

**REPORT BY THE STANDARDS COMMITTEE
Local Government Investigations (Functions of Monitoring Officers and Standards
Committees) (Wales) Regulations 2001 (as amended)**

Member:	Councillor Janet Owen
Relevant Authority:	Borth Community Council
Date, time and place of Standards Committee hearing:	9 November 2010 at 11.00a.m. Teifi Room, Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron
Complainants:	Dr Terence Davies Cllr Margaret Griffiths
Public Services Ombudsman for Wales' reference no.	2293/200901195 2293/200901603
Standards Committee members present:	Mr Stephen Cripps (Independent Member & Vice Chair) Dr James Macduff (Independent Member) Mrs Ann Winfield (Independent Member) Mr Eddie Ffoulkes-Jones (Independent Member) Cllr Haydn Richards (Ceredigion County Council) Cllr John Roberts (Ceredigion County Council) Cllr Ben Davies (Community Council representative) Cllr Gwilym Williams (Community Council representative)
Also in attendance:	Ms Claire James - Investigating Officer, Public Services Ombudsman for Wales Mr Andrew Walsh - Director of Investigations, Public Services Ombudsman for Wales Miss Claire Jones - Monitoring Officer Miss Carys Hughes – Standards Officer / Clerk to the Committee

Introduction

1. The hearing was chaired by Mr Stephen Cripps, who invited those present to introduce themselves and explained that the Standards Committee had been convened to consider a report by the Public Services Ombudsman for Wales regarding alleged breaches of the Code of Conduct for members of Borth Community Council by Councillor Janet Owen, which had been referred to the Standards Committee by the Ombudsman under Section 71(2) of the Local Government Act 2000 for determination.
2. The Chair informed the Committee that Councillor Owen had decided not to attend the hearing in person and had submitted written representations.

3. The Chair invited the Committee members to disclose any personal/prejudicial interests in respect of the proceedings and the members confirmed that they did not have any interests to disclose in respect of the matters being considered by the Committee.
4. The Chair invited the Standards Officer to introduce the Pre-Hearing Process Summary which had been circulated with the agenda. It was confirmed that everyone present had received a full set of papers for consideration at today's hearing. The Standards Officer referred to the Pre-Hearing Process Summary which included a summary of the allegations, the relevant sections of the Code of Conduct and a list of undisputed and disputed facts. Councillor Owen had advised the Standards Officer that she had reconsidered her original decision not to make representations and had since submitted written representations on 25 October and 4 November 2010.

First Stage: Preliminary procedural issues

5. The Committee considered whether or not to exclude the press and public during all or part of the hearing. The Chair noted that there was a general presumption that the hearing would be held in public and that no objections had been received from the Ombudsman's office or Councillor Owen. The Committee resolved that the hearing should proceed in public.
6. The Committee also considered whether to hear and decide the matter in Councillor Owen's absence or to adjourn the hearing. The Committee was satisfied, in accordance with paragraph 48 of the Procedure for the conduct of the hearing, that Councillor Owen had been duly notified of the hearing and had decided that she would prefer to submit written representations. As such, the Committee resolved to proceed with the hearing in Councillor Owen's absence.
7. The Chair advised the Committee that there was scope to combine the second and third stages of the proceedings in the interests of conducting a proportionate and efficient hearing. The Chair proposed that instead of retiring after receiving representations regarding findings of fact, the Committee could hear representations on both the findings of fact and whether or not those facts gave rise to a breach of the Code before retiring. The Committee accepted the Chair's proposals and resolved to proceed with the hearing accordingly.

Second stage: Making findings of fact

Ombudsman's representations

8. The Chair explained the order of proceedings in accordance with the procedure and invited Mr Andrew Walsh to make representations to support the relevant findings of fact in the Ombudsman's investigation report. Mr Walsh noted that the investigation report had been circulated to the Committee members prior to the hearing and he highlighted the salient facts as follows.
 - 8.1 The Ombudsman's office had received two complaints regarding Councillor Owen's conduct, which comprised of the following three separate allegations:
 - (a) that Councillor Owen had walked her dog on the beach at Borth in contravention of a Dog Control Order and Dog Byelaws and in doing so had

brought her office and/or Borth Community Council into disrepute, contrary to paragraph 6(1)(a) of the Code

- (b) that Councillor Owen had bullied the Clerk to Borth Community Council during a public meeting on 5 October 2009, contrary to paragraphs 4(b) and 4(c) of the Code
- (c) that Councillor Owen had incurred unauthorised expenditure by asking Ceredigion County Council to carry out repairs to a playground at Borth, contrary to paragraphs 7(b)(i) and (ii) of the Code.

8.2 Mr Walsh drew the Committee's attention to the various sections of the report and confirmed that Councillor Owen had been given copies of all the evidence in order to respond to the allegation. Mr Walsh noted that Councillor Owen had not objected to the undisputed facts set out at paragraph 81 of the report when she had been invited to comment on the draft version and as such the Ombudsman was entitled to treat those facts as undisputed.

8.3 With reference to the disputed facts contained at paragraph 82 of the report, Mr Walsh informed the Committee that:-

- (a) the Ombudsman's office had concluded that there was no evidence that the minutes of Borth Community Council were inaccurate.
- (b) there had been an exchange of words between Councillor Owen and the Clerk at the Council meeting on 5 October 2009, following which the Clerk lodged a grievance to the Chair. The evidence gathered during the investigation and referred to in the report suggested that the comment attributed to Councillor Owen ("had you done your job properly") was accurate and could reasonably be perceived as bullying behaviour.
- (c) the Ombudsman's office was satisfied that Councillor Owen did not have authority to incur the playground expenditure.

Questions from the Committee members

9. It was noted that minute 81 of the Borth Community Council meeting on 6 July 2009 referred to an earlier meeting on 15 June 2009, details of which had not been included in the Ombudsman's report. Mr Walsh confirmed that the meeting was not relevant to the matters under consideration. Mr Walsh advised that it was a matter for members to familiarise themselves with the relevant rules relating to expenditure. Councillor Owen had signed a declaration of acceptance of office which included an undertaking to comply with the Code and she had also received training from One Voice Wales and the Monitoring Officer. Mr Walsh noted that a member would not be able to comply with the Code without sufficient knowledge of the Council's Standing Orders. It was also noted in the report that Councillor Owen had been present at meetings on a number of previous occasions when financial decisions had been made by the Council and recorded in accordance with the Standing Orders.

Councillor Owen's representations

10. The Standards Officer read out the written representations received from Councillor Owen on 25 October and 4 November 2010, in which Councillor Owen noted that:-

- 10.1 she had thirty years of teaching experience and had been employed as a manager for the Red Cross and as a Citizens Advice Bureau advisor. Councillor Owen became a magistrate in 2003 and had not been the subject of any complaints.
- 10.2 she felt that the complaints were the culmination of a vendetta against her conducted by the clerk and several members of Borth Community Council under the influence of County Councillor Ray Quant, as she had previously criticised them for mishandling the introduction of a Dog Control Order.
- 10.3 she had tried very hard to raise objections to the minutes in a calm and reasonable manner and was very often shouted down aggressively by other Councillors and for that reason she had taken advice from the Police, One Voice Wales and the Monitoring Officer.
- 10.4 the Chair and the Clerk had complained that she had regularly challenged the minutes but they could not explain why there was no record of those challenges.
- 10.5 in her answers to the Ombudsman's office, she had partly disputed Fact 1.8 in the list of undisputed facts contained in the Pre-Hearing Process Summary, which stated that "at its meeting on 1 June 2009, the Community Council discussed information received from a member of the public that Councillor Owen had walked her dog on the beach at Borth". Councillor Owen emphasised that this matter had not been on the agenda and had been raised without warning by Councillor Quant in his County Councillor report. Councillor Owen stated that "the only evidence that a member of the public had complained was his word" and that "the clerk acted on this by going out the following morning, looking for someone to photograph". Councillor Owen noted that the Council had received at least a dozen letters pointing out that the Council had failed in its duty to consult over the dog restrictions. Councillor Owen noted that the clerk regularly found an excuse not to read these letters out and refused to address the legal position.
- 10.6 Councillor Owen asked the Committee to consider whether the Dog Control Order created in February 2008 had been legally implemented.
- 10.7 As soon as it became known to Councillor Owen on 4 June 2009 that a member of the public did have a serious objection, she stopped taking her dog on the beach and the Council was informed accordingly by Councillor Hitchings at the meeting in July 2009.

Ombudsman's response to Councillor Owen's representations

11. Mr Walsh noted that whilst Councillor Owen was relatively inexperienced as a Community Councillor, she was experienced in public life. Councillor Owen's claims that the Dog Control Order had been improperly imposed had been a constant theme during the investigation but this was considered to be irrelevant, as the legality of the restrictions had not been formally challenged and Councillor Owen had been convicted of related offences by Swansea Magistrates Court. Councillor Owen appeared to have persisted in walking her dog on the beach and had only stopped doing so when a member of the public had expressed her concerns. Councillor Owen

had been blaming others throughout the investigation and had not denied any of the alleged breaches of the Code.

Questions from the Committee members

12. Mr Walsh was asked whether he was satisfied from the evidence considered during the investigation that the Council minutes were accurate, given Councillor Owen's claim that her attempts to challenge the minutes had not been recorded by the Clerk. Mr Walsh stated that even if Councillor Owen's attempts to challenge the minutes had not been recorded, it was clear from the minutes that the rest of her colleagues disagreed and had not supported her challenges. The Chair of the Council had confirmed that if any Councillor disagreed with the minutes, the matter was discussed and the Council resolved either to accept the minutes as presented or agree an amendment. Mr Walsh confirmed that whilst any failure to record a challenge might amount to a mistake by the Clerk, it did not alter the veracity of the minutes.

Third stage: Has the Member failed to comply with the Code of Conduct?

Ombudsman's representations

13. Mr Walsh was invited by the Chair to make representations as to whether the facts gave rise to a breach of the Code and he commented as follows:-
 - 13.1 the investigation had shown a continuing course of conduct by Councillor Owen towards the Clerk which crossed the threshold of acceptable behaviour. In challenging the minutes, Councillor Owen had failed to show respect and consideration for a professional officer of the Council. In her letter to the Chair of the Community Council dated 30 November 2009, Councillor Owen continued to suggest that the Clerk's actions had been disingenuous, despite having pleaded guilty to offences relating to the Dog Control Order. Mr Walsh believed that Councillor Owen was attempting to undermine the Clerk's professional integrity.
 - 13.2 the allegation of bullying had related to a specific incident at a Council meeting on 5 October 2009, but other evidence had come to light during the investigation which had been taken into account by the Ombudsman's office in reaching their conclusions. As such, the investigation had not been confined to a single incident on 5 October 2009.
 - 13.3 the Council had not passed a resolution approving the expenditure for the works to be carried out at the playground. Councillor Owen had therefore placed an order without obtaining the Council's authority, in breach of paragraph 7(b)(i) and (ii) of the Code.
 - 13.4 Councillor Owen had shown a flagrant disregard for the dog byelaws and had brought her office into disrepute. She was known to be a member of a Council which had supported the Dog Control Order, regardless of her personal views regarding its validity. Councillor Owen's guilty plea and conviction at Swansea Magistrates Court undermined the Community Council and her position as Councillor. A reasonable person would form an adverse view and question the Council's ability to inspire public confidence where a member wilfully disregarded a decision of the Council.

Questions from the Committee members

14. Mr Walsh was asked why he believed that the phrase “had you done your job properly” amounted to bullying behaviour in this case. Mr Walsh explained that the phrase had to be considered in the context of the speaker and the person to whom it was addressed. Council officers were entitled to be shown respect. Councillor Owen was acting from a position of power and in challenging the Clerk so openly in public, she had undermined and shown disrespect towards her.
15. Mr Walsh was asked whether he felt that Councillor Owen had misled the County Council’s Highways, Property and Works Department in her e-mail on 12 May 2009, when she claimed that the Community Council had approved the repairs and replacement of the playground at its meeting the previous evening. Mr Walsh stated that Councillor Owen’s comments did not reflect what had been agreed at the meeting. However, in order for Councillor Owen to have deliberately misled the Department, she must have believed herself that the Council had not passed a resolution. Councillor Owen had told the Ombudsman’s office that she had believed that the Council had passed a resolution, although the evidence did not support that belief.
16. Reference was made to Councillor Owen’s replies to the Ombudsman’s questions, in which she had stated that at Council meeting in June 2009 she “was astounded that the minutes for the May meeting had not recorded the resolution for the repairs and replacement”, which suggested that Councillor Owen had genuinely believed that she had been given authority to act. The minutes of the Council meeting held on 20 July 2009 also confirmed that Councillor Owen had apologised to the Council. Mr Walsh was asked whether these factors influenced the Ombudsman’s findings. Mr Walsh replied that the Ombudsman’s findings were based on the evidence referred to in the investigation report. The Council minutes indicated that there had been no approval or resolution authorising Councillor Owen’s actions. Councillor Owen had not provided evidence to support her belief that she had obtained the Council’s authority.
17. Mr Walsh was asked whether there was any independent evidence to support Councillor Owen’s claims that the minutes were inaccurate. Mr Walsh confirmed that the Ombudsman’s office had no grounds to question the accuracy of the minutes.
18. The Committee retired to deliberate in private on its findings of fact and whether or not Councillor Owen had failed to comply with the Code of Conduct.

Committee’s decision – Findings of fact / Failure to comply with the Code

19. The Committee reconvened and the Chair announced that the Committee had found the following relevant undisputed facts:
 - 19.1 Borth Community Council has adopted a Code of Conduct for Members.
 - 19.2 Cllr Owen has been a member of Borth Community Council since May 2008.
 - 19.3 Cllr Owen signed an undertaking to observe the Council’s Code of Conduct on 12 May 2008.
 - 19.4 Cllr Owen has received training on the Code of Conduct.

- 19.5 Borth Community Council has Standing Orders in place in relation to obtaining approval for expenditure.
- 19.6 At its meeting on 11 May 2009, the Community Council discussed the Fouling of Land by Dogs (On the Beach and the Promenade Borth) Order 2009 and the playground renovations. Cllr Owen was present at the meeting.
- 19.7 Cllr Owen sent an e-mail to the County Council on 12 May 2009 stating that the Community Council had approved the repairs and replacement of the playground at its meeting on 11 May 2009.
- 19.8 At its meeting on 1 June 2009, the Community Council discussed information received from a member of the public that Cllr Owen had walked her dog on the beach at Borth. Cllr Owen was present at the meeting.
- 19.9 On 3 June 2009, the Clerk made a witness statement to the County Council in which she stated that she had observed and taken photographs of Cllr Owen walking her dog on Borth beach on 2 June 2009.
- 19.10 Cllr Owen attended a site meeting with the County Council's Parks and Gardens Technical Assistant on 2 June 2009 to discuss the playground improvements.
- 19.11 The Community Council discussed the playground improvements and a motion regarding the Dog Control Order / Dog Byelaws at its meeting on 6 July 2009. Cllr Owen was not present at the meeting.
- 19.12 The Community Council held an extraordinary general meeting on 20 July 2009 to discuss the expenditure on the playground.
- 19.13 At a Community Council meeting on 5 October 2009, there was an exchange of words between Cllr Owen and the Clerk, following which the Clerk left the meeting.
- 19.14 On 6 October 2009, the Clerk submitted a written complaint to the Chair of the Council, Cllr Margaret Griffiths, alleging that Cllr Owen had bullied her during the Council meeting held on 5 October 2009.
- 19.15 The Council held a meeting on 2 November 2009, which was attended by 7 members of the public. Cllr Owen was present at the meeting and requested a copy of the Clerk's employment contract.
- 19.16 The Council held a closed meeting following the monthly meeting on 2 November 2009 to discuss the Clerk's complaint against Cllr Owen. Cllr Owen left the meeting shortly after it started.
- 19.17 On 10 November 2009, Cllr Owen pleaded guilty to and was convicted of:
 - (a) a breach (that took place on 2 June 2009) of the Dogs Prohibited from Beaches and the Dogs on Promenade Byelaws 1999, section 82 and section 83 of the Public Health Amendment Act 1907 and section 235 of the Local Government Act 1972, and

(b) 2 breaches (that took place on 2 and 3 June 2009) of the Dogs Exclusion (on the beach of Borth) Order 2008

19.18 Cllr Owen was fined a total of £70 and ordered to pay £490 costs.

19.19 There is a long running internal dispute between 2 groups within the Council about the dog ban byelaws.

19.20 There is a personal disagreement between the Clerk and Cllr Owen that centres on whether the photographs provided by the Clerk in support of her statement were taken on 2 June 2009.

19.21 The need for the playground maintenance to be carried out was discussed at a number of meetings.

20. The Committee considered the following relevant disputed facts:-

20.1 Are the minutes of the Council meetings accurate?

20.2 Did Councillor Owen make the comments attributed to her in relation to the Clerk at the Council meeting held on 5 October 2009? ("had you done your job properly..")

20.3 Did Councillor Owen have approval for the playground expenditure?

21. The Committee found the following in respect of the disputed facts:

21.1 The minutes of Borth Community Council meetings were accurate as they had been agreed by the members and signed as a true record. The Committee acknowledged Councillor Owen's claim that her attempts to challenge the minutes had not been properly recorded but accepted the Ombudsman's view that a possible failure to record a challenge did not in itself render the minutes inaccurate.

21.2 The Committee considered the minutes of the meetings held on 5 October and 2 November 2009 and noted that these minutes had been approved by the Council as being a true record of discussions at the meetings. Councillor Owen had objected to the minutes at the meeting on 2 November 2009 but had been overruled by the other Councillors. On the basis of the evidence contained in the minutes, the Committee found that Councillor Owen had made the comments attributed to her in relation to the Clerk at the Council meeting on 5 October 2009 and had requested a copy of the Clerk's contract at an open meeting on 2 November 2009.

21.3 Councillor Owen did not have approval for the playground expenditure as the Council had not passed a resolution authorising her to proceed to order the work.

22. On the basis of the findings of fact, the Committee determined that Councillor Owen had failed to comply with the Code of Conduct as follows:

- 22.1 Paragraph 6(1)(a) of the Code states that “[Members] must not conduct [themselves] in a manner which could reasonably be regarded as bringing [their] office or authority into disrepute”.
- 22.2 The Committee found that Councillor Owen’s conduct in relation to the Dog Control Orders / Dog Byelaws in force at Borth beach amounted to a breach of this paragraph in that it had brought her office as Councillor and Borth Community Council into disrepute for the following reasons. Councillor Owen had pleaded guilty to offences relating to the Dog Control Orders / Dog Byelaws and members of the public would have been aware that Councillor Owen was breaking the Dog Control Orders / Dog Byelaws, which had been supported by Borth Community Council. Councillor Owen was known as a local Councillor and had been seen knowingly walking her dog on the beach in contravention of the dog restrictions. At the Community Council meeting on 1 June 2009, Councillor Owen had admitted walking her dog on the beach and the Chair had referred to the Code of Conduct and reminded members of their duty to uphold the law. Councillor Owen had, however, disregarded the Chair’s advice and had breached the Dog Control Order by walking her dog on the beach on 2 and 3 June 2009. The Committee found that Councillor Owen had shown a blatant disregard for the law and did not accept that she could demonstrate any reasonable excuse for her behaviour. Moreover, Councillor Owen had admitted in her written representations to the Committee that she only stopped taking her dog on the beach when it became known to her on 4 June 2009 that a member of the public had a serious objection. The Committee also took into account the fact that Councillor Owen was a magistrate at the time that the breaches occurred.
- 22.3 Paragraph 4(b) of the Code states that “[Members] must show respect and consideration for others”. Paragraph 4(c) states that “[Members] must not use bullying behaviour or harass any person”.
- 22.4 The Committee found on the basis of the evidence placed before it that Councillor Owen had breached these paragraphs by failing to show respect and consideration and using bullying behaviour towards the Clerk on a number of occasions. The Committee referred to the minutes of Borth Community Council meetings, particularly the minutes of the closed meeting on 2 November 2009 and noted the consensus among the majority of members that Councillor Owen’s behaviour towards the Clerk had been unacceptable and amounted to bullying behaviour which should be reported to the Ombudsman. Councillor Owen was in a position of power and had exercised this power in a bullying manner by publicly criticising the Clerk and asking for a copy of her contract. It was clear from Councillor Owen’s letter to the Chair dated 30 November 2009 that Councillor Owen believed that the Clerk’s action in taking photographs of Councillor Owen walking her dog on the beach was unacceptable and that “when it is to be used in evidence against an employer it becomes a severe breach of trust”. The Committee was satisfied that the Clerk was entitled to believe that she was being bullied as Councillor Owen had regularly challenged the minutes, had made the comment referred to above and had asked for a copy of the Clerk’s contract. Councillor Owen’s conduct had undermined and belittled Mrs Walker’s professional position as Clerk to the Council.

