

Tribunal Reference Number: APW/007/2005/CT

Reference in Relation to a Possible Failure to Follow the Code of Conduct - Breach of paras 6(1)(b) and 6(e) of the Council's code of Conduct.

APPELLANT: Councillor Brian Thomas,

RELEVANT AUTHORITY(IES): Blaenau Gwent County Borough Council

Decision: Suspended for 12 months.

1. Introduction

1.1. A Case Tribunal Convened By The President Of The Adjudication Panel For Wales Has Considered A Reference In Respect Of The Above Respondent.

1.2. A Hearing Was Held By The Case Tribunal At 10.00 Am On Thursday 13 July 2006 At The Hilton Hotel, Chepstow Road, Newport.The Hearing Was Open To The Public.

2. Preliminary Documents

2.1. Reference From The Public Services Ombudsman For Wales

2.1.1. In A Letter Dated 28 October 2005, The Adjudication Panel For Wales Received A Referral From The Public Services Ombudsman For Wales ("The Ombudsman") In Relation To Allegations Made Against Councillor Brian Thomas.The Allegations Were That Councillor Thomas Had Breached Blaenau Gwent County Borough Council's Code Of Conduct By Making A Malicious Complaint To The Ombudsman Against Another Member Of The Council.

2.2. The Councillor's Written Response To The Reference

2.2.1. Councillor Thomas Disputed The Findings Of The Ombudsman.He Maintained There Was A Strong Basis To The Complaint He Made Against Another Member Of The Council.He Argued That Had He Known That His Evidence Was Not Going To Be Supported And Corroborated By Other Members Of His Political Group He Would Not Have Pursued The Matter.He Accepted, However, That If The Tribunal Found That The Facts Of The Case Were Found To Conflict With His Viewpoint The Complaint Would Have Been A Malicious Complaint.

2.2.2. Matters Commented On By Councillor Thomas, Referred To By Paragraph Numbers Of The Ombudsman's Report:

A) Paragraph 35 And 48 -Councillor Thomas Highlighted The Inconsistency In The Evidence Of 2 Witnesses As To Whether In July 2002 Confirmation Was Given As To The Provision Of A Room Forthe Liberal Democrat Group.

B) Paragraph 37– This Confirmed That There Was Clear Evidence Of Movement On The Long-Standing Problem Of Office Space After The Appointment

Of A New Chief Executive.

C) Paragraph 39– The Speed By Which Work Was Progressed Indicated Pressure Being Brought To Bear Following The Appointment Of The Chief Executive.

D) Paragraph 36 And 37– Councillor Thomas Disputed The Weight That Should Be Given To The Evidence Of The Chief Executive Having Regard To The Nature Of The Complaint.

E) Paragraph 58 – He Identified That The Councillor Who Sat Behind Councillor Morgan At The Relevant Meeting Was The Councillor Against Whom He Had Made A Complaint.

2.3. The Ombudsman's Representations

2.3.1. No Further Representations Were Made.

3. Oral Submissions

3.1. The Case Tribunal Heard The Following Oral Evidence. Councillor John Hopkins, Leader Of Blaenau Gwent County Borough Council.

3.2.1. Councillor Hopkins Gave Evidence As To The Political Set Up Of The Council.He Confirmed That, After The Annual General Meeting In May 2002, He Was Approached By Councillor Thomas Requesting A Room For The Liberal Democrat Group.He Undertook Personally To Make Arrangements To Ascertain If A Particular Area Could Be Transformed Into A Room For The Liberal Democrat Members.He Recalled Meeting With The Health And Safety Officer In July 2002 To Discuss Practicalities.The Room Was Converted In December 2002.

3.2.2. Councillor Hopkins Explained The Procedures For The Appointment Of The New Chief Executive.He Denied Any Conversations With Councillor Thomas As To Any "Deal" Linking The Provision Of A Room To Support For A Particular Candidate.

3.2.3. Following The Election Of Members In June 2004, He Wrote To Councillor Thomas Asking The Liberal Democrat Group To Vacate The Room.He Believed He Had The Appropriate Authority Under Local Government Powers.He Was Not Acting Vexatiously.The Group Had No Entitlement To The Room.His Wish Was To Transfer It Into A Members' Room Which Would Include Labour Backbenchers.He Felt The Room Was Being Underused.

