

# PANEL DYFARNU CYMRU ADJUDICATION PANEL FOR WALES

## NOTICE OF DECISION

**TRIBUNAL REFERENCE NUMBER:** APW/003/2016-017/AT

**APPELLANT:** Councillor Gary Price

**RELEVANT AUTHORITY:** Powys County Council

1. An Appeal Tribunal convened by the President of the Adjudication Panel for Wales has considered an appeal by Councillor Gary Price against the decision of Powys County Council Standards Committee that he had breached Powys County Council's Code of Conduct and should be suspended in full for 5 calendar months.
2. The Standards Committee's determination followed its consideration of a report by the Public Services Ombudsman for Wales ("the Ombudsman") under the terms of sections 69(4)(c) and 71(2) of the Local Government Act 2000 and the 'Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001' (as amended).
3. The allegations were that Councillor Price had breached Powys County Council's Code of Conduct by failing to show respect and consideration for others and that he brought his office or his authority into disrepute by virtue of the contents of a letter sent by Councillor Price to Ms X on the 20<sup>th</sup> March 2015 which incorrectly and unfairly portrayed the proceedings of a Grievance Appeal Hearing which took place on 20 February 2015.
4. At a hearing on the 7<sup>th</sup> March 2017 at Llandrindod Wells Civil and Family Justice Centre Hearing Centre, Noyadd Parks, Llandrindod Wells, Powys, LD1 5DF and on the 8<sup>th</sup> March 2017 at the APW Tribunal Offices, Government Buildings, Spa Road East, Llandrindod Wells, Powys, LD1 5HA, the Appeal Tribunal found the following facts by unanimous decision:-
  - 4.1. That Councillor Price agreed for the Grievance Appeal hearing of 20 February 2015 to proceed in the absence of Ms X.
  - 4.2. That Councillor Price agreed to reject the five points of Ms X's grievance.
  - 4.3. That Councillor Price's letter dated 20<sup>th</sup> March 2015 to Ms X incorrectly and unfairly portrayed the outcome of the Grievance Appeal hearing.
  - 4.4. That Councillor Price was acting in the role of elected Member when writing to Ms X.

4.5. That Councillor Price had the "permission" of the Monitoring Officer to write to Ms X.

4.6. That Councillor Price did not have the permission of the Monitoring Officer to write to Ms X in the terms in which he did.

5. The Appeal Tribunal found that Councillor Price had, on the basis of the facts, breached Paragraphs 4(b) and 6(1)(a) of the Code of Conduct of Powys County Council.

5.1. Paragraph 4(b) of the Code of Conduct states that a Councillor must show respect and consideration for others.

5.2. The Appeal Tribunal found that notwithstanding the Ombudsman's original report, in view of the finding of fact at point 4.4 of this Decision Notice, Councillor Price failed to show respect and consideration for his Panel colleagues and this undermined the whole Grievance Panel process.

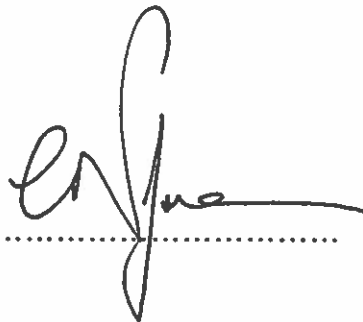
5.3 Paragraph 6(1)(a) of the Code of Conduct states that a Councillor must not conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.

5.5 The Appeal Tribunal found that Councillor Price breached this Paragraph as the action of sending the letter dated 20<sup>th</sup> March 2015 to Ms X in the terms in which he did, could reasonably be regarded as bringing the office of Councillor and the authority into disrepute.

6. The Appeal Tribunal accordingly decided by unanimous decision to refer the matter back to the Standards Committee with a recommendation that Councillor Price should be suspended from being a member or co-opted member of Powys County Council for a period of 3 months.

7. Powys County Council and its Standards Committee are notified accordingly.

Signed.....



Claire Jones  
Chairperson of the Appeal Tribunal

Claire Sharp  
Panel Member

Siân Jones  
Panel Member

Date... 8<sup>th</sup> March 2017.