

## Standards Committee

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Meeting Venue  
**Committee Room A - County Hall,  
Llandrindod Wells, Powys**

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Meeting date  
**Friday, 26 May 2017**

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Meeting time  
**9.30 am**

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For further information please contact  
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County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

Issue Date  
22<sup>nd</sup> May 2017

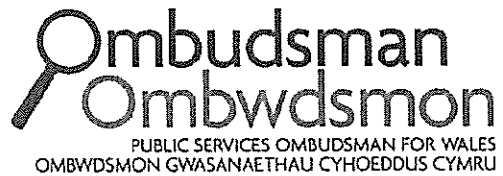
### AGENDA

1.	<b>LOCAL GOVERNMENT ACT 2000 - APPEAL AGAINST THE DECISION OF THE STANDARDS COMMITTEE</b>
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To receive the report of the Deputy Monitoring Officer in relation to County Councillor Gary Price.

(Pages 3 - 24)

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The investigation of a complaint  
against Councillor Gary Price of  
Powys County Council

A report by the  
Public Services Ombudsman for Wales  
Case: 201501199

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## Introduction

Report by the Public Services Ombudsman for Wales on the investigation of a complaint made against Councillor Gary Price of Powys County Council, of a breach of the Council's statutory Code of Conduct for members.

This report is issued under section 69 of the Local Government Act 2000.

## Summary

The Ombudsman investigated a complaint that Councillor Gary Price of Powys County Council may have breached paragraphs 4(b) and 6(1)(a) of the members' Code of Conduct, in relation to correspondence he had sent which incorrectly and unfairly portrayed the content of a Grievance Appeal Hearing.

The Ombudsman noted that four witnesses had disputed Councillor Price's account of the Hearing.

The Ombudsman found that as Councillor Price had sent the correspondence in his private capacity there was no evidence he had breached paragraph 4(b) of the Code of Conduct.

The Ombudsman found there was evidence to suggest that Councillor Price may have breached paragraph 6(1)(a) of the Code of Conduct and referred the matter for consideration by the Standards Committee.

## The complaint

1. On 26 May 2015, I received a complaint from Councillor Kathryn Roberts-Jones<sup>1</sup> that Councillor Gary Price had failed to observe the Code of Conduct for members of Powys County Council ("the Council"). Councillor Roberts-Jones said that she and Councillor Price were members of the Panel at a Grievance Appeal Hearing involving an employee of the Council. Following the Hearing, it was alleged that Councillor Price had sent an email to his colleagues and written a letter to the employee, reflecting the content of the Hearing incorrectly and unfairly.

## Legal background

2. As required by Part III of the Local Government Act 2000 (the Act), Powys County Council has adopted a Code of Conduct for members which incorporates the provisions of a model Code contained in an order made by the Welsh Ministers.<sup>2</sup> On 16 May 2012, Councillor Price signed an undertaking<sup>3</sup> that he would observe the Council's Code of Conduct.

3. Section 69 of the Act provides the authority for my investigation and the production of this report.

## My investigation

4. Having considered the complaint as made to me, I concluded that it was appropriate to investigate whether Councillor Price had failed to comply with any of the following provisions of the Code of Conduct:

You must:

Show respect and consideration for others (paragraph 4(b)).

Members must not:

Conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute (paragraph 6(1)(a)).

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<sup>1</sup> Appendix A – Councillor Roberts-Jones' complaint.

<sup>2</sup> Appendix B – Council's Code of Conduct.

<sup>3</sup> Appendix C – Copy of Councillor Price's declaration

5. Councillor Price was informed of my intended investigation on 23 June 2015.<sup>4</sup> During the investigation, my Investigation Officer obtained documents from the Council and witness statements from Councillor Michael Williams<sup>5</sup> and Councillor Kathryn Roberts-Jones<sup>6</sup> (Grievance Appeal Panel Members), [REDACTED]<sup>7</sup> (note taker at the Grievance Appeal Hearing) and Mr Robert Clive Pinney<sup>8</sup> (the Council's Monitoring Officer and Legal Adviser to the Grievance Appeal Panel). Copies of all statements and documents referred to in this report are attached. I put the initial evidence<sup>9</sup> found by my investigation to Councillor Price, enabling him to review that evidence before my Investigation Officer subsequently interviewed him on 3 November 2015.<sup>10</sup> Further statements were obtained from Councillors Williams<sup>11</sup> and Roberts-Jones,<sup>12</sup> [REDACTED]<sup>13</sup> and Mr Pinney<sup>14</sup> and these were forwarded to Councillor Price for comment on 11 April 2016.<sup>15</sup> No further comments were received from Councillor Price.