- 22.5 Paragraph 7(b)(i) and (ii) of the Code states that “[Members] must not use, or authorise others to use, the resources of [their] authority imprudently or in breach of [their] authority’s requirements”
- 22.6 The Committee found that Councillor Owen had breached paragraphs 7(b)(i) and (ii) by using the Council’s resources imprudently and in breach of the Council’s requirements. Councillor Owen had failed to follow the Council’s Standing Orders and did not have approval to proceed to order the work. The Committee accepted that Councillor Owen appeared to believe that she had been given authority to act and it considered whether or not her actions could be blamed on the informality of proceedings at Community Council meetings. However, despite noting in her response to the Ombudsman’s questions that she had been “astounded that the minutes for the May meeting had not recorded the resolution for the repairs and replacement”, Councillor Owen had not taken the opportunity to inform the Council at that stage that the work had already been ordered and costs incurred. As such the Committee felt that there were inconsistencies in the way in which Councillor Owen had behaved. Councillor Owen had not acted in accordance with the Council’s request on 11 May 2009 to obtain two separate costings, one to repair and replace equipment and another to obtain new equipment, and then to apply for a Community Development Grant from Ceredigion County Council in respect of new equipment.
- 22.7 The Committee accepted that Councillor Owen’s actions appeared to have been motivated by a desire to benefit the Community and to expedite the improvements to the playground. It was also clear from the evidence that the Council had intended to carry out the improvements to the playground at some stage and that the members were satisfied with the standard of work during their site visit on 20 July 2009. However, Councillor Owen should have been aware of the proper procedure as she had been present at meetings during which the Council had discussed and adopted the revised Standing Orders. Councillor Owen would have known that there were rules in place and the onus was on her to seek advice if she was unsure as to how to proceed. The Committee also noted that whilst the work had been satisfactory on this occasion, Councillor Owen could have rendered the Council liable for accidents or injuries sustained as a result of poor workmanship. The consequences for the Council could have been very serious, hence the requirement for members to follow the proper procedure. Councillor Owen had failed to obtain tenders for the work or apply for grant funding, which might have reduced the costs of the equipment.

