

**IN THE MATTER OF COUNCILLOR GWYNFOR THOMAS,
A MEMBER OF POWYS COUNTY COUNCIL**

STANDARDS COMMITTEE HEARING

**POWYS COUNTY COUNCIL'S STANDARDS COMMITTEE
15th MARCH 2017**

1. Having considered a Report of the Deputy Monitoring Officer, together with its enclosures including hearing submissions from the Ombudsman and Councillor Gwynfor Thomas not being in attendance in respect of the findings of the investigation and any allegation that Councillor Gwynfor Thomas had failed or may have failed to comply with the Code of Conduct contained in the report of the Public Services Ombudsman for Wales (PSOW) undertaken under Section 69 of the Local Government Act 2000, the Committee made a final determination.
2. The Standards Committee carefully considered whether to proceed in Councillor Thomas's absence, and concluded (having heard evidence provided in an email dated the 10th of March 2017 from the member to the Deputy Monitoring Officer) that they would proceed with the hearing, pursuant to Rule 18.4.11.2 of the Constitution.
3. In accordance with Part III of the Local Government Act 2000, the Council has adopted a Code of Conduct for Members, which is contained within the Councils Constitution, at Section 18. Councillor Gwynfor Thomas has signed an undertaking to abide by this Code of Conduct. Section 18 of the Constitution also sets out the procedure for dealing with allegations made against Councillors and referred (by the PSOW) to the Standards Committee.
4. The purpose of the Ombudsman investigation is to decide whether there has been a breach of the Code of Conduct and if so to refer back to the Standards Committee for determination and if deemed necessary, to impose a sanction.
5. The Ombudsman's investigation report, dated the 24th of October 2016 was considered at the first meeting of the Standards Committee on the 16th of December 2016, and in accordance with Section 18.4.5.1 of the Constitution, they determined that; *the Member should be given the opportunity to make representations either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.* (Section 18.4.6.4(b)). Accordingly, a Hearing was arranged on the 15th of March 2017.
6. At the Standards Committee Hearing on the 15th of March 2017, the Standards Committee heard representations from the Ombudsman's Investigating Officer. In light of the Member's absence, the Committee were provided with information contained within various emails provided to the Deputy Monitoring Officer from Councillor Thomas. The Standards Committee concluded that the Member had breached the County Council's Code of Conduct for Members, namely paragraph 6(1)(a) by bringing your office or Authority into disrepute.
7. The Committee concluded that there were no disputed facts (as outlined in the Ombudsman's Investigation Report) and that the Member's conduct amounted to a breach of the Code of Conduct by virtue of criminal proceedings against the Member in

October 2015 under the Cattle Identification Wales (Regulations) 2007 (failing to maintain accurate cattle records) for which the Member pleaded guilty and received a criminal conviction.

8. Accordingly, the Committee found that, due to the nature and seriousness of the criminal conviction, Councillor Gwynfor Thomas's conduct had breached the Code of Conduct and brought his office and Authority into disrepute. Further, they were concerned that the serious nature of his conviction warranted a community penalty and that Councillor Thomas continued to be Chair of Place Scrutiny Committee despite the investigation of him by the department which he was responsible for scrutinising. The Committee were also concerned that the Member had continued to deny the facts, despite this being a self-referral. The Committee imposed a full suspension upon Councillor Gwynfor Thomas as a member of Powys County Council for 4 weeks.
9. The Committee considered mitigation (provided by the Ombudsman and the Deputy Monitoring Officer) that there was no dishonesty or deception in his conviction, it was the first occasion he had been before the Standards Committee and the Member had co-operated with the Ombudsman.
10. This suspension begins on the 19th of April 2017 and ceases on the 8th May 2017, that being the end of term of office.
11. At this stage in the proceedings there is no right of appeal against the decision of the Standards Committee, as the 21 day appeal period expired on the 18th April 2017.
12. It was also recommended that Councillor Thomas undertake additional training on the Council's Code of Conduct.
13. During Councillor Thomas's 4 week suspension he will not be able to take part in any form of business of the Authority. The Member will not have access to the Council's facilities, including emails, buildings and contact with officers, in his role as a member. Furthermore, the Member is unable to undertake any duties on outside bodies to which he has been appointed by the Council (including School Governing Bodies).

Helen Rhydderch-Roberts
Chair of the Standards Committee

Dated 19th April 2017