

# **CITY AND COUNTY OF CARDIFF**

## **DINAS A SIR CAERDYDD**

**STANDARDS AND ETHICS COMMITTEE:**  
**28<sup>th</sup> September 2010**

### **REPORT OF THE MONITORING OFFICER AGENDA ITEM: 4(ii)**

**Report by the Public Services Ombudsman for Wales on an investigation into an allegation against Councillor John Dixon of Cardiff Council.**

#### **Reason for this Report**

1. A complaint was made to the Public Services Ombudsman for Wales that Councillor John Dixon had failed to observe the code of conduct for members of Cardiff Council. The Public Services Ombudsman for Wales ('the Ombudsman') has investigated the allegation and has issued a report (attached as appendix 1) with the finding that the report should be referred to the Monitoring Officer of Cardiff Council, for consideration by the Council's Standards Committee. The Ombudsman's report was submitted to the Committee on 27<sup>th</sup> July 2010. The purpose of this report is to invite the Committee to make an initial determination in this matter.

#### **Background**

2. Section 51 of the Local Government Act 2000 ("the Act") imposes a duty upon local authorities to adopt codes of the conduct which is expected of their members and co-opted members.
3. In accordance with the Act the Council has adopted a Code of Conduct for Members. Council Members are required to sign an undertaking that in performing their functions they will observe the Council's Code of Conduct.
4. Under section 69 of the Act the Ombudsman may investigate, amongst other things, cases in which a written allegation is made to him by any person that a member or co-opted member (or former member or co-opted member) of a relevant Welsh authority has failed or may have failed, to comply with the code of conduct of a local authority in Wales.
5. The purpose of any investigation carried out by the Ombudsman under Section 69 of the Act, is to decide whether:
  - (a) there is no evidence of any failure to comply with the Code of Conduct;

- (b) that no action needs to be taken in respect of the matters which were the subject of the investigation;
  - (c) the matters which are the subject of the investigation should be referred to the Monitoring Officer of the relevant authority concerned, or
  - (d) that the matters which are the subject of the investigation should be referred to the President of the Adjudication Panel for Wales for adjudication.
6. In this case, the Ombudsman's finding under Section 69 of the Act is that his report on his investigation should be referred to the Monitoring Officer of Cardiff Council, for consideration by the Council's Standards Committee; and the Ombudsman has written to the Monitoring Officer to such effect by letter dated 11<sup>th</sup> June 2010. The Ombudsman's report was submitted to Committee on 27<sup>th</sup> July 2010.

## Issues

7. In accordance with the legislation governing this matter, the Committee is requested to make an initial determination either:
- (a) that there is no evidence of a failure to comply with the code of conduct, or
  - (b) that any person who is the subject of the investigation must be given an opportunity to respond, either orally or in writing.
- If members determine that (b) applies then a further meeting of the Committee will be convened to consider and determine matters, as set out in the Procedure adopted by this committee for dealing with hearings.
8. In considering this matter it is important that Members consider, in full, the Ombudsman's report. The Ombudsman's report sets out details of the allegation made, the legal background, the investigation carried out by the Ombudsman, the facts (both disputed and undisputed), his findings as to the facts and the conclusions drawn.
9. It is, of course, a matter for members what determination they reach having regard to all the material considerations. Legal advice will be available to members at the meeting. For the avoidance of any doubt, it is important to point out that an initial determination, '*that any person who is the subject of the investigation must be given an opportunity to respond, either orally or in writing*', does not equate nor should be interpreted as equating to the Committee finding that a breach of the code of conduct has occurred. Such determination, in effect equates to the committee forming the view, that on the information before it, is unable to draw the conclusion that there is **no evidence** of a failure to comply with the code of conduct and thereby dismiss the matter.

10. Accordingly, at this meeting members are not being asked to form a view as to whether or not there has been breach of the code. Rather, members are being asked to consider, based on the Ombudsman's report, whether there is no evidence of a failure to comply with the code of conduct.

## **ADVICE**

This report has been prepared by the Monitoring Officer and City and County Solicitor. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the advice contained in this section.

### **Legal and Financial Implications**

There are potential financial implications in terms of the cost of resourcing any hearing (including internal officer time and the costs of any external advice that may be required). The prospect of such potential costs should not, however, influence the committee's views as to what determination to make in this particular case.

The legal advice is reflected in the body of the report. The relevant legislation is set out below.

The Local Authorities (Case and Interim Case Tribunals and Standards Committees) (Amendment) (Wales) Regulations 2009 came into force on 19 October 2009 and apply to a hearing by—

- (a) a case tribunal or an interim case tribunal under the Case Tribunal Regulations; and
- (b) a standards committee under the Standards Committees Regulations,

which begins on or after 19 October 2009.

The 2009 Regulations amend the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, which are referred to as the "the Standards Committees Regulations"

The 2001 regulations, as amended, provide, amongst other things, that after receiving a report from the Ombudsman together with any recommendations of the monitoring officer, the Standards Committee must determine either:

- (a) that there is no evidence of any failure to comply with the code of conduct of the relevant authority concerned and must notify any person who is the subject of the investigation, any person who made any allegation which gave rise to the investigation and the Public Service Ombudsman for Wales accordingly; or
- (b) that any person who is the subject of the investigation should be given the opportunity to make representations, either orally or in writing in

respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the relevant authority's code of conduct.

The regulations further provide that subject to any express provision in the Regulations, the practice and procedure to be followed in exercising its functions under the Regulations shall be for the Standards Committee of the relevant authority to decide.

## **RECOMMENDATION**

That the Committee :-

1. is invited to make an initial determination either:
  - (a) that there is no evidence of a failure to comply with the code of conduct, or
  - (b) that Councillor Dixon, the person who is the subject of the investigation, must be given an opportunity to make representations, either orally or in writing in respect of the findings of the Ombudsman's investigation and any allegation that he has failed, or may have failed, to comply with the authority's code of conduct.
2. (a) If members determine that 1(a) applies, that the City and County Solicitor be instructed to notify all required parties (as prescribed in the legislation governing this matter) of the Committee's determination  
Or
2. (b) If members determine that 1(b) applies, that the City and County Solicitor be instructed to convene a special meeting of the Committee to consider and determine matters, and that the Procedure adopted by this committee for dealing with Hearings shall apply.

**Kate Berry**  
**Monitoring Officer and City and County Solicitor**  
22<sup>nd</sup> September 2010

Background Papers  
Local Government investigations (Functions of Monitoring Officers and Standards Committee) (Wales) Regulations 2009

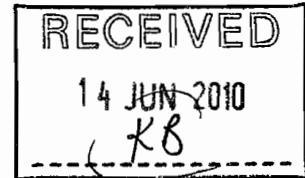
The Local Authorities (Case & Interim case Tribunals and Standards Committee) (Amendment) (Wales) Regulations 2009



Our ref: 200901804/LP  
Your ref:  
Date: 11 June 2010

Ask for: Miss L Phillips  
01656 641168  
✉ Laura.phillips@ombudsman-wales.org.uk

Ms. Kate Berry  
Monitoring Officer  
Cardiff Council  
County Hall  
Atlantic Wharf  
Cardiff  
CF10 4UW



Dear Ms. Berry

Investigation into an allegation of a breach of the code of conduct made by Mr John Wood against Councillor John Dixon

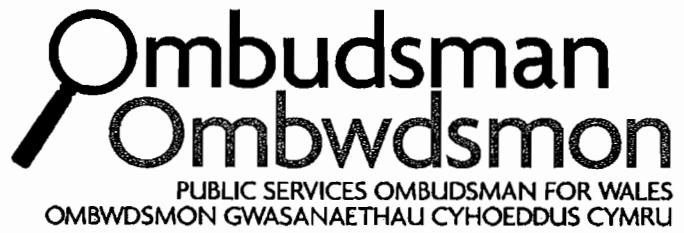
The above allegation has now been investigated. I enclose my report of the investigation.

My finding under Section 69 of the Local Government Act 2000 is that the matters which were the subject of the investigation should be referred to you as the authority's Monitoring Officer for consideration by the Council's Standards Committee.

Yours sincerely,

Peter Tyndall  
Ombudsman  
Enc.





# **REPORT**

**by the**

**PUBLIC SERVICES OMBUDSMAN FOR  
WALES**

**on an**

**INVESTIGATION INTO AN ALLEGATION**

**against**

**Councillor John Dixon**

**of**

**Cardiff Council**

**PUBLIC SERVICES OMBUDSMAN FOR WALES**

**LOCAL GOVERNMENT ACT 2000**

**Report Number 200901804**

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## PUBLIC SERVICES OMBUDSMAN FOR WALES

### Report by the Public Services Ombudsman for Wales on the investigation of an allegation made against Councillor Dixon of Cardiff Council, of a breach of the Council's statutory code of conduct for members

#### THE ALLEGATION INVESTIGATED

1. On 24 December 2009 I received an allegation from Mr. John Wood that Councillor Dixon had failed to observe the code of conduct for members of Cardiff Council. It was alleged that Councillor Dixon had made disrespectful comments about Scientology on a social networking website ('Twitter'). A copy of the allegation is attached at Annex A.

#### LEGAL BACKGROUND

2. As required by Part III of the Local Government Act 2000 (the Act), Cardiff Council has adopted a code of conduct for members which incorporates the provisions of a model code contained in an order made by the Welsh Ministers. A copy of that code is at Annex B. Council members are required to sign an undertaking that, in performing their functions, they will observe the Council's code of conduct. Councillor Dixon gave such an undertaking on 2 May 2008. A copy of that declaration is attached at Annex C.
3. Section 69 of the Act provides the authority for my investigation and the production of this report.

## **MY INVESTIGATION**

4. During the course of my investigation, I have considered the following Principles and paragraphs of the Code of Conduct:

### **Principle**

#### **"Equality and Respect"**

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others".

#### **Paragraph 2(1) of the Code:**

"...You must observe this code of conduct-

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7".

#### **Paragraph 4(b):**

" You must-

Show respect and consideration for others".

#### **Paragraph 6(1)(a):**

"You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute".

5. Councillor Dixon was accordingly put on notice of my intended investigation on 15 January 2010 (Annex D).
6. During my investigation I have obtained copies of three postings Councillor Dixon made on Twitter concerning Scientology (Annex E). I have also obtained a copy of training records from Cardiff Council which show that Councillor Dixon attended Code of Conduct training on 25 June 2008 (Annex F).
7. I have given Councillor Dixon the opportunity to consider the complaint against him before asking him to respond to my questions (Annex G). I have given Councillor Dixon the opportunity to comment on a draft of this report which included my provisional views and finding. Councillor Dixon chose to make no comment.

## **MY GUIDANCE**

### **DECIDING WHEN THE CODE APPLIES TO MEMBERS**

8. I have issued statutory guidance on the code of conduct and in that guidance I stated in relation to members that, "the Code applies to you:
  - Whenever you act in your official capacity, including whenever you are conducting the business of your authority or acting, claiming to act, or give the impression you are acting, in your official capacity as a member or as a representative of your authority.
  - At any time, if you conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute or if you use or attempt to use your position to gain an advantage or avoid a

disadvantage for yourself or any other person or if you misuse your authority's resources.

...If you refer to yourself as councillor, the Code will apply to you. This applies in conversation, in writing, or in your use of electronic media. For example, if you have a blog or use Twitter or another social networking service in your role as councillor, then the Code will apply to any comments you make there. Even if you do not use your title, if the content is clearly related to your role, the Code will apply".

#### **TREATING OTHERS WITH RESPECT AND CONSIDERATION**

"You must show respect and consideration for others...Members should always treat members of the public courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives. This is the case in face to face settings such as meetings as well as when communicating by phone, letter, email or other electronic means".

#### **DISREPUTE**

"You must not behave in a way which would reasonably be regarded as bringing your office or authority into disrepute at any time... you should be aware that your actions in both your public and private life might have an adverse impact on your office or your authority...your actions and behaviour are subject to greater scrutiny than those of ordinary members of the public".

#### **EVENTS LEADING TO THE ALLEGATION AS ESTABLISHED BY MY INVESTIGATION**

9. Mr. Wood said in his complaint form dated 18 December 2009 that Councillor Dixon had made a, "derogatory remark in a tweet

(on Twitter) at 4.25pm May 9th [2009] against the Church of Scientology and Scientologists". He said that this amounted to a breach of the principle of the code of conduct regarding equality and respect.

10. In a letter attached to the complaint, Mr. Wood said,

"I'm certain I saw other similar comments made by [Councillor Dixon] but cannot prove this as they no longer seem to be findable in Google, which I am very happy about. I find bigotry unacceptable in anyone but even more so in persons in positions of responsibility who should know better, such as Cllr John Dixon".

11. In an e-mail to my office dated 10 January 2010, Councillor Dixon enclosed what he described as "the complete record" from his Twitter account. Included within that record were the following 'posts':

"-didn't know there was a Scientology 'church' on Tottenham Court Road. Just hurried past in case the stupid rubs off" (4.25pm May 9<sup>th</sup>, 2009)

"-just noticed the Scientologists are following me on Twitter. Quick, everyone hide and pretend you're out!" (9.16pm May 18<sup>th</sup>, 2009)

"-just noticed I've got homeopaths joining the scientologists following me now. I can set up my own branch of Ofquack soon!" (11.22pm July 16<sup>th</sup>, 2009).

(Appendix E)

## **WHAT COUNCILLOR DIXON SAID IN RESPONSE TO THE ALLEGATION**

12. In his e-mail to my office dated 10 January 2010 which attached “the complete record” from his Twitter account (Annex G), Councillor Dixon said that a few days after the particular posting identified by Mr. Wood in his complaint, he “noticed that the “Church of Scientology” was following [his] account”. He added that he had not taken action to prevent them from doing so. Councillor Wood said he had not, “singled out Scientology for particular criticism” and that he is “critical of anything that is not evidence-based- homeopathy, crystal healing, chiropractic, and nutritionists included”.

Councillor Dixon added,

“To my knowledge, [the Scientologists] have not approached the Council’s Monitoring Officer, or the Council’s Standards and Ethics Committee, my own Council Group or the Welsh Liberal Democrats” in relation to the matters complained about.

13. In his response to the complaint, Councillor Dixon confirmed that his Twitter identity is “CllrJohnDixon” and that he is responsible for the three “posts” in question.

14. Councillor Dixon said that he has been an elected member since 1999 and that he has most recently agreed to abide by the code of conduct following his election in 2008. Councillor Dixon confirmed that he has attended training arranged by Cardiff Council on the code of conduct and is, “fully aware of, and take[s] seriously, [his] responsibilities” in that regard.

15. In relation to the alleged breach of the code of conduct Councillor Dixon said that,

"I do not accept that these posts breach the code of conduct in regard of either paragraph 4(b) or 6(1)a. Para 4(b) only applies under General Provisions 2(1) and paras (a) through (c) clearly do not apply in these circumstances, as I was clearly commenting in a private capacity" (see paragraph 5 of this report).

"I do not accept that para (d) applies, as the comments are not of a nature which would bring my office or authority into disrepute, as per 6(1)a, nor are they in breach of paragraph 7, to secure a personal advantage or misuse the resources of the authority".

16. Councillor Dixon's response continued over three pages to set out his views on the "Church of Scientology" and seemingly to advance his reasons for not recognising Scientology as a religion. Councillor Dixon added,

"While not wishing to assign motives to the complaint, I do find it curious that, despite obviously being aware of the post in question within a matter of days, they took six months to complain about it despite the grave offence which they felt I caused them. I am not particularly difficult to find- being the top Google hit for "John Dixon" councillor adamsdown' – so the issue can't have been in identifying the source".

17. When asked if he wished to make any additional comments aside from the specific question posed, Councillor Dixon said that,

"I do not recognise Scientology as a religion, and neither is it recognised as such in the UK by the Charities Commission. Even so, I do not accept that Para 4(b) applies in this case for reasons given above, and would argue that there is no issue raised under para 6(1)a in any event".

## **UNDISPUTED FACTS**

18. Councillor John Dixon is a member of Cardiff Council.
19. Councillor Dixon signed his acceptance of the code of conduct of Cardiff Council on 2 May 2008.
20. Councillor Dixon's Twitter identity is "CllrJohnDixon".
21. Councillor Dixon was responsible for the three Twitter 'posts' in question concerning Scientology (Annex E).

## **DISPUTED FACTS**

22. Was Councillor Dixon bound by the code of conduct when he made the Twitter postings concerning Scientology?
23. If so, did Councillor Dixon fail to show respect and consideration to Scientologists in making his comments?
24. If so, has Councillor Dixon conducted himself in a manner which could reasonably be regarded as bringing the office of member into disrepute?

## **ANALYSIS OF EVIDENCE**

### **Was Councillor Dixon bound by the code of conduct when he made the Twitter postings concerning Scientology?**

25. Comments made by Councillor Dixon in his response to questions posed by my office suggest that he considers his Twitter postings were not made in his official capacity. Councillor Dixon said that, "para 4(b) only applies under General Provisions 2(1) and paras (a) through (c) clearly do not apply in these circumstances, as I was clearly commenting in a private capacity". Later in his response, Councillor Dixon has referred to

his postings as being, "quite clearly, whimsical comments, made in a private capacity".

26. Paragraph 2(1)(b) of the Code says that members must observe the Code whenever they act, claim to act or *give the impression they are acting* (my emphasis) in the role of member to which they were elected or appointed. In his response to the complaint, Councillor Dixon confirmed that his Twitter identity is "CllrJohnDixon". In light of this and in referring to himself as a Councillor in this way, the evidence suggests to me that Councillor Dixon gave the impression that he was acting in his role of member.

**If so, does the fact that Councillor Dixon made the three Twitter postings in question mean that he has failed to show respect and consideration to Scientologists?**

27. I expect members to be respectful and show consideration to all members of the public and their views, whether or not their own views may conflict with those held by a member/s of the public.

28. In his response to the complaint, Councillor Dixon attempted to justify the comments he made about Scientology on Twitter by way of providing case law and other examples which he apparently feels show that Scientology is not a religion. Councillor Dixon also outlined his view that the content of the postings he made were, "fair comment" and were not therefore disrespectful to the complainant or to Scientologists in general.

29. Councillor Dixon also said that,

"The views of the "Church of Scientology" on freedom of association, freedom of press, freedom of speech, sexual orientation and race are in direct opposition to my own, and those who believe

in liberal democracy (meant in terms of the nature of society, rather than a political party)".

30. Councillor Dixon has commented upon the reasons he considers the complaint has been made and says that he feels that in making the complaint, my office has been "used" by the Scientologists for a predetermined purpose with some connection to their stated aims.
31. The complainant has described Councillor Dixon's 'posts' as "derogatory" and has said he finds "bigotry unacceptable in anyone but even more so in person in positions of responsibility" in reference to Councillor Dixon's actions.

**If so, does the fact that Councillor Dixon made the three Twitter postings in question mean that he has conducted himself in a manner which could reasonably be regarded as bringing his office into disrepute?**

32. Councillor Dixon has confirmed that the postings were made under his Twitter identity, "CllrJohnDixon". Councillor Dixon has also said that whilst he does not accept that he was acting in his official capacity in making the Twitter postings, he does not in any event consider that his postings raise any issue under paragraph 6(1)(a) of the code as his comments, "are not of a nature which would bring my office or authority into disrepute". It appears to me that Councillor Dixon may take this view as he considers that what he said in his Twitter postings was "fair comment" and supported by information such as that contained within the response to the questions posed by my office.

33. The comments made by Councillor Dixon were publicly available on the Twitter website and I note that the complainant refers to them being revealed as a result of a 'Google' internet search. In

my view, it would have been clear to those viewing the ‘posts’ in question that Councillor Dixon was a member in light of the identity he used.

## **CONCLUSIONS**

34. Councillor Dixon has told me that he has been an elected member for over ten years and that he has most recently agreed to abide by the Code following his election in 2008. I have seen a copy of the Council’s training records and Councillor Dixon has attended training on the Code in June 2008. Councillor Dixon has also told me that he is “fully aware of, and take[s] seriously [his] responsibilities” under the Code. I am however concerned that a member who has served his community for over ten years and has recently attended training does not appear to understand the provisions of the Code, particularly paragraphs 2(1)(b), 4(b) and 6(1)(a). I also note that Councillor Dixon has not shown any remorse for his actions.
35. Despite Councillor Dixon’s stated opinion that the comments he made on Twitter were made in a “private capacity”, Councillor Dixon referred to himself as a Councillor by using the identity “CllrJohnDixon”. Councillor Dixon’s decision to do this ensured that he was acting in or at the very least gave the impression that he was acting in his official capacity and any comments he made using that media including the ‘posts’ concerning Scientology were subject to the Code, further to paragraph 2(1)(b) given that Councillor Dixon had claimed or *given the impression* (my emphasis) he was acting in his role as member.
36. I expect members to be respectful and show consideration to all members of the public and their views, whether or not their own views may conflict with those held by a member of the public. It is entirely appropriate for a member to question the views or beliefs

of others, but they must be done in a way which shows respect and consideration to those holding contrary views. Whether or not Councillor Dixon regards Scientology as a religion, others do, and while I would not wish to prevent Councillor Dixon challenging those views, the means of challenge in this case in my view falls below the standard expected from a member. Members are also required to promote equality of opportunity for all people regardless of their religion and in not showing respect to views held by a member of the public which they regard as religious, a member may also be in breach of this Code principle.

37. I am concerned at Councillor Dixon's apparent view that it is acceptable to publish his views on Scientology on a social networking website because he does not recognise Scientology as a religion, the views held by Scientologists are contrary to his own and what he had to say in his opinion was "fair comment and ..[falls] well short of other accusations which have been upheld in court judgements worldwide". Whilst Councillor Dixon is entitled to express his views on the matter, he must ensure that in doing so he is not in breach of the Code provision to show respect and consideration to others (paragraph 4(b)) and the principle of equality and respect.

38. Councillor Dixon also felt it appropriate to include in his response reasons why he considers the complaint was made to my office. It appears to me that Councillor Dixon believes that the complaint has been motivated by a desire to achieve the policy aims of Scientology. There may be an inference drawn from Councillor Dixon's comments that he feels the motivation for the complaint being made to my office and the aims of Scientology should be considered in the context of the comments themselves and the alleged breaches, which would then justify his comments being made.

39. The evidence suggests to me that Councillor Dixon's posts may amount to a breach of paragraph 4(b) of the code. I also take the view on the basis of the available evidence that Councillor Dixon's conduct may be contrary to the Code principle regarding equality and respect as he has made disrespectful comments about views or opinions held by a member/s of the public, particularly as those comments have been published and as those comments relate to something recognised by members of the public as a religion.
40. The inclusion of Councillor Dixon's comments on Twitter meant that they were widely available to the public. In my view, the context in which these comments were made is more serious than if those comments had been made privately. It may also be the case that the impact of Councillor Dixon's comments on the complainant has been greater, given the publication of the comments on the website. I note that the complainant has indicated in a letter which accompanied the complaint form that he was "very happy" that he was, at the point of submitting the complaint, no longer able to find additional comments made by Councillor Dixon via a 'Google' search on the internet.
41. I also take the view that Councillor Dixon's behaviour may have brought the office of member into disrepute. Councillor Dixon posted his comments when using the identity 'CllrJohnDixon'. I consider that those comments were disrespectful and making disrespectful comments about views held by a member of the public whilst holding yourself out as a member, will necessarily negatively impact upon the public perception of that office.
42. I am aware that members increasingly choose to use social networking websites such as Twitter as a means of

communication. In doing so, members must be aware that all comments they make are published and attributable to them. They must be particularly alert to paragraph 4(b) of the Code and ensure that they are respectful and courteous to others in what they say. If members do not adhere to paragraph 4(b) of the Code and the Code principle to promote equality of opportunity for all people, it may be that they also act in breach of paragraph 6(1)(b) and bring the office of member into disrepute.

### **FINDING**

My finding under section 69 of the Local Government Act 2000 is that my report on this investigation should be referred to the Monitoring Officer of Cardiff Council, for consideration by the Council's Standards Committee.



PETER TYNDALL  
Ombudsman

11 June 2010

# Appendix

## A

## Code of conduct complaint form

Please use black ink if possible and fill in your name in BLOCK CAPITALS.

200901804

### A Your details

P.S.O.W.	
24 DEC 2009	
P.S.O.W.	
777 152 0001	

### B Who are you complaining about?

Name of the member (or members) you consider has (have) broken the code of conduct

Clr John Dixon,  
Councillor for Adamsdown, Cardiff

Name of their authority

Adamsdown, Cardiff

### C How do you think they have broken the code of conduct?

Please tell us what evidence you have for claiming that the member has broken the code of conduct (you can get copies of the code from the authority). Give as much detail as possible and continue on a separate sheet if you need to. Please attach copies of any relevant correspondence, documents and so on.

The derogatory remark made by Cllr Dixon in a tweet (on Twitter) at 4.75 pm May 9th against the Church of Scientology and Scientology, in a breach of Principle 7 of "Equalit + Respect" Schedule 3 of Welsh Statutory Instrument 2001 No. 2256 (W.166) - The Conduct of Members (Principles) (Wales) Order 2001.

The Welsh Statutory Instrument + the tweet is question given in my correspondence with the Public Services Ombudsman for Wales or enclosed.