6. On 9 May, Councillor Price was sent by recorded delivery a draft of this report which gave him the opportunity to comment on it; included were my provisional views and finding.<sup>16</sup> On 19 May, my Investigation Officer wrote a letter<sup>17</sup> and on 24 May<sup>18</sup> he sent an email to Councillor Price. He told Councillor Price that my draft report had not been collected and any comment should be made by 31 May. The email had a copy of the draft report attached to it. Councillor Price has not responded and I assume that he has no comment to make in response to my draft report.

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<sup>4</sup> Appendix D – Letter of investigation.

<sup>5</sup> Appendix I – Councillor Williams' statement.

<sup>6</sup> Appendix J – Councillor Roberts-Jones' statement.

<sup>7</sup> Appendix K – [REDACTED] statement.

<sup>8</sup> Appendix L – Mr Pinney's statement.

<sup>9</sup> Appendix P – Invitation to interview letter and disclosures.

<sup>10</sup> Appendix Q & Q1 - Master CD of interview and transcript of interview.

<sup>11</sup> Appendix I1 – Councillor Williams' further statement.

<sup>12</sup> Appendix J1 – Councillor Roberts-Jones' further statement.

<sup>13</sup> Appendix K1 – [REDACTED] further statement.

<sup>14</sup> Appendix L1 & L2 – Mr Pinney's further and additional statements.

<sup>15</sup> Appendix V – Letter to Councillor Price, dated 11 April 2016.

<sup>16</sup> Appendix W – Copy of letter accompanying draft report.

<sup>17</sup> Appendix W1 – Royal Mail record & Investigation Officer's letter dated, 19 May.

<sup>18</sup> Appendix W2 – Royal Mail record & Investigation Officer's email dated 24 May



## **My guidance on the Code of Conduct**

7. My predecessor issued guidance for members of local authorities in Wales on the model Code of Conduct in April 2010 and in 2012. I revised this guidance in April 2015.<sup>19</sup>

## **Events leading to the complaint**

8. The Council received a grievance appeal from an employee (to be known as Ms X in this report) on 6 August 2014. Councillors Michael Williams, Kathryn Roberts-Jones and Gary Price were appointed to the Grievance Appeal Panel. The Council's Monitoring Officer, Mr Clive Pinney, was appointed to advise the Panel. The Hearing was first scheduled to be held on 29 September. It was subsequently adjourned a number of times, due both to Ms X's inability to attend because of illness and for other, operational reasons.

9. One of the scheduled Hearings was on 24 November. Witnesses had been called and were waiting outside the meeting room. Mr Pinney said Councillor Price did not raise any concerns with him that day about the behaviour of the witnesses. He said he did not hear anyone making disparaging remarks about Councillor Price or using unacceptable language. He said he would have challenged the individual and pursued the matter, had he heard anything of that kind. The Hearing was adjourned that day.

10. The Hearing subsequently took place on 20 February 2015, at a neutral venue. Councillor Williams was Chair of the Panel. Although the Hearing was delayed to allow Ms X more time to arrive, Ms X did not attend the Hearing and it proceeded in her absence.

11. Councillors Williams and Roberts-Jones recalled that all the Panel members discussed whether to adjourn the Hearing in Ms X's absence, for around one to five minutes. Both members said Councillor Price had said it would have been better if Ms X was present, but that he had agreed with his fellow Panel members to hear the appeal in her absence; Councillor Price had not sought a further adjournment. Councillor Williams said there was no vote taken, but he, as Chair, asked each member separately if they agreed to

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<sup>19</sup> Appendix F – Guidance on the Code of Conduct

continue with the Hearing and it was a unanimous decision to proceed – Councillor Roberts-Jones recalls being asked individually if they were happy to continue and she is certain that both she and Councillor Price agreed to proceed.

12. Mr Pinney's recollection was that there was a short Panel discussion about an adjournment, but all three Panel members agreed to proceed in Ms X's absence and there was no dissent from this view. \_\_\_\_\_ was present at the Hearing as a note taker; she recalled that Councillor Price had raised concerns about his work commitments, should the hearing be postponed again. She said that Councillor Price was more inclined than others to allow Ms X more time to attend, but all members of the Panel had agreed to proceed that day and it was a unanimous decision.

13. Councillors Williams and Roberts-Jones recalled that Councillor Price had commented on the cold temperature of the venue, but they said that no one present had suggested an adjournment for that reason.

14. There were three witnesses at the Hearing. The witnesses sat in the same vehicle outside the venue, as they waited to give their evidence. Councillor Williams and Mr Pinney recalled that Councillor Price had been anxious that witnesses should not speak to each other after they had given evidence. Mr Pinney said that there was no waiting room available for witnesses at the venue. He said that anyone waiting inside the venue would have been able to hear what was being said in the Hearing. Mr Pinney said he therefore allowed the first witness to sit in his vehicle after he had given evidence, as Councillor Price had raised a concern about possible collusion between the witnesses, after the first witness had given their evidence. \_\_\_\_\_ agreed that Mr Pinney had permitted the witness to wait in his car, following Councillor Price's concern about the witnesses discussing the case. Mr Pinney said he was satisfied that his vehicle had definitely been used by the first witness.

15. Councillor Williams said that Councillor Price had not challenged the witnesses about the possibility of their collusion. Mr Pinney said Councillor Price had not asked him about challenging the witnesses about possible collusion on the morning of the Hearing and he did not prevent him from asking any questions that he felt were appropriate. Mr Pinney said that Councillor Price had raised a concern after the first witness had given

evidence, but he did not ask the witness about collusion. [redacted] said she was not aware that Councillor Price wanted to ask any of the witnesses about potential collusion.

16. The Grievance Appeal Panel considered five issues in turn:

1. Unfair management of change process

Councillor Williams said all three Panel members discussed this issue for about ten minutes – Councillor Roberts-Jones said it took ten to fifteen minutes. As Chair, Councillor Williams said he then asked Councillor Price and Councillor Roberts-Jones separately and pointedly for their views and they both agreed not to uphold that aspect of the grievance. As an experienced Chair, Councillor Williams said he wanted to ensure that each member replied individually; by adopting that format, he said it negated any claim that an incorrect decision had been reached. Councillor Roberts-Jones agreed that she and Councillor Price were asked separately for their views and they both agreed not to uphold the matter.

2. Unfair selection process

Councillor Williams said the Panel discussed this issue for some ten minutes – Councillor Roberts-Jones said it took ten to fifteen minutes. As Chair, Councillor Williams said he asked each Panel member if they agreed to uphold this aspect of the grievance or not. He said they both, separately, agreed not to uphold the issue. Councillor Roberts-Jones concurred that she and Councillor Price separately agreed not to uphold the issue.

3. Work related stress

Councillor Williams said the three Panel members discussed this issue, before he asked each one if they agreed to uphold the issue or not. He said they separately agreed not to uphold the matter. Councillor Roberts-Jones said discussions took ten to fifteen minutes and they all agreed, separately, not to uphold this issue.

#### 4. Fitness to attend interview

Councillor Williams said they did not discuss this issue for very long. He then asked both members if they wanted to uphold the issue or not and they both said they did not uphold it. Councillor Roberts-Jones agreed with Councillor Williams' account of this section of the Hearing.

#### 5. Lack of supervision, support and training

Councillor Williams said they discussed this matter for about ten minutes. As Chair, he then asked each member if they wished to uphold the matter or not and they both agreed not to uphold it. Councillor Roberts-Jones concurred with this account of the matter.

17. Councillors Williams and Roberts-Jones said that Councillor Price had been in absolute agreement with all six decisions reached by the Panel; he had taken an active part in discussions and was not passive. Councillor Williams said Councillor Price did not display any characteristics of disagreement.

18. Mr Pinney said that all three Panel members deliberated on the five points of appeal before them. He said each point of grievance was considered separately. His recollection was that the Chair did not ask each Panel member for their view on each point, but there was a general Panel discussion on each point. He said the Panel unanimously agreed that each point of Ms X's grievance should not be upheld. He said there was no vote, because no contrary views were expressed.

19. [redacted] said each point of the grievance was discussed by the Panel. She said there was no formal vote, but all the members said they agreed with the decisions on each point of the grievance.

20. On 9 March, Mr Pinney emailed a draft decision letter to Ms X, stating the outcome of the Grievance Appeal, to the Panel members for comment.<sup>20</sup>

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<sup>20</sup> Appendix F – Mr Pinney's email dated 9 March

21. On 10 March, Councillor Price sent the following email<sup>21</sup> to Mr Pinney and the other Panel members:

“ Morning All,

No comments other than to stress my dissatisfaction with the whole process and the way it was handled throughout.

I thought the hearing and venue was a joke and wasn't entirely [sic] the fairest. I believe in those that make the complaint should be heard but it was clear that others wanted to get on with it.

Although the questioning of witnesses was robust by the panel I felt that officers had briefly rehearsed what they would say whilst sat outside in cars.

I know the letter states unanimously, but in my heart of hearts it really wasn't. More to the point was [sic] has it taken so long for the outcome letter to be send [sic]. (Over 5 days) a disgrace.

I'm inclined to write to [Ms X] myself.?[sic]

Gary”

22. Councillor Williams said Councillor Price had not raised the above concerns at the Hearing and, as Chair, he had ensured the Hearing was fair. Councillor Roberts-Jones said she was upset by Councillor Price's comments, as he had not raised such concerns at the Hearing. Both members said Councillor Price had agreed to reject each point of the appeal; it had been a unanimous decision.

23. On 11 March, Mr Pinney responded to Councillor Price's email.<sup>22</sup> He said he recalled that Councillor Price said at the Hearing that he would have preferred the aggrieved employee to have been present, but he had agreed for the matter to be heard in her absence. Mr Pinney noted Councillor Price's comments about witnesses colluding, but said he had not raised those issues during the Panel's deliberations. He recalled that Councillor Price had raised a concern after the first witness gave evidence and Mr Pinney had responded

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<sup>21</sup> Appendix F – Councillor Price's email, dated 10 March.

<sup>22</sup> Appendix E1- Mr Pinney's email dated 11 March

by allowing the first witness to wait in his vehicle. Mr Pinney said that Councillor Price's allegation of collusion by witnesses was a serious matter and, if he wished to pursue it, he should make a written complaint.

24. Mr Pinney said that Councillor Price could write to Ms X if he wished. He said he would delay sending Ms X the Panel's decision letter until either Councillor Price accepted the draft decision letter, or suggested amendments for consideration by the other Panel members, by 4.00pm on 12 March. Mr Pinney said if he did not hear from Councillor Price by then, the letter would be sent to Ms X.

25. Councillor Price did not respond to Mr Pinney. Councillor Williams subsequently signed the decision letter to Ms X and it was sent to her on 12 March.

26. Mr Pinney subsequently received correspondence from the aggrieved employee's solicitor, which enclosed a handwritten letter that Councillor Price had written to Ms X.<sup>23</sup> Councillor Price addressed himself as Mr Gary D Price in this letter, dated 20 March:

" Dear [Ms X],

Can I firstly apologise for writing to you as I did try and ring but the number in the telephone book doesn't work.

Anyway, you have by now received the letters from PCC detailing the outcome of your grievance appeal. You would see that I was a member of the panel. Can I say that I think you have been treated appallingly and without the right of a fair hearing that wasn't prejudged by others.

I on several occasions had the hearing put off [sic] because I felt it was only right that you should be present and hear the appeal.

The whole hearing as far as I'm concerned was a shambles and only went ahead with a majority vote in favour of doing so. I was going to take no part but decided to stay as the only person that hadn't prejudged the hearing in my opinion.

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<sup>23</sup> Appendix H – Councillor Price's letter to Ms X

I was also the person who suggested the change in venue in a [sic] effort to make things a little easier for you to attend.

Its [sic] not the normal practise [sic] that these letters are written by panel Members. I felt so annoyed with this case and the way you have been treated that I thought I'd write and let you know.

I did email Clive Pinney and inform him that I was going to write directly to you and got a reply saying that I could.

I'll probably get into trouble again for speaking out against the establishment but I believe [sic] in fairness for all.

I could go on for ever - please feel free to ring me if you want to chat further?

Regards

Gary"

27. On seeing a copy of the above letter, Councillor Williams said he was upset by its tenor. He said he could not understand Councillor Price's comments, which had not been voiced at any stage of the grievance procedure. Councillor Williams said he had not pre-judged the matter before the Panel. He said Councillor Price was disingenuous about his role in the adjournments of previous Hearings; they were unanimous decisions. He said he had difficulty with Councillor Price's claim that the Hearing on 20 February proceeded because of a majority vote, because it was a unanimous decision. He said that, if Councillor Price had not taken part in the Hearing, it would have been adjourned. He called Councillor Price's letter "a complete travesty of an honest and fair hearing".

28. Councillor Roberts-Jones said she was at a loss to understand how Councillor Price could justify his statement that the employee was treated appallingly and the matter had been pre-judged. Councillor Roberts-Jones said she had not pre-judged the matter and was insulted by this. She said she is experienced in dealing with grievances and her integrity has never been called into question. She said she had thought hard before reporting Councillor Price to my office, as she had previously complained about him. She waited until

after the elections so there would be no political capital, she said she is an independent member and is apolitical. Councillor Roberts-Jones said the letter Councillor Price wrote to the aggrieved employee had brought the integrity of witnesses and the grievance procedure into disrepute.

### **What Councillor Price said**

29. At interview, Councillor Price confirmed he had undertaken to abide by the Council's Code of Conduct. He said he had attended training in relation to the Code and accepted he had a good working knowledge of it. He had been a member of the Employment Appeal Committee since 2004; he had not received any formal training for the role, but said he was competent and confident in the role. He agreed that the transcript prepared from the Grievance Appeal Hearing was accurate.<sup>24</sup>

30. Councillor Price said he attended many pre-briefings about the grievance and agreed that witnesses had not been present at the meetings. He said that, at a Hearing that was subsequently adjourned, on 24 November 2014, the witnesses had been sitting outside the meeting room and could hear what was being discussed by Panel members. He said he had gone outside the room and heard a witness say, "...it's because of that \*\*\*\*\* Councillor Price that we've adjourned it...". Councillor Price said he had not challenged this comment, as he did not want it deemed as "bullying". He said that Mr Pinney had been talking to the witnesses and would have heard what was said.

31. Councillor Price said the venue for the Grievance Appeal Hearing on 20 February 2015 was very cold and it was unreasonable to expect witnesses to remain there.

32. Councillor Price said that, after the first witness gave his evidence, he left the room. He said he heard the witnesses talking about the Hearing. He said he mentioned it to Mr Pinney, but it had not been recorded. Councillor Price said that deliberations after witnesses gave evidence had also not been recorded, so it wasn't clear that he "was speaking against what was happening".

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<sup>24</sup> Appendix Q1 – Transcript of Grievance Appeal Hearing



33. Councillor Price was asked whether he challenged the witnesses about possible collusion. He said he hadn't, because he'd raised the issue with Mr Pinney, the Monitoring Officer, in advance, but it had been dismissed. Councillor Price said Panel members are told to address any concerns to the Adviser to the Panel. Councillor Price was asked whether he thought it was his responsibility to challenge witnesses about collusion. He reiterated he had told Mr Pinney, who had said that his questions about collusion were unsuitable. Councillor Price agreed witnesses had been questioned robustly about the points of the grievance.

34. Councillor Price was asked about his email to Mr Pinney,<sup>25</sup> which said he was dissatisfied with the way the Hearing was handled. He said he did not know Ms X personally, but he would expect a fair hearing if he was in her position; it was only fair that the employee had every opportunity to attend to give her view. Councillor Price said that, before the Hearing started, he had raised his concern about it going ahead in Ms X's absence. He said that the matter had been voted upon and two Councillors agreed to go ahead. It was put to Councillor Price that Councillors Williams and Roberts-Jones had said he had agreed with them and it was a unanimous decision. Councillor Price said it was "their word against [his]" and he had "a different view".

35. Councillor Price was asked why he thought the Hearing was "a joke" and had not been "entirely the fairest". He said there were no facilities to keep witnesses who gave their evidence apart; there should have been safeguards at the hearing to stop witnesses talking with each other.

36. Councillor Price was asked why he had not left the Hearing if he was dissatisfied with the process. Councillor Price said he was told that, should he leave, the meeting would become inquorate and he didn't want to negate his responsibility to hear the grievance.

37. Councillor Price was asked what he had meant in his email of 9 March, when he said that, although the Panel's decision was recorded as unanimous, it wasn't, "in [his] heart of hearts". He said he had not voted for at least two of the points considered by the Panel, but he could not recollect which areas these had been. It was put to Councillor Price that his comment suggested that it had been a unanimous decision, although he didn't agree with it in his "heart of hearts". He said that it was a majority decision; the letter stated it

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<sup>25</sup> Appendix F – Councillor Price's email

was unanimous, but, in his heart, it was a majority vote. He said it was his word against their word. When advised that the note taker present had also said the decision was unanimous, Councillor Price said he believed her to be mistaken.

38. Councillor Price was asked why he had not responded to Mr Pinney's email of 11 March. He said the deadline for responding to the email had passed by the time he'd read it.

39. Councillor Price said he wrote to Ms X on 20 March,<sup>26</sup> having obtained Mr Pinney's permission to do so.<sup>27</sup> He said Mr Pinney advised him not to write on Council headed notepaper or to write in his capacity as a Councillor.

40. Councillor Price was asked about his comment in the letter to Ms X that he was the only Panel member who had not pre-judged the matter. He said it referred to witnesses not being segregated. Councillor Price said he had not intended his comment to mean that his fellow Councillors had pre-judged; he had meant the witnesses. Councillor Price agreed that the comment cast doubt on the Hearing, but said there was no intention to imply the Councillors had pre-judged the matter.

41. Councillor Price said his letter to Ms X had upset people within the Council, but it was a private letter, written with Mr Pinney's consent. When asked whether he thought it an inflammatory letter, he said it contained his opinion. Ms X had sent a copy of the letter to her solicitor, who asked that it be treated under the Council's whistle blowing policy. As a result, Councillor Price stood down from the Employment and Appeals Committee.

42. Councillor Price said he is robust in his scrutiny of the Council, which does not find favour with Officers. He said he considered this to be a vexatious complaint.

### **Disputed facts**

43. Did Councillor Price vote to adjourn the Grievance Appeal Hearing on 20 February 2015, because of the absence of Ms X?

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<sup>26</sup> Appendix H - Councillor Price's letter to Ms X.

<sup>27</sup> Appendix F1 - Mr Pinney's email response

44. Did Councillor Price vote to uphold any of the five points of Ms X's grievance?

### **Analysis of evidence and conclusions**

45. Councillor Price said he was dissatisfied with the Grievance Appeal process and the way the Hearing was handled. Neither the transcript of the Grievance Appeal Hearing on 20 February, nor the witness evidence, indicate Councillor Price expressed such concerns at the time.

46. There is no doubt that the venue was cold and that Councillor Price commented on it, but the evidence indicates that he didn't request an adjournment of the Hearing because of the temperature of the venue.

47. Councillor Price said he considered that Ms X should have been in attendance, but that others had wanted to proceed with the Hearing in her absence. The evidence from Councillors Williams and Roberts-Jones, Mr Pinney and \_\_\_\_\_ is clear that, although he had stated it would have been preferable for Ms X to have been present, Councillor Price agreed for the Hearing to proceed; it had been a unanimous decision. Councillor Price subsequently said it had been a majority decision, which had not been recorded. However, the transcript of the Hearing showed that Councillor Williams said the Panel had agreed to proceed.