3.2.4. Councillor Hopkins Subsequently Received Correspondence From Councillor Thomas And He Replied Refuting All The Allegations Made.He Was Totally Shocked By The Contents Of The Correspondence.

3.2.5. Councillor Hopkins Recalled A Conversation With Councillor Thomas In Respect Of The Correspondence.Threats Were Made By Councillor Thomas That He Would Send Copies Of The Correspondence To The Media.

3.2.6. Councillor Hopkins Became Aware Of A Complaint To The Ombudsman.He Received Correspondence From The Ombudsman Advising Him Not To Discuss The Matter With Any Other Members.He Complied With This Request And Provided A Full Written Response.There Was No Basis To The Complaint Being Made By Councillor Thomas Against Him.

3.2.7. During Cross-Examination By The Representative On Behalf Of Councillor Thomas, He Stated There Was No Initial Pressure By Labour Backbenchers To Provide A Room.The Room Was One Where No More Than Four People Could Gather. His Decisions As To Nominations Of Persons To Committees Were Merit Based.He Did Not Know Where Councillor Thomas Sat In The Main Chamber.He Was Not Aware Of Any Invitation At That Time For The Local Authority To Attend A Conference In Bristol.

Phillip Jones, Health And Safety Officer

3.3.1. Mr Jones Provided Evidence As To His Meeting The Leader Of The Council With Regard To The Provision Of Office Space.He Did Not Believe A Particular Political Group Was Mentioned.This Conversation Would Have Been In July 2002.It Was Not A Long Conversation.

3.3.2. He Acknowledged He Would Meet Members Very Infrequently.His Usual Interface With The Leader Of The Council Would Be Passing Him In The Corridor.
Gail Duffy, Former Councillor Blaenau Gwent County Borough Council

3.4.1. Mrs Duffy Confirmed That In 2002 She Had Been A Liberal Democrat Council Member.She Lost Her Seat In The Subsequent Election.She Had Not Been Present During Any Conversations Between Councillor Hopkins And Councillor Thomas.She Recalled Being Told As To The Provision Of A Room.Councillor Thomas Informed Her That They Should Vote For A Particular Candidate For Chief Executive, But She Did Not Recall Whether Any Reason Was Given.She Voted For Whom She Believed To Be The Best Candidate.

3.4.2. Mrs Duffy Conceded That She Was No Longer A Member Of The Liberal Democrat Party And Was Now A Labour Party Member, Having Recently Nominated One Of The Candidates Standing In The By-Election.She Maintained She Had No Recollection Of Being Asked To Vote For A Particular Candidate At Anytime Before The October 2002 Meeting.The Meeting In 2002 Was A Full Council Meeting Conducted By Way Of Secret Ballot.No Mention Was Made At Anytime Of Voting In A Particular Manner In Return For The Provision Of Office Space.
Councillor Brian Thomas

3.5.1. Councillor Thomas Confirmed The Statement He Provided To The Ombudsman And His Other Written Responses.He Maintained He Would Never Have Gone As Far As He Did In The Complaint If He Did Not Think He Would Have The Support Of Former Colleagues.He Had Given 31-Years Service To The Council.

3.5.2. The Liberal Democrat Group Needed An Office And He Had Made Several Approaches To Councillor Hopkins But They Had All Been Turned Down.Councillor Thomas Believed That There Had Been A Conversation At The Annual General Meeting In May 2002 As To The Provision Of A Room.

3.5.3. Councillor Thomas Recalled A Subsequent Conversation With Councillor Hopkins Wherecouncillor Hopkins Stated That He Required The Support Of The Liberal Democrats In Respect Of The Appointment Of His Favoured Candidate For Chief Executive.Councillor Thomas Conceded It Was He Who Suggested That Office Space Be Provided For The Liberal Democrat Group In Return For That Support. .This Conversation Took Place In August 2002.

3.5.4. Cllr Thomas Was Shocked To Receive The Letter In 2004 Withdrawing The Office Facilities.In His View, Councillor Hopkins Had Broken A Promise.He Agreed That, In Correspondence, He Threatened To Report Councillor Hopkins To The Ombudsman.He Conceded That He Had Also Breached The Code Of Conduct If It Were Held That There Had Been A “Deal”, Wherein A Room Would Be Provided In Return For Votes In Favour Of A Particular Candidate For Chief Executive.

3.5.5. Councillor Thomas Was Adamant That There Had Been A Group Meeting With The Other Two Liberal Democrat Members Weeks Before The October 2002 Meeting.The “Deal” Was Mentioned To His Two Fellow Councillors.He Could Not Explain Why They Had No Recollection Of This Meeting.

3.5.6. Councillor Thomas Agreed That Neither Of His Two Fellow Liberal Democrat Councillors Had Been Present At The Meeting With Councillor Hopkins.He Was Incorrect When He Indicated In Writing To Councillor Hopkins That They Had Been Present.He Was Seeking To Bluff Councillor Hopkins In The Letter.The Letter Was A Mistake And He Should Not Have Included The Phrase In The Letter.He Accepted That, During A Meeting In July 2004, He Had Threatened To Report Councillor Hopkins.

3.5.7. Councillor Thomas Stated That He Did Not Release A Copy Of His Letter To The Western Mail.He Accepted That He Had Copied The Letter To Three Other Councillors.He Initially Indicated That He Had No Recollection Of Speaking To The Western Mail But, On Being Presented With A Copy Of The Report, Conceded That It Is Likely He Had A Telephone Conversation With The Reporter.He Did Send A Copy Of His Letter To The Gwent Gazette.The Information At That Time Was In The Public Domain.

3.5.8. Councillor Thomas Confirmed He Presented A Complaint To The Ombudsman At The End Of July 2004.He Forwarded A Copy Of His Letter To The Gwent Gazette After The Complaint Had Been Made.He Accepted That, Once He Had Complained To The Ombudsman, He Should Not Have Spoken To The Press Or Forwarded Correspondence.

3.5.9.Councillor Thomas Conceded That The Meeting Between The Leader Of The Council And The Health And Safety Officer Was Likely To Have Occurred In July 2002.However, No Mention Was Made According To The Health And Safety Officer As To Which Group Was To Benefit From The Use Of The Room.

3.6. Letters Were Submitted To The Tribunal During The Hearing By And On Behalf Of Councillor Thomas:

3.6.1a Letter From Former Councillor Christopher Morgan Commenting On The Provision Of The Room And Its Cost; And

3.6.2.A Letter From Councillor John Mason, The Leader Of The Independent Group, Confirming Discussion Within The Group.They Did Not Dispute Councillor Thomas's Honesty.

3.7 Councillor Thomas Made The Following Further Submissions.

3.7.1. Councillor Thomas Would Not Have Made The Complaint To The Ombudsman If He Did Not Believe That Others Were Supporting Him.He Was Convinced That His Former Colleagues Would Back Him.

3.7.2. There Was No Direct Evidence As To A Conference In Bristol. The Telephone Call From The Leader Of The Council To Invite Councillor Thomas Was A Way Of Getting Him To See Councillor Hopkins.The Fact That The Conference Did Not Exist Is Immaterial.

3.7.3. The Evidence Of Phil Jones As To The Costs Of Adopting The Room And The Health And Safety Obligations Meant That The Work Could Not Be Done Immediately.The Office Space Was A Premium.Why, Therefore, Release A Small Area For 3 Members Without Some Other Reason?

3.7.4. The Case Tribunal Should Ignore The Evidence Of The Chief Executive Given That His Position Was Compromised As A Result Of The Allegations Being Made By Councillor Thomas.

3.7.5. In Respect Of The Conversation Between Councillor Thomas And Councillor Hopkins, It Was Two Men In A Room.There Were Two Conversations, The First Where It Is Alleged A Deal Was Made And, Secondly, When It Was Alleged Councillor Thomas Had A Verbal Outburst.The Case Tribunal Should Conclude That If One Conversation Took Place, The Second Had To Occur Also.There Was No Corroboration Other Than The Individuals' Recollections.

3.7.6. Councillor Thomas' Personal Diary Indicated A Meeting Of The Liberal Democrat Group Three Weeks Prior To The October 2002 Meeting.This, It Was Submitted, Was When The Fellow Liberal Democrat Councillors Were Made Aware Of The Agreement.

3.7.7. Councillor Thomas Agreed That He Released Information To The Gwent Gazette And Talked To The Western Mail.Circumstances Of Modern Journalism Provoked Councillors Into Answering Questions And Being Quoted Out Of Context.Councillor Thomas Was Adamant, However, That He Was Not The Person To Release Information To The Western Mail.He Copied The Letter To Three Councillors And It Is Of Significance That The Ombudsman Only Spoke To Two Of Those Councillors.

3.7.8. Would Councillor Thomas Risk All His Hard Work In Making A Malicious Or Vexatious Complaint?

4. Findings Of Fact

4.1 the Case Tribunal Found The Following Undisputed Material Facts:

4.1.1. At The Time In Question, Councillor Brian Thomas Had Been A Councillor For 33 Years And Was Leader Of The Liberal Democrats Group At Blaenau Gwent County Borough Council.

4.1.2. On 14 November 2001, Councillor Thomas Gave An Undertaking To Observe Blaenau Gwent County Borough Council's Code Of Conduct.

4.1.3. Councillor John Hopkins Was Leader Of Blaenau Gwent County Borough Council At The Time In Question.

4.1.4. The Chief Executive Of Blaenau Gwent County Borough Council Indicated His Intention To Retire In A Letter To The Council Dated 27 June 2002.

4.1.5. The Closing Date For Applications To The Post Of Chief Executive Was 30 August 2002.

4.1.6. Candidates For The Post Of Chief Executive Were Shortlisted By A Sub-Committee Of The Council On 12 September 2002.

4.1.7. On 10 October 2002, A Full Council Meeting Appointed The New Chief Executive, Mr Robin Morrison By Secret Ballot.

4.1.8. On 13 December 2002, Works Began To Alter The Fire Escape Area To Provide A Room For The Liberal Democrat Group.

4.1.9. As A Result Of The Local Government Elections On 10 June 2004 The Liberal Democrat Group Membership Was Reduced From 4 Members To 3 Members With Councillors Duffy And Morgan Losing Their Seats.

4.1.10. On 22 June 2004, A Letter Was Sent By Councillor Hopkins To Councillor Thomas Asking For The Room Allocated To The Liberal Democrats Group To Be Vacated.

4.1.11. Councillor Thomas Replied By Way Of Letter To Councillor Hopkins On The 28 June 2004. This Letter Was Copied To Councillors Elias And Wilcox.

4.1.12. A Meeting Took Place In July 2004 Between Councillor Thomas And Councillor Hopkins.

4.1.13. An Allegation Of A Breach Of The Code Of Conduct Dated 26 July 2004 Was Submitted By Councillor Thomas Against Councillor Hopkins And Received By The Ombudsman On 4 August 2004. The Allegation Was That Councillor Hopkins Had "Withdrawn An Office Facility Provided To The "Liberal Councillors Group". Councillor Thomas Further Accused Councillor Hopkins Of "Making A Deal Then Breaking It".

4.1.14. The Text Of The Correspondence Between Councillor Thomas And Councillor Hopkins Appeared In An Article In The Western Mail On 4 August 2004 And The Gwent Gazette On 12 August 2004.

4.1.15. Councillor Hopkins Replied To The Allegations In A Letter To The Director Of Investigations At The Ombudsman's Office Dated 17 August 2004.

4.1.16. Councillor Thomas Accepts That, If The Allegations Against Councillor Hopkins Are True, He Is Also Similarly Guilty Of Serious Breaches Of The Code Of Conduct.

4.2. The Case Tribunal Found The Following Disputed Material Facts:

4.2.1. Is There Any Substance In The Allegation Dated 26 July 2004 Made By Councillor Thomas Against Councillor Hopkins?

4.2.2. Was There Ever An Offer Made To Councillor Thomas To Attend A Conference In Bristol In September 2002?

4.2.3. Did Councillor Hopkins And Mr Phil Jones, Health And Safety Officer Discuss On 24 July 2002 The Provision Of Office Space In The Fire Escape Area For The Liberal Democrats Group?

4.2.4. Did Robin Morrison, Prior To His Appointment As Chief Executive, Discuss With A Staff Member At The Council, The Provision Of An Office For The Liberal Democrats Group?

4.2.5. Did A Conversation Take Place Between Councillor Thomas And Councillor Hopkins In September 2002 Regarding The Selection Process For The Chief Executive? Did Councillor Hopkins Make A Promise That He Would Provide Office Space In Return For Liberal Democrats' Support For Mr Morrison As Candidate For Chief Executive?

4.2.6. Did Councillor Thomas Have A Conversation With Councillors Duffy And Morgan About Supporting Mr Morrison's Candidacy And If So When And What Was The Full Ambit Of The Conversation?

4.2.7. Was Councillor Thomas Responsible For Releasing Details Into The Public Domain Of His Complaint Against Councillor Hopkins?

4.3. The Case Tribunal Found The Following In Respect Of The Disputed Facts:

4.3.1. In Respect Of Disputed Fact 4.2.2, The Case Tribunal Found That No Offer Was Made To Councillor Thomas To Attend A Conference In September 2002. The Basis Of This Finding Was:

A) The Tribunal Preferred The Evidence Of Councillor Hopkins To That Of Councillor Thomas. The Case Tribunal Accepted That Vigorous Checks Were Made Within The Council As To Whether A Conference Was Held In Bristol And There Was No Evidence Of Any Such Conference.

B) The Case Tribunal Further Noted The Vagueness Of Councillor Thomas Who Could Not Confirm The Nature Of The Conference Or Who Attended.

4.3.2. The Case Tribunal Found That There Was A Brief Meeting On 24 July 2002 Between The Leader Of The Council And The Health And Safety Officer. The Case Tribunal Was Not Satisfied That There Was Sufficient Evidence The Leader Had Mentioned That The Room Was Specifically For The Purposes Of The Liberal Democrat Group. The Case Tribunal Noted That The Size Of The Room Would Only Make It Appropriate For A Group Of Three Or Four Members Maximum.

4.3.3. The Case Tribunal Was Not Satisfied That There Had Been Any Discussion Between The Current Chief Executive And Any Staff Member As To The Provision Of A Members' Room For The Liberal Democrats Group Prior To His Appointment As Chief Executive. The Case Tribunal, However, Was Satisfied That There Was A Discussion As To The Provision Of Such A Room In July/August 2002 Between The Chief Executive And Councillor Hopkins. This Finding Was On The Basis Of The Evidence Of Councillor Hopkins And The Chief Executive. The Case Tribunal Was Satisfied That The Appointment Of The Chief Executive Was Appropriate And That He Had The Overwhelming Support Of The Majority Of The Members When Appointed In October 2002.

4.3.4. Whilst The Case Tribunal Accepted That There Were Conversations Between Councillor Hopkins And Councillor Thomas During 2002 As To The Provision Of A Room For The Liberal Democrat Group, The Case Tribunal Rejected The Submission That There Was Any "Deal" I.E. That The Offer Of The Room Was Conditional Upon Support For A Particular Candidate For Chief Executive. The Case Tribunal In Reaching This Decision Based Its Findings Upon:

A) The Evidence Of Councillor Hopkins Who Had Been Consistent Throughout As To His Rebuttal Of The Allegation.

B) The Evidence Of Councillor Duffy Who Stated That She Was Not Aware Of Any Such Deal.

C) The Inconsistent Nature Of The Evidence Of Councillor Thomas. In His Written Statement To The Ombudsman He Had Stated That The Conversation With Councillor Hopkins Took Place In Mid September But, Whilst Giving Oral Evidence To The Case Tribunal, He Stated That This Conversation Was In August 2002. This Meant That The Conversation Would Have Been Before The Closing Date For Applications For Chief Executive. It Would Be Inconceivable That A "Deal" Would Have Been Struck When The Leader Of The Council Was Not Even Aware Of The Candidates.

D) Our Further Finding, On Councillor Thomas' Own Admission, That He Misrepresented The Position As To A Meeting With Councillor Hopkins. He Alleged, In The Letter Of 28 June 2002, That His Two Colleagues Were Present When The Conversation Took Place. He Now Accepted That This Was Incorrect. This In The View Of The Case Tribunal Affected Councillor Thomas' Credibility.

4.3.5. The Case Tribunal Found That There Was No Promise Of Office Space By

The Leader Conditional Upon Support For A Particular Candidate. Even If There Had Been Such A Promise, Which Was Not Accepted By The Case Tribunal, Councillor Thomas On Oath Conceded That Such An Offer Would Have Been At His Own Instigation. This Contradicted The Assertion Made On Behalf Of Councillor Thomas That, In Some Way, He Had Been Specifically Invited To A Meeting.

4.3.6. The Case Tribunal Accepted That Councillor Thomas, At The Meeting Of 12 October 2002, Mentioned To The Two Other Liberal Democrat Councillors The Name Of The Person He Was Going To Vote For As Chief Executive. However, The Case Tribunal Did Not Find That There Had Been Any Earlier Meetings, As Alleged, Between The Three Members Of The Liberal Democrat Group. Further, The Case Tribunal Did Not Find That There Had Been Any Discussions That Specifically Raised Any Alleged Offer Of A Room In Support For A Particular Candidate. The Claim By Councillor Thomas That There Had Been A Meeting Between Him And The Two Other Liberal Democrat Councillors Was Not Supported By The Evidence Of Former Councillors Duffy Or Morgan.

4.3.7. On The Basis Of The Above, The Case Tribunal Found No Substance In The Allegation Made By Councillor Thomas Against Councillor Hopkins.

4.3.8. The Case Tribunal Was Not Satisfied That Councillor Thomas Had Released Copies Of His Letter To The Western Mail. The Case Tribunal Did Find, On Councillor Thomas' Own Admission, That He Had Copied The Letter To Other Councillors. His Motivation, In His Own Words, Was "To Stir". The Case Tribunal Found That Councillor Thomas Did Speak To The Western Mail. Councillor Thomas Had Admitted That He Had Forwarded A Letter To The Gwent Gazette After The Ombudsman Had Commenced His Investigation.

5. Findings Of Whether Material Facts Disclose A Failure To Comply With The Code Of Conduct

5.1. The Respondent's Submissions

5.1.1. Councillor Thomas Accepted That, On The Basis Of The Findings Of Fact, He Would Be Unable To Argue Against A Breach Of Paragraph 6(1)E Of The Code Of Conduct. He Had Accepted That Any Complaint, If It Were Without Foundation, Would Have Been Malicious. He Contended That The Breach, In The Context Of What Was Occurring Within The Council, Was "Small Fry". He Submitted That The Dispute Was A "Minor Squabble".

5.1.2. Councillor Thomas Contended That The Severity Of The Publicity Did Not Bring The Council Into Disrepute And, Therefore, That There Was No Breach Of Paragraph 6(1)(B).

5.2. The Ombudsman's Report

5.2.1. It Was Contended That Councillor Thomas's Action In Making The Allegations Against Councillor Hopkins Without Some Evidence In Support Of His Claims Constituted A Breach Of Paragraph 6(1)E Of The Code Of Conduct, Namely That He Had Made A Malicious Complaint. Councillor Thomas Was Acting In His Official

Capacity When He Made The Allegation And Details Of His Correspondence Received Coverage By The Local Press. Although The Ombudsman Accepted That There Was No Direct Evidence Of Councillor Thomas Sending Details To The Press, The Evidence Indicated An Intention By Councillor Thomas That The Matter Be Made Public. The Ombudsman Considered That The Evidence Pointed To A Breach, By Councillor Thomas, Of Paragraph 6(1)(B) Of The Code Of Conduct In That His Action, In Making A Malicious Allegation, Was Not Compatible With The Standard Of Behaviour Expected In Public Office And, Moreover, Could Reasonably Be Regarded As Bringing The Council Into Disrepute.

5.3. Case Tribunal's Decision

5.3.1. On The Basis Of The Findings Of Fact, The Case Tribunal Found By An Unanimous Decision That There Was A Failure To Comply With Blaenau Gwent County Borough Council's Code Of Conduct As Follows:

A) Paragraph 6(1)(B) Of The Code Of Conduct States That "Members Must Not In Their Official Capacity Or Otherwise Behave In A Manner Which Could Be Reasonably Regarded As Bringing The Office Of Member Or The Authority Into Disrepute".

B) Paragraph 6(1)(C) Of The Code Of Conduct States That "Members Must Report To The Local Commissioner For Local Administration In Wales And To The Authority's Monitoring Officer Any Conduct By Another Member Which They Believe Involves Or Is Likely To Involve A Failure To Comply With This Code Of Conduct".

C) Paragraph 6(1)(E) Of The Code Of Conduct States That "Members Must Not In Relation To [Paragraph 6(1)(C)] Make Vexatious Or Malicious Complaints Against Other Persons."

5.3.2. The Case Tribunal Found That Councillor Thomas' Complaint To The Ombudsman Was Both Vexatious And Malicious. The Complaint, On The Findings Of The Case Tribunal, Was Without Foundation. Councillor Thomas Had Accepted That, On The Basis Of The Findings Of Fact, The Complaint Would Have Been Malicious. The Complaint Was Malicious In That It Was Intended To Cause Damage To The Leader Of The Council. The Complaint Was Vexatious In That It Caused Unnecessary Work And Investigation By The Ombudsman.

5.3.3. The Case Tribunal Was Of The View That Councillor Thomas Had Brought The Office Of Member And The Authority Into Disrepute. The Case Tribunal Based This Finding On The Serious Nature Of The Unfounded Allegations And The Seniority Of The Persons Concerned.

6. Submissions On Action To Be Taken

6.1. The Respondent's Submissions

6.1.1. Councillor Thomas Contended That This Was A Case Of Him Being Over Zealous. He Was Of Senior Standing, Having Served The Local Community For Over 30 Years. It Was Submitted That This Was A Local Dispute And It Was Not A Case

Of "Monies Changing Hand".He Submitted That A Suspension Of No More Than 3 Months Would Be Appropriate.

6.2. Case Tribunal's Decision

6.2.1. The Case Tribunal Gave Full Consideration To All The Facts Of The Case.

6.2.2. This Was A Case Where A Serious And Unfounded Allegation Was Made Against A Leader Of A County Borough Council.This Brought The Authority As A Whole Into Disrepute.The Case Tribunal Accepted That No Personal Advantage Was Being Sought Nor Was There Any Sophistication On The Part Of Councillor Thomas In Making His Complaint.

6.2.3. The Unfounded Complaint Did Cause Distress To Councillor Hopkins.Councillor Thomas Had Brought The Authority Into Disrepute.The Case Tribunal Had To Ensure That The Standards And Confidence In Public Life Are Maintained.The Breaches, Which Are Of The Most Serious Nature, Could Have Justified The Panel In Imposing A Disqualification.

6.2.4 the Case Tribunal Gave Full Regard To The Long Service Of Councillor Thomas Within His Community.Credit Was Also Given To Councillor Thomas For His Co-Operation With The Ombudsman And The Case Tribunal.However, The Case Tribunal Noted, With Concern, His Consistent Denial Of Any Wrongdoing And His Failure To Acknowledge The Seriousness Of The Breaches.Whilst Of The View That A Disqualification Would Be Justified, The Case Tribunal Unanimously Concluded That The Appropriate Sanction Was Suspension.The Period Of Suspension Would Reflect The Very Serious Nature Of The Breaches Under The Code And The Malicious Nature Of The Allegations.The Period Would Be One Of Twelve Months.

6.2.5. The Case Tribunal Concluded, By Unanimous Decision, That Councillor Thomas Should Be Suspended From Acting As A Member Of Blaenau Gwent County Borough Council For A Period Of 12 Months Or, If Shorter, The Remainder Of His Term Of Office.

6.2.6. Blaenau Gwent County Borough Council And Its Standards Committee Are Notified Accordingly.

6.2.7. The Respondent Has The Right To Appeal To The High Court Against The Above Decision.A Person Considering An Appeal Is Advised To Take Independent Legal Advice About How To Appeal.It Is The Adjudication Panel For Wales' Understanding That A Notice Of Appeal To The High Court Should Be Made Within 28 Days Of Either The Date Of Notification Of The Case Tribunal's Decision Or The Respondent's Receipt Of This Reasoned Decision, If Later.

Signed..... Date.....

Mr Hywel James

Chairperson Of The Case Tribunal

Mr Colin Evans

Panel Member

Ms Juliet Morris

Panel Member