

NOTICE OF DECISION

TRIBUNAL REFERENCE NUMBER: APW/003/2024-025/AT

APPELLANT: Councillor Gareth Baines

RELEVANT AUTHORITY(IES): Wrexham County Borough Council
Chirk Town Council

1. Following a decision by the Standards Committee of Wrexham County Borough Council (“the Standards Committee”) that the Appellant breached the Code of Conduct of the Chirk Town Council on 13 November 2024, and the Notice of Decision emailed and posted to the Appellant on 18 November 2024, the Appellant has made an application for permission to appeal under Regulation 10 of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.
 2. Regulation 10(2) provides “The application for permission to appeal must be instigated by giving notice in writing within 21 days of receiving notification of the Standard Committee’s determination to the president of the Adjudication Panel for Wales.”
 3. On the 20 December 2024, the Appellant sent an email to the Tribunal stating that he wished to appeal the decision of the Standards Committee. The Appellant’s appeal was received by the Adjudication Panel for Wales (“APW”) on 20 December 2024, after the end of the 21 day period in which applications for permission to appeal must be received.
 4. The email submitted that the Appellant had not received the relevant information to allow him to appeal and confirmed that he had emailed the Monitoring Officer on the 4 December 2024 to indicate his intention to appeal the decision.
 5. The decision letter was sent to the Appellant by post and email on the 18 November 2024. The penultimate paragraph notified the Appellant that the right of appeal lay to the APW, specified the deadline of 21 days from the date of the letter for making the appeal and signposted the Appellant to the APW
-

website for further information about appeals against standards committee decisions.

6. I am satisfied that the Appellant was provided with the relevant information to enable him to make a timely appeal but he failed to do so. The fact that he wrote to the Monitoring Officer to inform her of his intention to appeal on the 4 December 2024 reflects the information provided in the final paragraph of the decision letter.
7. The Appellant sent further information to the APW on the 23 December 2024 stating that he had received no notification of his appeal rights “..other than a decision letter from the Deputy Monitoring Officer..” a copy of which was attached to his email. The decision letter attached to the email was the letter dated 18 November 2024.
8. The requirement of Regulation 10(2) is that the notice of appeal must be given in writing to the APW within the 21 day period. There is no provision within the legislation to grant an extension to the 21-day period. Even if there was an obligation on the APW to take into consideration that submission of an application for permission to appeal had been delayed due to exceptional circumstances, no such exceptional circumstances have been identified in the application. I conclude that there are no grounds upon which exceptional circumstances could be identified as the cause of the delay in making the application for permission to appeal.
9. The decision notice was dated 18 November 2024 and marked as sent by email and post. A copy of the decision letter so dated has been provided by the Appellant and he does not deny receiving the decision letter on that date. Emails are regarded as received on the date that they are sent; the time to appeal therefore ran from 18 November 2024. The calculation of 21 clear days from the date of issue runs to the 10 December 2024 and the application is out of time.
10. An Appeal Tribunal will **not** be convened by the President of the Adjudication Panel for Wales to consider the Appellant’s appeal.

Signed: Judge Meleri Tudur

Date: 03 January 2025

Judge Meleri Tudur

President of the Adjudication Panel for Wales
