

Report on Standards Committee Hearing

In relation to a complaint against Cllr Terence James of Conwy Town Council

Date of Hearing – 5th November 2020

In attendance

Members of Conwy County Borough Council Standards Committee

Iain Moore
Anne Mellor
Clive Wolfendale
Councillor Delyth McRae
Councillor Frank Bradfield

At the Hearing, the Standards Committee heard from:-

- two representatives of the Ombudsman;
- a member of staff of Conwy Town Council
- a representative on behalf of Councillor James
- a former employee of Conwy Town Council
- the Clerk to Conwy Town Council and
- Councillor Terence James

The hearing was convened as a consequence of the Report of the Public Services Ombudsman for Wales (“the Ombudsman”) on the investigation of complaints made against Councillor James as a member of Conwy Town Council of potential breaches of the Council’s statutory Code of Conduct for members.

The allegations were as follows:

- (i) that Councillor James breached Paragraph 11(1) of the Code of Conduct on 15th January, 26th March 2018, 29th May 2018, 14th June 2018, 25th June 2018, 6 August 2018, 3rd September 2018 and 15th October 2018 when he failed to declare an interest at those meetings.
- (ii) that Councillor James breached Paragraph 14(i)(a)(ii) of the Code of Conduct by failing to withdraw from the room where the above meetings were taking place
- (iii) that Councillor James breached Paragraph 14(i)(c) and (d) of the Code of Conduct by seeking to influence the decision of the meeting on 14th June 2018 by making oral representations

After consideration of all the evidence and the representations made by all parties, the Committee found as a matter of fact that Councillor James had a personal and prejudicial interest in staffing matters relating to a former member of staff and to a current member of staff. This was by virtue of ongoing grievances and appeals

raised against Councillor James and another Member who is also a member of Conwy Town Council.

The Committee also found as a matter of fact that Councillor James failed to declare his personal and prejudicial interest in all of the meetings referred to above and further, that in the meeting on the 14th June 2018 Councillor James made oral representations and sought to influence decisions made in that meeting.

The Committee considered the representations made by Councillor James's representative that this meeting was not one which was convened to discuss anything other than wider issues within the Town Council. However, after considering the Minutes of this meeting and the report which was presented to it, it is clear that the grievances were both referred to in the report and discussed in the meeting. Further, it is clear that the prejudicial interest extended to discussion of any staffing matter affecting those with whom a dispute existed. Accordingly, Councillor James should have declared a personal and prejudicial interest and withdrawn from the room.

The Committee concluded that all the allegations referred to above were proven and that Councillor James had therefore failed to comply with the Code of Conduct on those occasions.

The Committee took a very serious view of the breaches noting the number and the long period of time over which they occurred in addition to the potential prejudice which may have occurred due to Cllr James's presence at the meetings. Further, the Committee felt that Councillor James appeared to have a lack of insight into his actions and the potential consequences of them.

The Committee accepted that during the period when the breaches occurred, there was a chaotic atmosphere within the Town Council where procedures may not have been correctly followed. However, the ultimate responsibility to comply with the Code of Conduct lies with Councillor James himself.

The Committee therefore determined that Councillor James should be suspended from being a member of Conwy Town Council for a period of one month. The Committee also strongly recommends that Councillor James undertake training on the Code of Conduct at the earliest opportunity.

The suspension came into effect on 2nd December 2020 and will expire on 1st January 2021