

Y PWYLLGOR SAFONAU
19/10/18

PENDERFYNIAD PANEL DYFARNU CYMRU

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:
Nodi penderfyniad y Panel a nodi unrhyw bwyntiau i'w dysgu**

Y rhesymau:

Bydd hyn yn galluogi'r Pwyllgor i ymglyfarwyddo â sut y mae'r Panel yn ymdrin ag achosion o dorri'r Côd.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y
Cynghorydd E Dole (Arweinydd)

Y Gyfarwyddiaeth

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r
Gyfraith

Rheolwr Dros Dro y
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

rjedgeco@sirgar.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
19/10/18**

ADJUDICATION PANEL FOR WALES DECISION

The Adjudication Panel for Wales is an independent body which deals with the more serious breaches of the Code of Conduct referred to it by the Ombudsman and also appeals against decisions of standards committees.

On the 10th August 2018 the Panel issued its decision in the case of former County Councillor (now community councillor) Graham Down from Monmouthshire.

This was a case referred to the Panel by the Ombudsman who alleged that Councillor Down had breached the Code by failing to show respect and consideration for others by making a series of homophobic statements in emails to the Chief Executive of the County Council.

The Panel considered the content of Five emails sent by Councillor Down between the 12th February 2016 and 13th October 2016 and found that in the case of 3 of the emails although his comments were 'disrespectful' they did not amount to a breach of the Code due to the enhanced protection that exists for political expression under the European Convention on Human Rights (ECHR) and therefore the Human Rights Act.

However in the other 2 cases the Panel found that the comments were so offensive that despite the protections afforded to Councillor Downs under Articles 9 (Freedom of thought, conscience and religion) and 10 (freedom of expression) of the ECHR it was still necessary to take action for the protection of the rights and interests of others.

The Panel took into account a variety of factors when considering what sanction to impose, identifying in Councillor Down's conduct a number of mitigating and aggravating factors (the latter including his failure to attend code training).

Taking into account these factors and decisions made in other similar cases the Panel decided to impose a 2 month period of suspension upon Councillor Downs

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall