

Appendix

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Our ref 1179/ 201001935

Your ref:

Date: 5 January 2011

Ask Mrs K Shaw/Mrs A Ginwalla
for:

 01656 641182

 Katrin.shaw@ombudsman-wales.org.uk

Councillor Elwyn Schofield
Olgra
Marianglas
Anglesey
LL73 8PL

Dear Councillor Schofield

Code of Conduct Complaint

The Ombudsman has decided to investigate the complaint made against you by Mr David Bowles. As you are aware, a number of allegations are made in the complaint and you were provided with a copy of it and the information submitted in support of it on 7 December.

It appears from the information which Mr Bowles has provided in support of this complaint that you may have breached the following paragraphs of the code:

Paragraph 4: You must –

....

- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person;
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

Paragraph 6: (1) You must:

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
.....
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

Paragraph 7: You must not –

- (a) In your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
.....

Having considered the information submitted it also appears to the Ombudsman that you may have breached the code of conduct by failing to declare a personal and prejudicial interest when you participated in Council business concerning "Craigwen". The relevant parts of the code relating to any personal interest you may have had in relation to this matter are paragraphs 10 (1) & (2)(c)(i), 11, 12(1) and 14.

Please also be aware that the Ombudsman will also be considering his predecessor's, Mr Adam Peat's, draft reports on the complaints made against you by Mr Martin Edwards (former Managing Director of the Council) and Ms Lynn Ball and in respect of which Mr Peat decided to take no further action in 2005. I enclose further copies of the draft reports and Mr Peat's correspondence with your solicitor, Mark Manley notifying you of his decision. For the sake of clarity I wish to emphasize that Mr Peat's decisions in respect of these matters stand but the Ombudsman will consider this information as part of the evidential context during the course of his investigation.

Mrs Ginwalla of this office and I will be carrying out the investigation. You need not respond to this letter if you do not wish to. However if you do comment on the complaint at this stage, your comments may be disclosed to the complainant, or in any subsequent proceedings.

If the investigation finds that there is a case to answer, I will in due course put to you the evidence I have found and any questions which appear relevant in the light of it.

I have written to notify the Deputy Monitoring Officer, Mr Robyn Jones, and Mr Bowles of this investigation and have asked for relevant information.

Please be aware that the Ombudsman considers that the disclosure of details of this complaint to the local press or media may itself be a breach of the Code. You are therefore advised not to discuss this complaint with anyone other than your representative.

Yours sincerely

Katrin Shaw
Investigation Manager