



## **DECISION REPORT OF THE WREXHAM COUNTY BOROUGH COUNCIL STANDARDS COMMITTEE**

IN RELATION TO A FAILURE TO FOLLOW THE CODE OF CONDUCT  
FORMER TOWN COUNCILLOR GARETH BAINES

### **1. INTRODUCTION**

- 1.1 This is the determination of the Wrexham County Borough Council Standards Committee in relation to a complaint of a breach of the Code of Conduct by Former Councillor Gareth Baines of Chirk Town Council.
- 1.2 The determination follows receipt of a report issued by the Public Services Ombudsman for Wales (the Ombudsman) under section 69 Local Government Act 2000 dated 13 June 2024 when the matter was referred to the Council's Standards Committee for consideration.
- 1.3 The Standards Committee determined its adjudication by way of an oral hearing on 13 November 2024 which was held at the Guildhall Wrexham. The Public Service Ombudsman was represented. Former Councillor Baines was notified of the hearing date but did not attend.

### **2. ALLEGATIONS**

- 2.1 The allegation contained in the Ombudsman's report was that former Councillor Baines had breached the Code of Conduct in comments made to a person who had tendered for work with Chirk Town Council. It was alleged that former Councillor Baines acted in an improper manner and complaints were received about his conduct.
- 2.2 In December 2021, the Council had requested invitations to tender for the creation of a new website. The complainant's husband submitted a tender for the work. The Council established a 'Task and Finish Group' to consider the estimates it received for the proposed work on its website. Former Councillor Baines was a member of the group. The group received the relevant paperwork and met to discuss the estimates on the 13 December 2021. The group made a recommendation to the Council to appoint a company to carry out the work to its website. Former Councillor Baines did not attend the meeting and did not play any part in the decision on which company should be awarded the contract for work.
- 2.3 In a full Council meeting on 15 December 2021, the Council made its decision on which company should be awarded the contract for work. Former Councillor Baines did not attend the meeting.

- 2.4 On 20 December 2021 former Councillor Baines was in contact with the complainant concerning a Facebook post made by former Councillor Baines relating to the Welsh Government's Coronavirus Regulations. A discussion was had regarding the Regulations and the Council's planned community events, which included discussing former Councillor Baines's assistance with the community events.
- 2.5 Later that day, former Councillor Baines and the complainant's husband exchanged messages relating to the Regulations post. Following the messaging, the complainant received further messages from former Councillor Baines which spoke of the complainant's husband's tendering for work for the Council and that former Councillor Baines needed to inform the Council's Clerk of the contents of the messages.
- 2.6 The Ombudsman concluded that former Councillor Baines's conduct was such that it may amount to a breach of the following paragraph of the Code of Conduct:

## **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.**

## **3. PRELIMINARY CONSIDERATION BY THE STANDARDS COMMITTEE**

- 3.1 On 13 August 2024 the Standards Committee considered the report of the Ombudsman and concluded that former Councillor Baines (who was still a Councillor at the time of the preliminary consideration taking place) should be given the opportunity to make representations in respect of the findings of the investigation and any allegation that he had failed, or may have failed to comply with the Code of Conduct.

## **4. MAIN FACTS OF THE CASE AGREED OR NOT AGREED**

- 4.1 Despite receiving notification of the hearing date and his opportunity to attend either remotely or in person, former Councillor Baines chose not to attend the hearing.

## **5. HEARING**

- 5.1 On 13 November 2024 the Standards Committee considered the Ombudsman's report and heard representations from the Ombudsman. The Standards Committee also called the complainant as a witness.
- 5.3 The Ombudsman made representation as to the disputed fact:
- (i) Did former Councillor Baines use his Zoom account at the Council meetings on 29 November 2023 and 16 May 2024?

- 5.4 In relation to the disputed fact the Committee unanimously agreed:  
(i) on the balance of probabilities, former Councillor Baines did use his Zoom account at the Council meetings on 29 November 2023 and 16 May 2024.
- 5.5 The Standards Committee found that former Councillor Baines had breached the Code of Conduct in relation to paragraph 7(a).

## **6. SANCTION**

- 6.1 At the Hearing on 13 November 2024 the Committee unanimously decided to impose the only sanction available to it given former Councillor Baines's resignation from the Council:

- That former Councillor Baines be censured.

- 6.2 In arriving at its decision as to the appropriate sanction, the Standards Committee took into account the Adjudication Panel for Wales Sanction Guidance. The Committee considered the sanction was in the public interest and expressed its frustration that it could not impose a more severe sanction given the former Councillor had now resigned.

## **7. APPEAL**

- 7.1 Former Councillor Baines was made aware of his right for permission to appeal to the Adjudication Panel for Wales ("APW") under Regulation 10(8) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees (Wales)) Regulations 2001 but the Committee did not receive notice of an appeal being lodged.

19 December 2024