

SUBJECT:	DECISION REPORT OF ADJUDICATION PANEL FOR WALES
MEETING:	STANDARDS COMMITTEE
DATE:	MONDAY 13TH JUNE 2016
DIVISION/WARDS AFFECTED:	ALL

- PURPOSE:** To advise members of the Standards Committee of a recent decision of the Adjudication Panel for Wales in respect of Councillor Paul Cawley of Magor with Undy Community Council.
- RECOMMENDATIONS:** To note the contents of the report and the attached decision report of the Adjudication Panel for Wales found at appendix 1 to the report.
- KEY ISSUES:** The Public Services Ombudsman for Wales (“the Ombudsman”) received a referral from Murray Andrews, Monitoring Officer of Monmouthshire County Council, on 8th September 2014, that Cllr Cawley did not declare an interest or leave the meeting when the clerk’s remuneration package was being discussed. The meeting took place on 7th April 2014 at a time when Cllr Cawley and the clerk were in a relationship.

The Ombudsman investigated the complaint and on 20th October 2015, the Ombudsman referred to the Adjudication Panel for Wales (“APW”) the allegation that Cllr Cawley had breached the Community Council’s Code of Conduct for Members.

The Case Tribunal of the APW heard the referral on 11th March 2016 and found that Cllr Cawley in not leaving the meeting when he had a personal and prejudicial interest was in clear breach of paragraph 14(1)(a) of the Code. Further the Case Tribunal found that Cllr Cawley’s actions brought his office and the Community Council into disrepute contrary to paragraph 6(1)(a) of the Code. The Case Tribunal said the relevant test is not whether the councillor would take the decision without prejudice but whether he would be seen as doing so.

After hearing representations from Cllr Cawley and the Ombudsman, the Case Tribunal decided to suspend Cllr Cawley from acting as a member of the Magor with Undy Community Council for a period of 3 months.

Cllr Cawley did not appeal the decision.

The Monitoring Officer attended the Case Tribunal.

4. **REASONS:** It is important that the members of the council's Standards Committee are aware of any referrals that go to the APW that affect members of the county council or town and community councils within the county.

5. **RESOURCE IMPLICATIONS:** None

6. **SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:** None

7. **SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:** NONE

8. **CONSULTEES:** None

9. **BACKGROUND PAPERS:** None

10. **AUTHOR:** Robert Tranter, Monitoring Officer and Head of Legal Services

11. **CONTACT DETAILS:**

Tel: 01633 644064

E-mail: roberttranter@monmouthshire.gov.uk