48. Councillor Price said he felt witnesses had rehearsed their evidence and he had raised this issue with Mr Pinney. Councillors Williams and Roberts-Jones and Mr Pinney have no recollection of him raising these concerns. Apart from Councillor Price asking that witnesses be kept apart, there is no record of him challenging witnesses about collusion.

49. Councillor Price said that the decision to reject the appeal was not unanimous; it had been a majority decision. The other Panel members, Mr Pinney and \_\_\_\_\_, said each point of the grievance was not upheld by a unanimous decision. Councillor Price said it was his word against theirs. He added that the note taker, \_\_\_\_\_, was also mistaken in her evidence. Four people have given fundamentally consistent, separate accounts which are at variance with Councillor Price's recollections.

50. I am of the view that there is no evidence to support Councillor Price's claims that he was clear in his protestations against the Hearing proceeding, nor that he clearly expressed his concerns about the collusion of witnesses, nor that he voted against his colleagues on the Panel in relation to some of the points of the grievance. His claims have cast doubt on the outcome of the Grievance Appeal, causing distress to his fellow Panel members and embarrassment to his Council.

51. Councillor Price said his suggestion that the matter was pre-judged was only directed towards witnesses in terms of their collusion in regard to the evidence. Councillors Williams and Roberts-Jones said they did not pre-judge this matter and were upset by this suggestion. Councillor Price's claim that witnesses pre-judged the matter is difficult to understand; he is experienced in grievance hearings and would know that witnesses play no part in the decision making process. The comment that he was the only person who had not pre-judged the Hearing is not consistent with his claim that he was criticising the witnesses.

52. Despite Councillor Price's protestation to the contrary, I consider his comments about pre-judgement to be a slight on his fellow Panel members. Councillor Price cast doubt on the judgement of colleagues. I am of the view that he has not shown respect and consideration towards Councillors Williams and Roberts-Jones. These comments were made in Councillor Price's private capacity. Consequently, paragraph 4(b) of the Code is not engaged. I am therefore unable to conclude that there is evidence Councillor Price has breached paragraph 4(b). That said, the tenor of the letter to Ms X, which was inevitably seen by his fellow Panel members, unfairly cast aspersions on the probity of the process.

53. I have concluded that the evidence is suggestive that Councillor Price may have breached the following paragraph of the Code:

- 6(1)(a) by bringing his office into disrepute

## Finding

54. My finding under section 69 of the Local Government Act 2000 is that my report on this investigation should be referred to Powys County Council, for consideration by a Standards Committee.



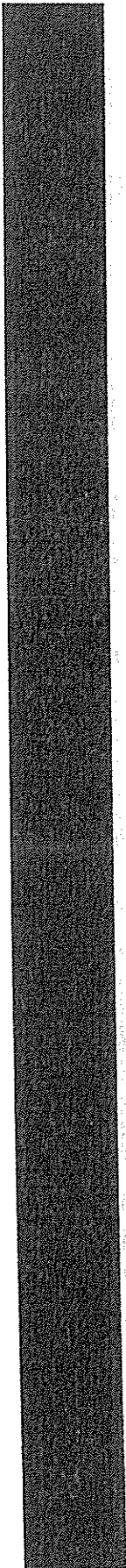
**Nick Bennett**  
Ombudsman

17 June 2016

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- R Councillor Price's copy of my guidance on resolution.
- S Ms X's solicitor's letter to Councillor Price, dated 26 March 2015.
- T Councillor Price's letter to Mr Pinney, dated 10 April 2015.
- U Mr Pinney's letter to Councillor Price, dated 6 May 2015.
- V Letter to Councillor Price, dated 11 April 2016.
- W Copy of letter accompanying draft report, dated 9 May.
- W1 Royal Mail record & Investigation Officer's letter, dated 19 May.
- W2 Investigation Officer's email, dated 24 May.



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