

Decision Notice

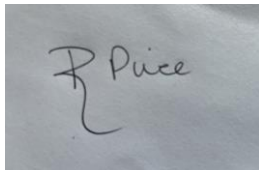
Standards Committee Panel Hearing - Councillor Geoffrey Cowan of Llantilio Pertholey Community Council

Hearing Date: 28th August 2023

1. The Panel convened a hearing on 28th August 2024 to hear a complaint referred to it by the Public Services Ombudsman for Wales (“the Ombudsman”) in relation to Councillor Geoffrey Cowan of Llantilio Pertholey Community Council (“the Council”).
2. The Panel decided, as preliminary issues, to admit the late evidence submitted by Cllr Cowan and to combine stages 1 and 2 of the procedure for the hearing.
3. The Panel heard submissions from Counsel for the Ombudsman, and considered the papers before it, including the Investigation Report and Cllr Cowan’s written submissions. Cllr Cowan did not attend the hearing, and no witnesses were called to give evidence by either party.
4. The Panel found that on the balance of probabilities Cllr Cowan made a threat of physical violence towards Cllr Skinner at a meeting of the Llantilio Pertholey Community Council on 20th July 2022. The Panel noted that the witness evidence of three individuals in attendance supported this allegation. The Panel also noted that the incident was recorded in the minutes of the meeting, and that these minutes were later approved as an accurate record at the subsequent meeting of the Council on 17th August 2022.
5. The Panel noted that whilst the evidence supported the fact that Cllr Skinner had repeatedly interrupted Cllr Cowan, the weight of evidence did not establish on the balance of probabilities that he had waved his walking stick at Cllr Cowan during the meeting on 20th July 2022.
6. Paragraph 4(b) of the Code of Conduct states: ‘When undertaking your role as member, you must show respect and consideration for others.’ The Panel found that Cllr Cowan’s conduct, in making a physical threat to another member of the Council, demonstrated a clear failure to show respect and consideration to Cllr Skinner and therefore amounted to a breach of paragraph 4(b) of the Council’s Code of Conduct.
7. Paragraph 6(1)(a) of the Council’s Code of Conduct states: ‘You must not behave in a way which could reasonably be regarded as bringing your office or authority into disrepute at any time.’ The Panel found that the conduct would likely damage public confidence in the member himself and the Community Council. The Panel therefore found that Cllr Cowan’s conduct could reasonably be regarded as bringing both himself and the Community Council into disrepute.
8. The Panel decided that a sanction was appropriate in this case. The Panel found that Cllr Cowan’s article 10 ECHR right to freedom of expression was engaged. However, the Panel did not consider that a threat of physical violence amounted to ‘political expression’ and therefore, Cllr Cowan’s conduct did not attract enhanced protection. The Panel further

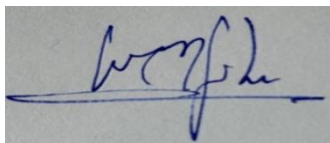
held that although Cllr Cowan had a right to freedom of expression under article 10 of the ECHR, it was necessary and proportionate in these circumstances for that article 10 right to be interfered with by the imposition of a sanction for the breach of paragraphs 4(b) and 6(1)(a) of the Code of Conduct.

9. The Panel were of the view that the nature of the conduct, the fact that it involved a threat of physical violence, means that it would be appropriate for a sanction to be imposed. The Panel took into account Cllr Cowan's long service at the Council, and also noted that the incident giving rise to the complaint occurred two years ago and no further incidents have occurred within that time.
10. The Panel resolved that the member should be censured. The Panel found Cllr Cowan's conduct, in making a threat of physical violence against a fellow member of the Council to be entirely unacceptable, falling far below the standards expected of a Community Councillor. The Panel also requires that Cllr Cowan completes training in relation to the member Code of Conduct.



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Ruth Price
(Independent Member & Chair of the Panel)

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M J Gibson
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Marion Gibson
(Independent Member)



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Mike John
(Community Council Member)