requirement to maintain confidentiality, which may be suggestive of a breach of the Code of Conduct.

The Hearing

The Committee firstly considered whether they would hear the matter in public or in private. They considered submissions from PSOW officers and the Member. The Committee did not receive any objections to the matter being dealt with in public and thereby resolved to hear the matter in open session.

The Committee noted that the Member wished to call Ms Jeannie Monks, Mr Mike Clarke and Ms Angela Hopkin as witnesses. The Committee took representations from PSOW and the Member as it had not been explained which of the disputed facts their evidence was relevant to, or what they would provide evidence about. The Committee determined that the witnesses could not contribute to the following disputed facts and therefore they respectfully left the hearing:

- Was the Member’s post about “chimps” directed at Councillor Farr;
- Was the Member’s reference to “chimps” a texting error;

- Was the Member's post about the Town Council and the Former Clerk inappropriate and uncalled for.

The Committee determined that the witnesses could contribute to the disputed fact as to whether the Member failed to comply with the PSOW requests in connection with the investigations.

The Committee considered the PSOW's investigation report, written submissions and oral submissions, together with the written representations submitted by the Member in accordance with the Committee's pre-hearing procedure. In accordance with the adopted procedure they dealt with the case in three stages. Their decision in relation to each stage is detailed below.

Findings of Fact

The Committee firstly considered the disputed facts. They heard submissions from the PSOW and the Member. Ms Jeanie Monks was also called as witness for the Member regarding the disputed fact as to whether the Member failed to comply with the PSOW requests in connection with the investigation. The Committee unanimously found on the balance of probabilities that:

- The post about "chimps" was not directed at Councillor Farr as there were other Borough members who also sat on Porthcawl Town Council. When brought to his attention the Member had immediately messaged Cllr Farr to say the post was not about her. This fact was therefore not proven;
- The reference to "chimps" was not a texting error and was proven;
- The post about the Former Clerk was unacceptable and inappropriate and thereby the Committee determined this fact was proven;
- The Committee determined that on the witness evidence the fact was proven that Cllr Jones failed to comply with the PSOW's requests in connection with their investigations.

Breach of Code of Conduct

Following the findings of fact, the Committee proceeded to hear representations from the PSOW as to whether the facts amounted to a breach of the Code of Conduct. They also heard submissions from the Member.

The Committee were satisfied that the Code of Conduct applied at the time of the incident as the Member was engaged in political activity. After careful consideration of all the evidence presented, the Committee determined that the Member had failed to comply with the following paragraphs of the Council's Code of Conduct:

4(b) – show respect and consideration to others

4(c) – not use bullying behaviour or harass any person

6 (1)(a) – not conduct yourself in a matter which could reasonably be regarded as bringing your office into disrepute

6(2) – comply with any request of your authority’s Monitoring Officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

The Committee determined that the post was clearly directed at the Former Clerk who as an employee of the Council had no public method of redress. The comments were disrespectful and aimed at damaging the reputation of the Clerk. The failure to remove the post or apologise caused continuous upset to the Clerk which amounted to bullying. In both findings the Committee also concluded that the Council was brought into disrepute. The comments had the potential to undermine the public’s trust and confidence in the Council. In relation to paragraph 6(2) of the Code, the Committee determined there was a breach as Cllr Jones had disclosed information to his witness and the Committee did not accept they were acting in a formal capacity as his advisor. He had previously said that he hadn’t shared information but later changed his position during the course of the hearing.

Sanction

In considering what sanction was appropriate, the Committee listened to representations from the PSOW and had due regard to the Sanctions Guidance issued by the Adjudication Panel for Wales. They also considered the mitigating and aggravating factors and heard representations from the Member.

The Committee determined that a sanction was appropriate and having due regard to the aggravating and mitigating factors unanimously determined a two-month sanction. The Member, PSOW and the Monitoring Officer for Bridgend County Borough Council are notified of the Committee’s decision by this Notice of Determination.

The Committee will also be recommending to the full Standards Committee of Bridgend County Borough Council that they consider attending to observe meetings of Porthcawl Town Council.

Appeal

The former Member may seek permission to appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales by giving notice in writing within 21 days of receiving this notification of determination to the President of the Adjudication Panel for Wales. Further details can be found on the Adjudication Panel’s website: www.adjudicationpanel.gov.wales.

Bridgend County Borough Council Standards Committee

Dated: 26 June 2024