

NOTICE OF DECISION

TRIBUNAL REFERENCE NUMBER: APW/002/2017-018/CT

RESPONDENT: Former Councillor Stuart Anderson

RELEVANT AUTHORITY(IES): Conwy County Borough Council

1. A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
2. In a letter dated 31 July 2017, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales (“the Ombudsman”) in relation to allegations made against Former Cllr Dr Stuart Anderson. During the investigation, the Ombudsman became aware of further allegations about Former Cllr Dr Anderson. The allegations referred to the Adjudication Panel for Wales were that Former Cllr Dr Anderson had breached Conwy County Borough Council’s Code of Conduct by making a number of unfounded allegations against staff, had involved himself in an issue which he had a prejudicial interest, had widely circulated personal comments about a senior officer, had attempted to compromise the impartiality of an officer and shared information which should reasonably have been regarded as confidential.
3. At a hearing on 9 – 10 January 2018 at Mold County and Family Court, Law Courts, Civic Centre, Mold, Flintshire CH7 1AE, the Case Tribunal found by unanimous decision that Former Cllr Dr Anderson failed to comply with the Conwy County Borough Council’s Code of Conduct as follows:
 - 4.1 Paragraph 4(a) of the Code of Conduct states that you must carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.
 - 4.2 The Case Tribunal found that Former Cllr Anderson breached this paragraph in his treatment of Officer X. In numerous emails, Former Cllr Dr Anderson challenged Officer X’s capacity to fulfil his role in numerous emails to a variety of persons on the ground that he showed signs of “early dementia” and, later due to his disability without any objective evidence regarding his medical condition or internal personnel information held by the Council. Former Cllr Dr Anderson relied on his status as a retired doctor to justify speculation about Officer X and his health, and disclosed confidential medical information about Officer X again to a variety of persons, including members of the public. It was clear Former Cllr Dr Anderson’s view was that Officer X should not be employed in his role due to his disability.

4.3 Paragraph 4(b) of the Code of Conduct states that you must show respect and consideration for others.

4.4 The Case Tribunal found that Former Cllr Dr Anderson breached this provision on a number of occasions. His conduct in relation to Officer X showed a lack of respect and consideration, even after he was warned by council officers to cease circulating assertions about his health. The Case Tribunal did not find that Former Cllr Dr Anderson had failed to show respect and consideration to Ms Doran as according to her own evidence he had not been abusive or unduly critical of her. The Case Tribunal did find that Former Cllr Dr Anderson had acted towards Ms Hughes without respect or consideration in his email of 14 March 2016 which referred to her and another as being found “in flagrante” and said she had fabricated evidence. The email was sent to third parties. This was a very serious allegation against a legal officer of the Council and Former Cllr Dr Anderson did not follow the proper process to raise such concerns. The Case Tribunal did find that Former Cllr Dr Anderson, by calling the head teacher of a Conwy school a ‘psychopath’ on two occasions without any evidence other than the comments of his friend Mr Griffiths failed to show the head teacher respect and consideration.

4.5 Paragraph 4(c) of the Code of Conduct states that you must not use bullying behaviour or harass any person.

4.6 The Case Tribunal found that Former Cllr Dr Anderson did bully and harass Officer X by repeatedly speculating about his health and circulating confidential information about his health. Former Cllr Dr Anderson continued to do so, despite warning that it was not appropriate to widely circulate such information and speculation. The Case Tribunal noted the impact upon Officer X, and concluded it was more likely than not that Former Cllr Dr Anderson’s conduct contributed towards the early retirement of Officer X. It found Former Cllr Dr Anderson’s conduct was offensive, insulting and humiliating towards Officer X, undermined him to others, affected his confidence and may have adversely affected his health. The conduct was also repeated and upset Officer X.

4.7 Paragraph 4(d) of the Code of Conduct states that you must not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

4.6 The Case Tribunal found that Former Cllr Dr Anderson sought to compromise the impartiality of Ms Doran by instructing her to persuade Mr Davies to take action and to access his emails. The veiled threat that if Ms Doran did not do so, action may be taken against the Council was improper and designed to force Ms Doran to do as Former Cllr Dr Anderson wished and achieve an outcome he wished in respect of the leadership of a school.

4.7 Paragraph 5(a) of the Code of Conduct states that you must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so.

4.8 The Case Tribunal found that Former Cllr Dr Anderson breached this paragraph by disclosing information about Officer X’s health to third parties (when not required to do so by law and without his consent), circulating a

dossier prepared by Mr Griffiths regarding a school which contained confidential employment information (when not required to do so by law and without the consent of the school or those named within), and circulating a letter from Mrs A containing information about her health (when not required to do so by law and without her consent). The Case Tribunal concluded Former Cllr Dr Anderson as a former doctor and the quasi-employer of Council employees ought reasonably have regarded the information as confidential.

4.9 Paragraph 6(1)(a) of the Code of Conduct states that you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute

4.10 The Case Tribunal found that Former Cllr Dr Anderson brought the role of elected member into disrepute by means of his conduct towards Officer X, allegations against Ms Hughes, seeking preferential treatment for his close personal associate Mr Griffiths and calling in a decision to remove Mr Griffiths from his role on a school governing body when he had a prejudicial interest, circulating confidential information, and making numerous written and oral representations on behalf of Mr Griffiths when Former Cllr Dr Anderson had a prejudicial interest.

4.11 Paragraph 7(a) of the Code of Conduct states that you 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 or create or avoid for yourself, or any other person, a disadvantage.

4.12 The Case Tribunal found that Former Cllr Dr Anderson did breach this paragraph as he undertook a campaign to seek justice for Mr Griffiths, seeking preferential treatment for him and seeking to circumvent the official processes to deal with the issue. The Case Tribunal judged Former Cllr Dr Anderson to have failed to recognise the fact that his prejudicial interest meant it was improper to actively campaign on behalf of Mr Griffiths, particularly when his personal and prejudicial interest had not been declared (except on one occasion).

4.13 Paragraph 14(1)(c) of the Code of Conduct states that where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee, not seek to influence a decision about that business

4.14 The Case Tribunal found that Former Cllr Dr Anderson had both a personal and prejudicial interest in relation to his close personal associate Mr Griffiths, which he failed to declare except at a meeting of the scrutiny committee of 16 May 2016 when seeking to influence the decision of the Council in emails, during meetings and in his call to Ms Doran.

4.15 Paragraph 14(1)(d) of the Code of Conduct states that where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee, not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business.

4.16 The Case Tribunal found that Former Cllr Dr Anderson had both a personal and prejudicial interest in relation to his close personal associate Mr

Griffiths, which he failed to declare except at a meeting of the scrutiny committee of 16 May 2016, when making written representations about the decision regarding Mr Griffiths.

5. Former Cllr Dr Anderson should be disqualified for 18 months from being or becoming a member of the Conwy County Borough Council or of any other relevant authority within the meaning of the Local Government Act 2000, with effect from the date of this notice.

6. Conwy County Borough Council and its Standards Committee are notified accordingly.

7. The Respondent has the right to seek the leave of the High Court to appeal the above decision.

Signed: 

Date: 10 January 2018

Claire Sharp
Chairperson of the Case Tribunal

Siân Jones
Panel Member

Juliet Morris
Panel Member