



STANDARDS COMMITTEE – 28TH OCTOBER 2021

SUBJECT: REPORT OF THE ADJUDICATION PANEL FOR WALES

**REPORT BY: HEAD OF DEMOCRATIC SERVICES AND DEPUTY
MONITORING OFFICER**

--

1. PURPOSE OF REPORT

- 1.1 To advise the Standards Committee of the outcome of the investigation by the Adjudication Panel for Wales relating to Councillor David Poole.

2. SUMMARY

- 2.1 To advise the Standards Committee of the decision of the Adjudication Panel for Wales relating to Councillor David Poole.

3. RECOMMENDATIONS

- 3.1 Committee are asked to note the Decision of the Adjudication Panel for Wales set out at Appendix 1 to this report.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To comply with the decision of the Adjudication Panel for Wales to notify the Council's Standards Committee of its decision.

5. THE REPORT

- 5.1 The Committee were made aware at its meeting on 9th October 2019 that Cllr David Poole had made a self referral to the Public Services Ombudsman for Wales in relation to alleged breaches of the Code of Conduct and were advised that the Ombudsman had decided to investigate the referral. It was not appropriate to discuss the matter at that time as the matter could have been referred back to the Standards Committee for consideration.
- 5.2 Subsequently on 23rd February 2021, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales ("the Ombudsman") in

relation to allegations made against Councillor Poole, namely that the allegations were that Councillor Poole had breached Caerphilly County Borough Council's Code of Conduct in that he; (i) Used his position to secure an advantage by deciding to buy shares in a company, IQE plc, on the basis of confidential information that he had received through his position as a Councillor at a meeting on 8 October 2018 (alleged breach of paragraph 7 (a) of the Code) and thereby brought the Authority and his office as a member into disrepute (alleged breach of paragraph 6 (1)(a) of the Code); (ii) Failed to disclose a personal interest and/or withdraw from a meeting on 18 February 2019 when a matter in which he had a prejudicial interest was being discussed, namely financial dealings with that same company (alleged breaches of paragraphs 11 (1) and 14 (1) of the Code).

5.3 A Case Tribunal was established and determined its adjudication by way of written representations at a meeting on 28 June 2021 which was conducted by video.

5.4 The Case Tribunal unanimously concluded decision that Councillor Poole ought to have been suspended from acting as a member of the authority as follows;

In respect of his breaches of paragraphs 6 and 7 of the Code, a period of five months;

In respect of his breaches of paragraphs 11 and 14 of the code, a period of two months concurrently. The Tribunal considered that the breach of paragraph 7 was the more serious matter, particularly since it gave rise to a breach of paragraph 6. The suspension was concurrent because the Tribunal considered that the breaches of paragraphs 11 and 14 effectively arose from the same facts.

The Authority and its Standards Committee are notified accordingly.

The Respondent has the right to seek the permission of the High Court to appeal the above decision. A person considering an appeal is advised to take independent legal advice about how to appeal.

CASE TRIBUNAL RECOMMENDATIONS

The Case Tribunal makes the following recommendation to the Authority and its standards committee;

That the Monitoring Officer re-emphasises the requirement for members to register interests as/when they arise and that the duty does not arise annually.

5.5 **Conclusion**

The Standards Committee are asked to note the decision of the Adjudication Panel for Wales.

6. **ASSUMPTIONS**

6.1 The content of the report represents the decision of the Adjudication Panel for Wales and as such no assumptions have been made

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 The content of the report represents the decision of the Adjudication Panel for Wales and as such there is no requirement for an Integrated Impact Assessment.

8. FINANCIAL IMPLICATIONS

- 8.1 The report is for noting only and as such there are no financial implications to consider.

9. PERSONNEL IMPLICATIONS

- 9.1 The report is for noting only and as such there are no personnel implications to consider.

10. CONSULTATIONS

- 10.1 The content of the report represents the decision of the Adjudication Panel for Wales and as such no formal consultation has been undertaken.

11. STATUTORY POWER

- 11.1 Local Government Act 2000

Author: Lisa Lane Head of Democratic Services & Deputy Monitoring Officer

Consultees: Robert Tranter Head of Legal Services and Monitoring Officer

Appendix 1 Decision of the Adjudication Panel for Wales