

Hearing of Flintshire County Council's Standards Committee into allegations relating to the conduct of Councillor Charles Cordery of Buckley Town Council – Public Services Ombudsman for Wales Case Reference 202105656
Decisions of Flintshire County Council's Standards Committee with written reasons

1. Introduction

- 1.1 A hearing of Flintshire County Council's Standards Committee ("the Standards Committee") was held on 30th September 2024 and 21st October 2024 to consider allegations that Councillor Cordery of Buckley Town Council had breached the Code of Conduct for members and to give Councillor Cordery the opportunity to make representations in respect of these.
- 1.2 It was alleged that Councillor Cordery had called for the resignation of a former member of staff of Buckley Town Council at a Council meeting which was attended by councillors, staff, and members of the public and that this was contrary to advice given to Councillor Cordery by the Monitoring Officer.
- 1.3 The Public Services Ombudsman for Wales ("the Ombudsman") had arranged for the allegations to be investigated, pursuant to her powers under section 69 of the Local Government Act 2000 and had produced a report on the investigation. The Ombudsman had referred her report to the Legal Services Manager of Flintshire County Council who had reported to the Standards Committee of Flintshire County Council.
- 1.4 The hearing was held in accordance with the procedure adopted by the Standards Committee for reaching decisions regarding complaints alleging breach of the Code of Conduct by members of Flintshire County Council and members of the town and community councils within Flintshire which are referred to the Monitoring Officer or Legal Services Manager by the Ombudsman.
- 1.5 Councillor Cordery attended the hearing on 30th September 2024 but not on 21st October 2024. Councillor Carol Ellis attended the hearing on 30th September 2024 and 21st October 2024 to support Councillor Cordery and to make representations on Councillor Cordery's behalf.
- 1.6 Louise Morland from the Ombudsman's Office attended the hearing on 30th September 2024 and 21st October 2024. Gwydion Hughes attended the hearing on 30th September 2024 and 21st October 2024 and made representations on the Ombudsman's behalf.

2. Findings of Fact

Agreed Facts

The following facts were agreed by the parties before the hearing as not being in dispute:

- 2.1 Councillor Cordery was elected as a member of Buckley Town Council in May 2021.
- 2.2 Prior to the events in 2021 that are the subject of the complaint, Councillor Cordery had not received any training on the Code of Conduct. Councillor Cordery completed training on the Code of Conduct in May 2022.

- 2.3 Councillor Cordery and the former Clerk of Buckley Town Council exchanged e-mails in Summer 2021 about the cancellation of events and Councillor Cordery's concern about Council procedures. This culminated in the communications being considered at a meeting of the Council's Establishment Sub-Committee in September 2021 and Councillor Cordery receiving a letter advising him to moderate his communications.
- 2.4 Comments were made on social media regarding the cancellation of the fireworks display. (Note: The firework display referred to is the annual fireworks display referred to in paragraph 2.14 of the Standards Committee's decisions on the disputed facts below).
- 2.5 On 15th October 2021 the former Clerk of Buckley Town Council called for a special meeting of the Council. An agenda was published on the Council's website that referred to comments from "keyboard warriors".
- 2.6 The reference to "keyboard warriors" in the agenda caused local concern.
- 2.7 On the morning of 20th October 2021, the Former Clerk sent an email to all members of Buckley Town Council which asked them to consider his explanation using the phrase "keyboard warriors".
- 2.8 An online meeting of Buckley Town Council was held in the evening on 20th October 2021. It was attended by members of the Council, the former Clerk, two staff Assistants, a contractor, an online meeting administrator and members of the public.
- 2.9 On 22nd October 2021 the former Clerk went on sick leave.
- 2.10 On 25th October 2021 Buckley Town Council published on its website draft minutes of the meeting held on 21st October. Those minutes included the comment: "That individual, I will say now, should offer his resignation with immediate effect".
- 2.11 On 28th and 29th October 2021 Councillor Cordery challenged the draft minutes.
- 2.12 At a meeting of Buckley Town Council on 2nd March 2022, Councillor Cordery proposed that where the minutes said "should offer his resignation", they should be amended to "should offer their resignation". The amendment was agreed. Revised minutes were approved by Buckley Town Council on 7th June 2022.
- 2.13 The former Clerk of Buckley Town Council died in May 2022.

Standards Committee's Decisions on the Facts in Dispute

The following findings of fact were made by the Standards Committee regarding facts that had been in dispute between the parties:

- 2.14 The Council cancelled its annual fireworks display in 2021 after revised Covid-19 guidelines were introduced.

Reasons: Councillor Cordery suggested that the decision was taken by the former Clerk rather than the Council. The Standards Committee found that there was no evidence that the decision was taken by the Clerk. The Committee

found that there was evidence to support a finding that the fireworks display had been cancelled by the Council. In coming to this conclusion, the Committee had regard to written evidence in the hearing bundle: the agenda for the meeting of Buckley Town Council on 20th October 2021 at page 257, the comment in the agenda that it was not for the Town Clerk and Financial Officer as to whether or not the cancellation was reversed at page 259, and the e-mail from the former Clerk of Buckley Town Council to the Monitoring Officer at page 274. Councillor Cordery did not challenge the agenda. Under questioning at the hearing, Councillor Cordery said that he could not contradict this evidence and could not substantiate his assertion that the cancellation was by the former Clerk. Councillor Mike Peers gave oral evidence that as a Committee Chair of Buckley Town Council he was not consulted but the Committee did not find that persuasive as to the fact in dispute in the face of the other evidence.

- 2.15 On 18th October 2021, Councillor Cordery had a discussion with the Monitoring Officer during which the Monitoring Officer provided advice to Councillor Cordery.

Reasons: The Monitoring Officer's evidence on this point was considered persuasive. The Standards Committee had regard to the fact that the Monitoring Officer's witness evidence was supported by a contemporaneous note of his discussion with Councillor Cordery and the fact that the Monitoring Officer's oral evidence at the hearing confirmed the advice that he gave to Councillor Cordery and was tested under questioning by Councillor Cordery's representative and the Standards Committee. The Committee also had regard to the fact that Councillor Cordery had contacted the Monitoring Officer for advice and considered that it was reasonable to conclude that in those circumstances the Monitoring Officer would have provided advice. Councillor Cordery referred to his lack of Code of Conduct training but the Standards Committee did not consider that was a reason why the Monitoring Officer would not have provided advice to Councillor Cordery.

- 2.16 Following the discussion with Councillor Cordery, the Monitoring Officer arranged to speak to the former Clerk of Buckley Town Council on 21st October 2021.

Reasons: Councillor Cordery had not disputed that the Monitoring Officer arranged to speak to the former Clerk of Buckley Town Council – he had only disputed the date when it took place. The Standards Committee had regard to written evidence in the hearing bundle: including an e-mail from the Monitoring Officer to the former Clerk at page 186 in which the Monitoring Officer referred to agreeing with Councillor Cordery that it would be helpful if the Monitoring Officer could speak to the former Clerk, and paragraphs 7 and 8 of the Monitoring Officer's statement at page 340, which referred to arrangements being made for the Monitoring Officer to speak to the former Clerk on 21st October.

- 2.17 At the start of the Meeting of Buckley Town Council on 20th October 2021 the Mayor began to read out a statement regarding the words in the agenda that had caused offence which would not be discussed in open session and said that Standing Order 33(a) would have to be applied to exclude the press and public if those areas were to be discussed.

Reasons: The Standards Committee regarded as compelling evidence the approved minutes of the meeting of Buckley Town Council on 2nd March 2022

(at page 312 of the hearing bundle) which resolved to amend the draft minutes of the special meeting of Buckley Town Council on 20th October 2021. Those amended minutes recorded that the Mayor started to read out a statement and said that the aforementioned Standing Order would need to be applied. The Standards Committee had regard to the fact that Councillor Cordery had proposed and approved the amendment to the draft minutes. It was also noted from evidence supplied in the hearing bundle that other members approved the amendment.

- 2.18 As the Mayor was speaking Councillor Cordery called for a Point of Order and then referred to “a cover up” and “a smoke screen” and demanded a “resignation with immediate effect”.

Reasons: The Standards Committee took account of the fact that these words were recorded in the approved minutes of the special meeting of Buckley Town Council on 20th October 2021 that Councillor Cordery proposed and approved. The Standards Committee considered that this was further supported by the fact that in her summary of the evidence at the hearing on 21st October 2024, Councillor Cordery’s representative (Councillor Carol Ellis) confirmed that Councillor Cordery did use those three phrases. The Standards Committee also noted that Councillor Cordery confirmed that in his interview as part of the Ombudsman’s investigation that he had made these comments. This was recorded in the record of Councillor Cordery’s interview at page 476 of the hearing bundle. Other witnesses confirmed that they heard Councillor Cordery use the word resign.

- 2.19 The Monitoring Officer contacted the former Clerk on 21st October 2021.

Reasons: The Standards Committee took account of the statement of the Monitoring Officer which referred to having a meeting with the former Clerk and the fact that this was supported by contemporaneous handwritten notes made by the Monitoring Officer. The Standards Committee noted that Councillor Cordery said that he was not privy to that meeting so he could not confirm that it happened but he did not present any evidence to the contrary or challenge the evidence that supported a finding that such a meeting took place.

- 2.20 On 21st and 25th October 2021 the former Clerk and members of Buckley Town Council sent complaints to the Monitoring Officer about Councillor Cordery’s intervention at the meeting.

Reasons: The Standards Committee had regard to the clear evidence in the hearing bundle that there were complaints about Councillor Cordery’s intervention. The Committee noted that some of the complaints referred to other matters but concluded that this did not alter the fact that complaints were made about Councillor Cordery’s conduct.

- 2.21 Councillor Cordery said that the Monitoring Officer should wait until after the public meeting to speak to the former Clerk.

Reasons: The Standards Committee had regard to the witness statement of the Monitoring Officer, which recorded at pages 339 and 340 of the hearing bundle that Councillor Cordery had said to wait until after the meeting on 20th October 2021. The Monitoring Officer had confirmed this in oral evidence and substantiated it in questioning by the Standards Committee. Councillor Cordery had not provided any evidence to contradict the evidence of the Monitoring

Officer in this respect but had simply asserted that he did not recall telling the Monitoring Officer to wait until after the public meeting.

- 2.22 Councillor Cordery ignored advice from the Monitoring Officer about following correct procedures when raising employment issues.

Reasons: The Standards Committee had concluded that the Monitoring Officer had given advice to Councillor Cordery (see paragraph 2.15 of the Standards Committee's decisions on the facts in dispute above) and that Councillor Cordery had used the words "a cover up" and "a smoke screen" and demanded a "resignation with immediate effect" (see paragraph 2.18 of the Standards Committee's decisions on the facts in dispute above). The Standards Committee therefore considered that it had to reach the conclusion that Councillor Cordery had ignored advice from the Monitoring Officer about following correct procedures when raising employment issues.

- 2.23 Councillor Cordery's call for a resignation identified the former Clerk.

Reasons: The Standards Committee considered the representations made in witness statements as to the precise words used at the meeting on 20th October 2021 and recognised that it was not surprising that recollections differed, although the overwhelming balance of evidence was that those at the meeting understood that Councillor Cordery was referring to the former Clerk. The Standards Committee recognised that the approved minutes, which were the official record of the meeting, used a gender-neutral term. Regardless of the precise words used, the Standards Committee considered that Councillor Cordery's call for a resignation identified the former Clerk. This was supported by evidence that Councillor Richard Jones contacted the former Clerk out of concern following the meeting.

3. **Decision as to whether there has been a breach of the Code of Conduct**

- 3.1 Having considered the confirmed facts established in respect of the allegations against Councillor Cordery, the Standards Committee decided that:

- (a) Councillor Cordery had breached 4(b) of the Code of Conduct: You must show respect and consideration for others.

The Standards Committee considered that Councillor Cordery had not shown respect for others but had sought to impose his will on them. He had undermined the position of the former Clerk of Buckley Town Council by demanding his resignation publicly, without reference to other councillors. He overrode employment procedures, despite being an experienced trade union official. The Standards Committee recognised that Councillor Cordery thought that he was acting in the interests of residents and that he wanted to be seen as the one to sort out concern over the cancellation of firework display and the use of the phrase "keyboard warriors". The Standards Committee also understood the difficulties faced by Councillor Cordery as a new councillor in 2021, when the impact of Covid 19 meant that there was limited face to face contact with officers and other councillors and that opportunities to access training may have been more limited than previously. However, the Standards Committee considered that these factors did not justify the lack of respect shown by Councillor Cordery. The Standards Committee took account of Councillor Cordery's right to freedom of

expression under Article 10 of the European Convention on Human Rights but considered that it was necessary to balance this against the rights of the Former Clerk at the time of the conduct that was the subject of the allegations against Councillor Cordery, and going forward against the rights of others.

- (b) Councillor Cordery had breached paragraph 8(a)(iii): You must when participating in meetings or reaching decisions regarding the business of your Authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your Authority's Officers, in particular by – (iii) the Authority's Monitoring Officer.

The Standards Committee noted that Councillor Cordery had sought and received advice from the Monitoring Officer but had acted contrary to that advice in calling for the resignation of the former Clerk of Buckley Town Council at a meeting held in public. Councillor Cordery had said in his interview during the Ombudsman's investigation that he might have behaved differently if he had received training on the Code of Conduct but the Standards Committee took the view that Councillor Cordery's lack of experience and training should have made him more inclined to take and act in accordance with advice that was provided to him by the Monitoring Officer.

4. **Decision as to sanctions**

- 4.1 The Standards Committee had regard to the representations made on behalf of Councillor Cordery and the Ombudsman as to whether a sanction should be imposed on Councillor Cordery for his breach of the Code of Conduct. The Standards Committee gave regard to the seriousness of the breaches, in particular the failure to follow the Monitoring Officer's advice and the guidance from the Adjudication Panel for Wales that advised that blatant disregard of a monitoring officer's advice is to be regarded as a very serious breach.
- 4.2 The Standards Committee considered all of the possible sanctions available to it and concluded that taking no action or censuring Councillor Cordery would be insufficient to address the seriousness of Councillor Cordery's conduct.
- 4.3 The Standards Committee identified the following mitigating factors:
 - (a) At the time of the breaches of the Code of Conduct, Councillor Cordery had a short length of service as a councillor.
 - (b) At the time of the breaches of the Code of Conduct, Councillor Cordery was relatively inexperienced in the role of councillor.
- 4.4 The Standards Committee identified the following aggravating factors:
 - (a) Although Councillor Cordery was relatively inexperienced as a councillor at the time of the breaches, there was evidence in the hearing bundle that he was very experienced as a trade union official at the time of the breaches.
 - (b) Councillor Cordery sought unfairly to blame others for his actions. The Standards Committee acknowledged that Councillor Cordery had not

received training on the Code of Conduct at the time of the breaches but considered that he could have taken steps to ensure that he understood his obligations relating to his conduct as a councillor. He could have accessed online training, he could have read the material provided to him when he became a councillor and he could have taken advice provided to him by the Monitoring Officer and the former Clerk of Buckley Town Council. Councillor Cordery had made a declaration of acceptance of office in which he gave an undertaking to comply with the Code of Conduct. Councillor Cordery's words and actions showed that he considered it to be the responsibility of others to ensure that he was able to comply with his obligations under the Code.

- (c) Councillor Cordery showed a lack of understanding and acceptance that his conduct was wrong and a lack of understanding and acceptance of the consequences of his conduct.
- (d) Councillor Cordery's conduct had been deliberate and he had shown no concern for the Code of Conduct.
- (e) Councillor Cordery had deliberately ignored advice as to his conduct. The Standards Committee had found that Councillor Cordery had received advice from the Monitoring Officer but had acted contrary to this advice. The Standards Committee considered guidance from the Adjudication Panel for Wales that advised that blatant disregard of a monitoring officer's advice is to be regarded as a very serious breach.
- (f) Councillor Cordery had expressed views which were incompatible with the rights of others. The Standards Committee recognised that when Councillor Cordery was making political comments, he had enhanced protection to his right to freedom of expression under Article 10 of the European Convention on Human Rights. However, the Committee also recognised that it is legitimate to interfere with an individual's right under Article 10 when this is necessary to prevent interference with the rights of others. The Standards Committee considered that Councillor Cordery's conduct had interfered with the rights of the former Clerk of Buckley Town Council.
- (g) Councillor Cordery had refused to accept the facts, despite clear evidence to the contrary. Councillor Cordery had spoken about confidential employment matters at a meeting that was open to the public and had not followed proper employment processes, despite advice from the Monitoring Officer to the effect that he should not speak about confidential employment matters at a meeting that was open to the public.
- (h) Councillor Cordery had failed to heed advice and warnings about his conduct. The Standards Committee noted that Councillor Cordery had received advice from the Monitoring Officer but had acted contrary to this advice. Councillor Cordery had also received advice from the former Clerk of Buckley Town Council but had acted contrary to this. The Mayor of Buckley Town Council had attempted to provide advice to members of the Council at the meeting on 20th October 2021 but Councillor Cordery had refused to refrain from speaking to allow the Mayor to speak. The Standards Committee also noted that prior to the incident in respect of which Councillor Cordery had been found to have

breached the Code of Conduct, the Mayor of Buckley Town Council had written to Councillor Cordery asking him to moderate his communications. As a member of Buckley Town Council, he had also received communications from the former Clerk of the Council.

4.5 Having weighed up mitigating and aggravating factors relating to Councillor Cordery's conduct, the Standards Committee decided that the following sanction should be imposed on Councillor Cordery:

- (a) Councillor Cordery should be suspended from being a member of Buckley Town Council for a period of six months.

In accordance with Regulation 8 of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, the period of suspension will commence on the day after:

- (i) The expiry of the time allowed to lodge a notice of appeal.
- (ii) If an appeal is lodged receipt of notification of the conclusion of any appeal.
- (iii) If an appeal is lodged and an appeals tribunal refers the matter back to the Standards Committee with a recommendation that a different penalty be imposed, a further determination by the Standards Committee

whichever occurs last.

4.6 The Standards Committee also decided to make the following recommendations:

- (a) All town and community councils in Flintshire should ensure that councillors undertake training on the Code of Conduct within the first three months of a councillor being elected or appointed.
- (b) Any town or community council within Flintshire that has not signed up to the Civility and Respect Pledge should consider doing so and should discuss implementation within the council's activities.
- (c) All town and community councils within Flintshire should ensure that induction of new councillors ensures that the councillors understand everything in their council's standing orders.
- (d) Buckley Town Council should offer refresher training on the Code of Conduct to all its members.

5. **Notification of Decision**

5.1 In accordance with Regulation 9 of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, notice of the Standards Committee's decisions are to be given to:

- (a) Councillor Cordery as the subject of the investigation.

(b) The Public Services Ombudsman for Wales.

Regulation 9 also provides for notification to be given to the person who made the allegation. This is not possible because that person has died.

6. Right of Appeal

6.1 Councillor Cordery has the right under Regulation 10 of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 to seek permission to appeal against the determinations of the Standards Committee.

6.2 If Councillor Cordery wishes to seek permission to appeal, he must give notice in writing within 21 days of receiving this notification of determinations to the president of the Adjudication Panel for Wales. The notice seeking permission to appeal must specify the grounds of appeal and whether or not Councillor Cordery consents to the appeal being conducted by written representations.

6.3 Further details can be found on the Adjudication Panel's website at <https://adjudicationpanel.gov.wales/>