

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:**           **STANDARDS COMMITTEE**

**DATE:**               **MONDAY, 2 SEPTEMBER 2013**

**REPORT BY:**       **MONITORING OFFICER**

**SUBJECT:**           **RESULT OF CASE TRIBUNAL**

**1.00**   **PURPOSE OF REPORT**

1.01    To inform the committee of the outcome of the case tribunal hearing in respect of Patrick Heesom.

**2.00**   **BACKGROUND**

2.01    The chronology and history of the case is set out in the Panel's findings which are attached (they will shortly be published on the website of the Adjudication Panel for Wales). In summary, a complaint was made in March 2009. The Ombudsman investigated and referred the matter for a hearing on the 22 July 2010. The Adjudication Panel for Wales convened a case tribunal which commenced its hearing in February 2011 and concluded the hearing on the 19 July 2013.

2.02    The case tribunal determined that Councillor Heesom had committed 14 breaches of the 2001 and 2008 Codes of Conduct on 9 separate occasions over a 2 year period. They disqualified him for a period of 2 years and 6 months.

2.03    Under Section 79 of the Local Government Act 2000 the case tribunal must serve notice on the Standards Committee of its decision. That notice was served on me as Monitoring Officer on the 19 July 2013 and Councillor Heesom was therefore disqualified with immediate effect.

**3.00**   **CONSIDERATIONS**

3.01    Under Section 80 of the Local Government Act 2000 a case tribunal is able to make recommendations, where it considers it appropriate to do so, to the authority of which the disqualified Councillor was a member. It has not done so in this case. To that extent there are no matters which the committee is legally obliged to consider arising from the judgement. However, the committee may wish to consider what, if any, further actions are needed as a consequence of this decision whether that be to capture learning and vital lessons or whether it be to improve procedures.

3.02 A Councillor has 21 days in which to seek their leave of the High Court to appeal against any findings that he or she is in breach of the Code of Conduct. At the time of writing the report no such papers had been filed with the High Court, although it was understood that Mr Heesom intended to appeal. If he is successful in getting permission to appeal then the Court has a power to order that the tribunal sanction is suspended pending the outcome of the appeal. This would mean that Mr Heesom would effectively be reinstated as a Councillor until the outcome of his appeal was known.

#### **4.00 RECOMMENDATIONS**

4.01 That members note the outcome of the hearing.

4.02 That the committee consider what further steps (if any) are needed as a consequence of this decision.

#### **5.00 FINANCIAL IMPLICATIONS**

5.01 If the appeal is unsuccessful, or if no appeal is made, then the Council will need to hold a by-election.

#### **6.00 ANTI POVERTY IMPACT**

6.01 None directly arising from the report.

#### **7.00 ENVIRONMENTAL IMPACT**

7.01 None directly arising from the report.

#### **8.00 EQUALITIES IMPACT**

8.01 None directly arising from the report.

#### **9.00 PERSONNEL IMPLICATIONS**

9.01 None directly arising from the report.

#### **10.00 CONSULTATION REQUIRED**

10.01 None directly arising from the report.

#### **11.00 CONSULTATION UNDERTAKEN**

11.01 None directly arising from the report.

#### **12.00 APPENDICES**

12.01 Appendix 1 – Notice of Decision from Case Tribunal dated  
19 July 2013

Appendix 2 - Findings of Fact (Sent to members of the Standards

Committee under separate cover. It is also available  
on the Council's website)

Appendix 3 - Findings of Breach

Appendix 4 - Findings of Sanction

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985**  
**BACKGROUND DOCUMENTS**

None

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