
SPECIAL MEETING OF THE STANDARDS COMMITTEE, 13.04.15

Present:-

Elected Member:- Councillor Michael Sol Owen.

Independent Members:- Miss Margaret Jones and Dr Einir Young (chairing).

Also in attendance:

Gwynedd Council Officers - Rhun ap Gareth (Deputy Monitoring Officer), Siôn Huws (Senior Solicitor) and Eirian Roberts (Members Support and Scrutiny Officer).

Apologies: Councillor Eryl Jones-Williams and Mr David Clay (both because of personal interest in the case under consideration); Councillor Lesley Day and Ms Linda Byrne.

1. ELECTION OF CHAIRMAN

Dr Einir Young was elected to chair the meeting.

The Senior Solicitor explained that two new independent members had been recently appointed to the Standards Committee but they had not been invited to participate in this hearing as they had not yet received the necessary training.

The sudden illness of Ms Linda Byrne was mentioned, and it was agreed to send her family a note wishing her a full and speedy recovery.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

3. REPORT OF THE MONITORING OFFICER ON AN INVESTIGATION INTO A COMPLAINT AGAINST COUNCILLOR JULIAN KIRKHAM FROM ARTHOG COMMUNITY COUNCIL

The Senior Solicitor explained the nature/format of the hearing.

The Committee considered a report by the Monitoring Officer regarding an alleged breach of the Code of Conduct for Members of Arthog Community Council by Councillor Julian Kirkham, which had been referred to the Standards Committee by the Monitoring Officer for determination.

The Public Services Ombudsman for Wales ("the Ombudsman") had received a complaint on 28 July 2014 from Cllr Dorothy Hughes ("the Complainant"), Chair of Arthog Community Council ("ACC"), that Cllr Julian Kirkham was in breach of the Members' Code of Conduct ("the Code of Conduct") in relation to an e-mail sent by Cllr Kirkham, then Vice-chair of ACC, to the Chairman of Fairbourne Facing Change ("FFC").

The Monitoring Officer had decided to investigate whether Councillor Kirkham had failed to comply with the following provision of the Code of Conduct:

“6. - You must -

(1)(a) Not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.”

It had previously been agreed by all parties that the hearing could proceed on the basis of written submissions. The Standards Committee therefore considered the Senior Solicitor's report, the written report of the Monitoring Officer on his investigation and the written submissions from Councillor Julian Kirkham.

The Standards Committee determined that Councillor Kirkham had failed to comply with the Code of Conduct as follows:

The Committee found that Councillor Kirkham was in breach of paragraph 6(1)(a) of the Members' Code of Conduct.

The e-mail of 4/7/14 was sent by Cllr Kirkham in his capacity as member and Vice-chairman of ACC. Therefore, the Code of Conduct was applicable.

The wording of the e-mail was clearly intended to give the impression that it had been sent on behalf of ACC and represented its views. However, it had not been sent as a result of a decision taken by ACC as a whole. The e-mail was inaccurate and a misrepresentation of the views of the Community Council with regard to its standpoint towards FFC's aims and the Chair of FFC personally. It could therefore damage relations between ACC and FFC and placed ACC in an embarrassing and difficult position.

The committee believed that Cllr Kirkham, particularly in view of his position as Vice-chair, would have known that ACC had not decided to express the views set out in his e-mail. He would also have known that they could have a negative effect on the relationship between both bodies.

Cllr Kirkham had already admitted in writing that he had breached the Code of Conduct by sending the e-mail and that in doing so, he had also caused embarrassment to ACC. He also confirmed that he had accepted the findings of the Monitoring Officer's report, which concluded that the evidence was suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.

The Standards Committee determined that Councillor Kirkham should be censured.

The reasons for the Committee's decision were as follows:

The Committee did not believe that this was an inadvertent breach of the Code of Conduct. Cllr Kirkham had deliberately sent the e-mail knowing that it did not represent the views of the Community Council accurately and its likely effect. Some action was therefore required.

However, it also took into account that Councillor Kirkham had acknowledged that his actions were wrong and he had apologised unreservedly to both the Community Council and to the Chair of FFC and he had confirmed that such a situation would not arise again. Furthermore, he had co-operated fully with the Monitoring Officer during his investigation and with the Standards Committee.

The Chairman announced that:-

- (1) Councillor Julian Kirkham may appeal against the determination of the Standards Committee to an appeals tribunal drawn from the Adjudication Panel for Wales. The appeal must be instigated by giving notice in writing to the President of the Adjudication Panel within **21 days** of receiving this notice of determination. The Notice of Appeal must specify the grounds for appeal and whether or not the member consents to the appeal being conducted by way of written representations.

- (2) A report on the outcome of the investigation would be published in accordance with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.
- (3) Councillor Julian Kirkham, the complainant and the Public Services Ombudsman for Wales would be notified accordingly.

The meeting commenced at 2.00pm and concluded at 2.35pm.