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend  
CF35 5LJ

Re: Complaint about Cllr John Dixon, Councillor for Adamsdown, Cardiff

7/12/08

To whom it may concern

I am writing to bring your attention to some derogatory comments made by Cllr John Dixon toward my religion of Scientology, such as:

<http://twitter.com/CllrJohnDixon/statuses/1746848544>

4:25 PM May 9th from Tweetie: "*- didn't know there was a Scientology 'church' on Tottenham Court Road. Just hurried past in case the stupid rubs off*"

I'm certain I saw other similar comments made by him but cannot prove this as they no longer seem to be findable in Google, which I am very happy about.

I find bigotry unacceptable in anyone but even more so in persons in positions of responsibility who should know better, such as Cllr John Dixon.

Yours sincerely,

DN

# Welsh Statutory Instrument 2001 No. 2276 (W.166)

## The Conduct of Members (Principles) (Wales) Order 2001

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### STATUTORY INSTRUMENTS

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#### 2001 No. 2276 (W.166)

#### LOCAL GOVERNMENT, WALES

#### The Conduct of Members (Principles) (Wales) Order 2001

*Made*

*21st June 2001*

*Coming into force*

*28 July 2001*

The National Assembly for Wales makes the following Order in exercise of the powers conferred upon it by sections 49(2) and 105(1) of the Local Government Act 2000[ ].

#### Citation, commencement and application

1. - (1) This Order may be cited as the Conduct of Members (Principles) (Wales) Order 2001 and shall come into force on 28 July 2001.

(2) This Order applies to each relevant authority in Wales.

**Interpretation**

2. In this Order -

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who -

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

"member" ("*aelod*") includes a co-opted member; and

"relevant authority" ("*awdurdod perthnasol*") means -

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire authority constituted by a combination scheme under the Fire Services Act 1947[ ], and
- (e) a National Park authority established under section 63 of the Environment Act 1995[ ].

**Principles governing conduct of members of relevant authorities**

3. The principles which are to govern the conduct of members of a relevant authority in Wales are set out in the Schedule to this Order.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998[ ].

*D. Elis-Thomas*

The Presiding Officer of the National Assembly

21st June 2001

**SCHEDULE**

Article 3

***Selflessness***

1. Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

***Honesty***

2. Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

***Integrity and Propriety***

3. Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

***Duty to Uphold the Law***

4. Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

***Stewardship***

5. In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

***Objectivity in Decision-making***

6. In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

***Equality and Respect***

7. Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

***Openness***

8. Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

***Accountability***

9. Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

***Leadership***

10. Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

Part III of the Local Government Act 2000 ("the Act") establishes a new ethical framework for local government in Wales.

Section 49(2) of the Act provides that the National Assembly for Wales may by order specify the principles which are to govern the conduct of members and co-opted members of relevant authorities (defined in Article 2 of this Order) in Wales.

Such authorities include (amongst others) county councils, county borough councils and community councils, but do not include police authorities.

This Order specifies the relevant principles.

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*Notes:*

[1] 2000 c.22.

[2] 1947 c.41.

[3] 1995 c.25.

[4] 1998 c.38.

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ISBN 0 11090291 2



# **Appendix**

**B**

## Part 5 – CODES AND PROTOCOLS

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### CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS OF THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF

#### Adoption

This Code was adopted by the Authority on 15 May 2008.

#### PART I

##### Interpretation

1(1) In this code—

"co-opted member" ("aelod cyfetholedig"), in relation to a relevant authority, means a person who is not a member of the authority but who—

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

"meeting" ("cyfarfod") means any meeting—

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("aelod") includes, unless the context requires otherwise, a co-opted member;

"relevant authority" ("awdurdod perthnasol") means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("chi") means you as a member or co-opted member of a relevant authority; and

"your authority" ("eich awdurdod") means the relevant authority of which you are a member or co-opted member.

- (2) In relation to a community council, references to an authority's monitoring officer and an authority's standards committee are to be read, respectively, as references to the monitoring officer and the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(2) of the Local Government Act 2000.

## PART II

### General Provisions

- 2(1) Save where paragraph 3(a) applies, you must observe this code of conduct—
- (a) whenever you conduct the business, or are present at a meeting, of your authority;
  - (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
  - (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
  - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.
- (2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.
- 3 Where you are elected, appointed or nominated by your authority to serve—
- (a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
  - (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 4 You must—
- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
  - (b) show respect and consideration for others;
  - (c) not use bullying behaviour or harass any person; and
  - (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.
- 5 You must not—
- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
  - (e) prevent any person from gaining access to information to which that person is entitled by law.

