

Gwynedd Council Standards Committee

Report on the outcome of a complaint made against Councillor Aeron Maldwyn Jones, Gwynedd Council

1. This report is published in accordance with the provisions of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended) ('the Regulations').

2. Following an investigation by the Public Services Ombudsman for Wales into a complaint against Cllr. Jones, the matter was referred to the Standards Committee for consideration. Details of the Committee's decision are set out in the **Appendix** to this report (below).

3. In accordance with the Regulations, copies of this report will be sent to:

- The Public Services Ombudsman for Wales
- Gwynedd Council's Monitoring Officer
- Cllr. A M Jones
- Cllr. D Edwards (complainant)

4. Following receipt of this report the Monitoring Officer must publish it on the Council's website and ensure that a copy will be available for public inspection at the Council's Headquarters, Caernarfon. A notice of the report will also have to be placed in newspapers circulating in the area.

Gwynedd Council Standards Committee
December 2011

NOTICE OF DETERMINATION BY THE STANDARDS COMMITTEE

Member:	Aeron Maldwyn Jones
Relevant Authority:	Gwynedd Council
Date, time and place of Standards Committee hearing:	30 September 2011
Complainants:	Cllr Dyfed Wyn Edwards
Public Services Ombudsman for Wales' reference no.	200901550

1. The Standards Committee of Gwynedd Council considered a report by the Public Services Ombudsman for Wales regarding alleged breaches of the Code of Conduct for members of Gwynedd Council by Councillor Aeron Maldwyn Jones, which was referred to the Standards Committee by the Ombudsman under Section 71(2) of the Local Government Act 2000 for determination.

2. The Ombudsman had received complaints that Councillor Aeron Maldwyn Jones had failed to observe the Code of Conduct for Members of Gwynedd Council (“The Code of Conduct”) in that he had:-

- (a) in a blog posting headed “ cyng aeron maldwyn jones” dated 9th October 2009 erroneously stated that Councillor Edwards, the Chief Executive, and others were flying to Cardiff for a meeting with Alun Ffred Jones to obtain further funding for Gwynedd Council, and queried why this meeting couldn’t have taken place in Caernarfon. By saying that the meeting was between Councillor Edwards, the Chief Executive and others with Alun Ffred Jones AM, that it

could have taken place locally he had given the impression that the trip was therefore a wasteful expense from the public purse the Councillor had therefore in his official capacity, improperly attempted to secure a disadvantage for Councillor Edwards, contrary to paragraph 7(a) of the Code of Conduct.

- (b) in the blog posting of 9th October 2009 also alleged that the cost of the return flight to each participant was £120 and the ratepayers would have to pay for this “jolly” in Cardiff. At the time the post had been placed on the blog Councillor Jones was not aware of the actual costs. Further that the use of the term “jolly” could not be justified. This was inaccurate criticism of the authority in the public arena and could reasonably be regarded as bringing the Authority into disrepute contrary to paragraph 6 (1) (a) of the Code of Conduct.
- (c) That Councillor Jones in a blog dated 24th February 2010 stated, “Dyfed will of course fly down as (sic) he generally does at Gwynedd taxpayers expense” and the reference “DYFED AIR-PROVE IT”. Despite Councillor Jones’s claim that Councillor Edwards is a frequent flyer, these remarks are derogatory. Councillor Jones in his official capacity by making these remarks has attempted to improperly secure a disadvantage for Councillor Edwards, contrary to paragraph 7(a) of the Code of Conduct

3. As a preliminary issue the Committee considered a submission by Councillor Aeron Maldwyn Jones that Councillor Margaret Griffith should not sit as a member of the Committee. The basis for the submission was that the complainant, Councillor Edwards was the Leader of the Plaid Cymru group in Gwynedd Council. Councillor Griffith as a member of the Plaid Cymru and therefore had too close an association with the issues to be determined by the Committee and should not participate in the Committee’s determination of the complaints. The Committee were advised that the association did not amount to a personal interest for the purposes of the Code of Conduct. The Committee were also advised that the Regulations governing the membership of Standards Committees allowed for Council members to hear matters relating to other members and that group associations were an inevitable consequence of such a structure. On that basis the presence of Councillor Margaret Griffith on the Committee did not amount to apparent bias. The Committee were reminded of the need to objectively consider the matter before them on the basis of the evidence and without reference to any pre-disposition or other extraneous associations or issues. The

Committee resolved it could proceed to consider the complaints and include Councillor Margaret Griffith.

4. Councillor Aeron Maldwyn Jones also asked the Committee to consider the issue of the length of time the matter had taken from the initial complaint to come to hearing. The initial complaint was lodged on the 5th of November 2009 yet the report of the Ombudsman was not concluded until 28th March 2011. He considered that the delay had prejudiced his ability to defend the allegations by particular reference to the fact that relevant members of staff of the Authority such as Hanna Llyn, Councillor Dyfed Edwards's assistant had subsequently left the employment of the Authority and was not available to give evidence. In response the Investigating Officer explained that the Ombudsman's office had been under considerable pressure of work when the complaint had initially been lodged but that increases in staff resources had permitted investigations such as the one into the complaint against Councillor Aeron Maldwyn Jones to be progressed. The Committee considered the submissions and concluded that the nature of the evidence before it was almost exclusively concerned with written and recorded electronic materials and were not reliant on the recollection of facts and events by witnesses to any significant extent. It therefore concluded that the hearing could proceed and that there was no risk of Councillor Aeron Maldwyn Jones receiving an unfair hearing by reason of the delay. Nevertheless the Committee was very concerned at the length of time the matter had taken to investigate. Notwithstanding the explanation it asked that the Ombudsman's office be made aware that it considered the length of time it had taken to have been unreasonable and should be avoided in future.

5. The Standards Committee considered the written report of the Ombudsman's investigation, oral submissions from Mr Eirwyn Pritchard, Investigating Officer and the , written and oral submissions by Councillor Aeron Maldwyn Jones.

6. The Standards Committee determined that Councillor Aeron Maldwyn Jones had failed to comply with the Code of Conduct as follows:-

6.1 The Committee found that Councillor Aeron Maldwyn Jones conduct in relation to complaint 2(a) amounted to a breach of paragraph 7(a) of the Code of Conduct

The reasons for the Committee's conclusions were as follows.

It found that the meeting on the 8th of October 2009 was a seminar arranged by the Welsh Local Government Association (“WLGA”) discussing the future problems faced by Heritage, the Arts and Tourism. The seminar was attended by the Heritage Minister and a number of guest speakers, Councillors and Senior Officers from across Wales. The seminar was Chaired by Councillor Dyfed Edwards. The description of the nature of the meeting in the blog was factually incorrect. The seminar was not attended by the Chief Executive or other members and officers and could not have taken place in Penygroes as suggested in the blog.

The Committee further found that allegations that Councillor Dyfed Edwards had sought to discourage Senior Officers and Members from attending by circulating an invitation to the meeting at the last moment to be unfounded. It was furthermore found that Councillor Dyfed Edwards had not sought to mislead the investigation by suggesting that a meeting with Jane Hutt the Education Minister had taken place during the morning of the 7th of October rather than the afternoon. The meeting had been changed as a consequence of bad weather disrupting flights on the day.

Although advised of these inaccuracies at an early stage by the Council’s Monitoring Officer Cllr Aeron Maldwyn Jones had as at the date of the hearing failed to substantially remove the posting. The assertions in the blog as to the nature of the meeting, the attendees and Councillor Edwards’s conduct were made by Councillor Aeron Maldwyn Jones in his capacity as member of the Council and were incorrect. The Committee found that the comments were improperly made and were designed to create a disadvantage to Councillor Edwards by attempting to create an impression that he was wasteful of public money.

- 6.2 The Committee found that Councillor Aeron Maldwyn Jones conduct in relation to complaint 2(b) amounted to a breach of paragraph 6(1)(a) of the Code

The Committee found that the Councillors assertion that the cost of the return flight was £120 per attendee to be incorrect. The Committee also found that the meetings attended by Councillor Edwards between 7 and 8 October 2010 could not be legitimately considered to be “jolly’s”. The comments, which purported to relate to both the Leader of the Council, it’s Chief Executive and other unspecified officers and members were derogatory and capable of bringing the authority into disrepute by

suggesting that public resources were being wasted on frivolous journeys un related to the transaction of legitimate Council business. This was inaccurate criticism of the authority in the public arena and could reasonably regarded as bringing the Authority into disrepute contrary to paragraph 6 (1) (a) of the Code of Conduct.

- 6.3 The Committee found that Councillor Aeron Maldwyn Jones conduct in relation to 2(c) amounted to a breach of paragraph 7(a) of the Code

The Committee was mindful of the fact that there is a legitimate debate to be held about issues relating to the value for money of travel arrangements. However it considered the comments “Dyfed will of course fly down as he generally does at Gwynedd taxpayers expense” and the reference “DYFED AIR-PROVE IT” to have been derogatory. The comments implied that Councillor Edwards flew frequently and un –necessarily to Cardiff at rate payers expense. Yet Councillor Jones presented no evidence that such comments were justified. The nature of the references in the blog were derogatory and therefore inappropriate and designed to create a disadvantage to Councillor Edwards by attempting to create an impression that he was wasteful of public money.

7. The Committee decided that Councillor Aeron Maldwyn Jones should be suspended from being a member of Gwynedd Council for a period of one month The period of suspension shall commence on the day after the expiry of the time allowed to lodge a notice of appeal, as noted below.

8. The Committee also resolved:

- 8.1 That Councillor Jones should undergo additional training with respect to the Code of Conduct
- 8.2 That the relevant parts of the blog should be removed immediately
- 8.3 That he should apologise to Councillor Dyfed Edwards for the remarks in the blog.

- 9 Councillor Aeron Maldwyn Jones 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 address below 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. Notice of Appeal should be served on:

The President
Adjudication Panel for Wales
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ

10. The Standards Committee was chaired by John Pollard and comprised Keith Greenly-Jones, Eryl Jones-Williams, Margaret Griffith, John Pollard, Sam W Soysa, Gwilym Ellis Evans and David Clay. A report on the outcome of the investigation will be published in accordance with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended).

11. Councillor Aeron Maldwyn Jones, the above named complainants and the Public Services Ombudsman for Wales are notified accordingly.

Signed:
Chair on behalf of the Standards Committee

Date: