



STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, TREDOMEN ON MONDAY 19TH JULY 2006 AT 5.00 PM

PRESENT:

M.G. Warrender - Chairman

Councillors:

A.J. Pritchard and L.R. Rees

Community Councillor C. Roberts

Messrs. L.G. Davies, D.R.G. Parry and Mrs. E.J. Rowlands

Together with:

I.G. Medlicott (Monitoring Officer), J.A. Fairfax (Members Services Manager)

1. **ALLEGATION OF A BREACH OF THE CODE OF CONDUCT – COUNCILLOR R.T. DAVIES**

The meeting was convened following a decision taken at the meeting on 8th May 2006 in accordance with the agreed procedure for dealing with allegations of the breach of the Code of Conduct when it had been determined that:-

- (a) there was evidence of a breach of the Code;
- (b) Councillor R.T. Davies be given an opportunity to make representations.

The meeting was conducted in accordance with the agreed procedure and was held in public. The Monitoring Officer had previously sent to the Committee copies of the procedure, the Ombudsman's report, a submission from Councillor Davies and a number of letters sent either to the Chairman or the Monitoring Officer in support of Councillor Davies. The Chairman expressed his concern over the content of a press report that had appeared that day and particularly over the implied criticism of the Vice Chairman who had referred this matter to the Ombudsman and emphasised that it was the latter who had already determined that there had been a breach of the code of Conduct which had been admitted by Councillor Davies and that it had been the Ombudsman who had referred this case to the Committee to decide what, if any, action should be taken.

The meeting was conducted in three parts:-

- (a) to determine any findings of fact;

- (b) to determine whether there was any failure to comply with the Code of Conduct;
- (c) where a failure to comply was found, to determine what action, if any, should be taken.

The Committee received representations in person from Councillor Davies who also called Mrs. E. Lloyd-Daughton to give evidence on his behalf.

(a) **FINDINGS OF FACT**

The Committee noted that as stated above Councillor Davies did not dispute any facts in the Ombudsman's report although it noted the former's strong contention that his conduct did not bring the Council or office of Councillor into disrepute. It did not therefore need to make any findings under this part of the hearing.

(b) **TO DETERMINE IF THERE WAS ANY FAILURE TO COMPLY WITH THE CODE OF CONDUCT**

The Committee made the following findings:-

- (1) In relation to paragraph 6(1)(a) (that members must not in their official capacity or otherwise commit a criminal offence or cause one to be committed that Councillor Davies had breached the Code in that he had been convicted of two counts of criminal damage and one of breach of the peace.

The reasons for this decision were that:-

- (i) The Committee had seen certificates of conviction for these offences;
 - (ii) Councillor Davies had accepted that he has been convicted of those offences.
- (2) In relation to paragraph 6(1)(b) (that the office of member or the authority was brought into disrepute). Councillor Davies had not brought Caerphilly County Borough Council or the office of Councillor into disrepute.

The reasons for this decision were:-

No evidence had been presented to satisfy the Committee that the allegation was substantiated and there was no significant impact on the County Borough or its inhabitants.

(c) **WHERE THERE IS A FAILURE TO COMPLY WITH THE CODE OF CONDUCT DECISIONS AS TO WHAT ACTION (IF ANY) SHOULD BE TAKEN**

In relation to the finding that Councillor Davies failed to comply with the code of Conduct of Caerphilly County Borough Council, the decision of the Committee as to the action that should be taken was:-

To censure Councillor Davies.

In saying this the Committee wished to record its concern about the convictions that led to this hearing which were a clear breach of the code. The Committee expects that Councillors in the County Borough have it as their priority to adhere to the code of conduct and urged councillor Davies to have proper regard to this.

The reasons for this decision were:-

The Committee considered suspension from office, but felt in the light of the evidence before it that the public interest would not be served by suspension and that censure would be more appropriate. The Committee does not condone the commission of criminal offences.

It was noted that this decision would come into effect immediately i.e. 19th July 2006 but that Councillor Davies could appeal against the determination of the Standards Committee to an Appeal Tribunal of the Adjudication Panel for Wales by giving notice in writing within twenty-one days of receiving notice of this determination

The meeting closed at 7.30 pm

CHAIRMAN