Fourth stage: Action to be taken

Ombudsman’s representations

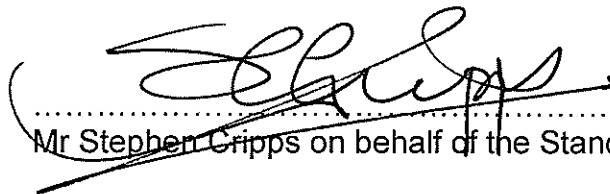
23. Mr Walsh was invited by the Chair to make representations as to whether or not the Committee should apply a sanction and what form any sanction should take. Mr Walsh advised the Committee that these were serious breaches of the Code in the Ombudsman’s view and he invited the Committee to impose a sanction. Mr Walsh explained that the form of any sanction was a matter for the Committee to decide. He asked the Committee to note that:-

- 23.1 Councillor Owen had consistently blamed others and had failed to recognise any wrongdoing on her part.
 - 23.2 Councillor Owen had continued to attack the integrity of the Clerk by claiming that the photographs accompanying the Clerk's witness statement had not been taken on 2 June 2009.
 - 23.3 Councillor Owen had attacked the integrity of the complainants by stating that one of the complainants had been made bankrupt and that the other was not entitled to complain as he did not live in Borth.
 - 23.4 the least serious complaint related to the use of resources. Councillor Owen had said that she believed that the Council had given her authority to act and she had apologised to the Council.
 - 23.5 Councillor Owen's flagrant disregard for the Dog Control Order was considered to be a serious breach of the Code. Councillor Owen was a member of an authority which had supported the dog restrictions and members of the public would have seen her walking her dog on the beach. Her actions had caused detriment to the Council's standing in the community.
 - 23.6 The allegations of bullying had to be viewed in the context of a Community Council employee, as opposed to senior County Council officers. As the Community Council's principal officer, the Clerk had been constantly undermined over a period of time, which was a significant and serious breach of the Code in the Ombudsman's view. The Clerk was entitled to expect some protection from this type of behaviour.
24. Mr Walsh was asked whether Councillor Owen's apology for incurring the expenditure and the general consensus that the playground work was necessary were material factors in considering possible sanctions. Mr Walsh noted that having seen the evidence, Councillor Owen still did not accept that she did not have authority to enter a contract with the County Council for the repairs to the playground.
 25. It was noted that the Dog Control Order appeared to have caused some disharmony within the community and some members of the public might support Councillor Owen's stance. Mr Walsh stated that the Community Council had reached a properly made decision to support the dog restrictions, which Councillor Owen had chosen to disregard.
 26. Mr Walsh was asked whether Councillor Owen's limited experience as a member of the Community Council should be taken into account and whether she may not have realised the impact of her statements on the Clerk. Mr Walsh referred to Councillor Owen's background and noted that she had experience in similar environments, having held positions as a teacher and magistrate, where such conduct would not be permitted.
 27. The Committee retired to deliberate in private on the action to be taken.

Committee's decision – Sanction

28. The Committee reconvened and the Chair announced that it had decided that Councillor Owen should be suspended from being a member of Borth Community Council for a period of six months. The Committee felt that censure or a shorter period of suspension would not sufficiently reflect the seriousness of each of the breaches of the Code. The Committee believed that it was unacceptable for members to flout byelaws which the Council had supported, as this brought the operation of local democracy into disrepute and undermined the office of Councillor. Councillor Owen had also undermined local democracy and the Clerk's important position within the Council by using bullying behaviour. Councillor Owen had exhibited bullying behaviour on a number of occasions, rather than during a single incident. The Committee acknowledged that the playground works were considered necessary and had been carried out satisfactorily, but in failing to follow the proper procedure by applying for grants and obtaining tenders, Councillor Owen had missed opportunities to make cost savings. In addition, the consequences of Councillor Owen's actions could have been very serious if the work had not been carried out satisfactorily and the Council could have been held liable for any damage or injury caused.
29. The Chair advised that the Committee's decision and the reasons for the decision would be confirmed in writing and a copy of the written decision would be sent to Councillor Owen, the complainants and the Ombudsman's office as soon as reasonably practicable.
30. It was noted that Councillor Owen could appeal against the decision to an appeals tribunal drawn from the Adjudication Panel for Wales.
31. A copy of this report will be sent to the Public Services Ombudsman for Wales, the Monitoring Officer of Ceredigion County Council, Councillor Janet Owen and the above named complainants. Copies will be available for inspection by the public in accordance with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001 (as amended).

Signed:


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Mr Stephen Cripps on behalf of the Standards Committee

Date:

..... 15/12/10