**6(1)** You must—

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
  - (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
  - (c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
  - (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.
- (2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

**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;
- (b) use, or authorise others to use, the resources of your authority—
  - (i) imprudently;
  - (ii) in breach of your authority's requirements;
  - (iii) unlawfully;
  - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
  - (v) improperly for political purposes; or
  - (vi) improperly for private purposes.

**8** You must—

- (a) 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—
  - (i) the authority's Head of Paid Service;

- (ii) the authority's City & County Treasurer;
  - (iii) the authority's Monitoring Officer;
  - (iv) the authority's City & County Solicitor (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

**9** You must—

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

## PART III

### INTERESTS

#### Personal Interests

- 10(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2) You must regard yourself as having a personal interest in any business of your authority if—
- (a) it relates to, or is likely to affect—
- (i) any employment or business carried on by you;
  - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
  - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
  - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
  - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
  - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
  - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
  - (viii) any body to which you have been elected, appointed or nominated by your authority;
  - (ix) any—
    - (aa) public authority or body exercising functions of a public nature;
    - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;

- (cc) body whose principal purposes include the influence of public opinion or policy;
  - (dd) trade union or professional association; or
  - (ee) private club, society or association operating within your authority's area,  
in which you have membership or hold a position of general control or management;
- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
- (b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or
- (c) a decision upon it might reasonably be regarded as affecting—
  - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
  - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
  - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
  - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
  - (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,  
to a greater extent than the majority of—
    - (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
    - (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

## **Disclosure of Personal Interests**

### **11**

- (1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority and you make—
  - (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
  - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.
- (3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- (4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing—
  - (a) details of the personal interest;
  - (b) details of the business to which the personal interest relates; and
  - (c) your signature.
- (5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.
- (6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

- (7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

### Prejudicial Interests

- (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—
- (a) relates to—
- (i) another relevant authority of which you are also a member;
  - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
  - (iii) a body to which you have been elected, appointed or nominated by your authority;
  - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
  - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
- (b) relates to—
- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
  - (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
  - (iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section

18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;

- (c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.
- (3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

### **Overview and Scrutiny Committees**

**13**

You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

### **Participation in Relation to Disclosed Interests**

**14**

- (1) Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee—

- (a) withdraw from the room, chamber or place where a meeting considering the business is being held
  - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
  - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
- (b) not exercise executive or board functions in relation to that business;
- (c) not seek to influence a decision about that business;
- (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
- (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately

cease to make such oral representations when the prejudicial interest becomes apparent.

- (2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if—
  - (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
  - (b) you have the benefit of a dispensation provided that you—
    - (i) state at the meeting that you are relying on the dispensation; and
    - (ii) before or immediately after the close of the meeting give written notification to your authority containing—
      - (aa) details of the prejudicial interest;
      - (bb) details of the business to which the prejudicial interest relates;
      - (cc) details of, and the date on which, the dispensation was granted; and
      - (dd) your signature.
  - (4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

## PART IV

### THE REGISTER OF MEMBERS' INTERESTS

#### **Registration of Financial and Other Interests and Memberships and Management Positions**

**15**

- (1) Subject to sub-paragraph (3), you must, within 28 days of—
- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
  - (b) your election or appointment to office (if that is later),
- register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.
- (2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.
- (3) Sub-paragraphs (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).
- (4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

#### **Sensitive Information**

**16**

- (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

### **Registration of Gifts and Hospitality**

- 17 You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage.

# Appendix

## C

# Declaration of Acceptance of Office

24 FEB 2010

P.S.O.

I John Leslie Dixon.....

having been elected to the office of Member of Cardiff Council, declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to observe the code for the time being as to the conduct which is expected of members of Cardiff Council and which may be revised from time to time.

Signed .....

Date ..... 2/3/08.....

This declaration was made and signed before me,

Signed ..... Paul Fletcher.....

Proper Officer of the Council\*

\*Or other person/s authorised pursuant to section 83(3) or (4) of the Local Government Act 1972 - please specify the capacity in which such person/s take the declaration



# Appendix

D

Our ref: 200901804/LP

Ask for: Miss L Phillips

Your ref:

 01656 641168

Date: 15 January 2010

 Laura.phillips@ombudsman-wales.org.uk

Councillor John Dixon BSc GIBiol

Dear Councillor Dixon

Code of conduct complaint

The Ombudsman has now decided to investigate the complaint made against you by Mr John Wood, of which you were informed on 7 January. I have been asked to carry 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 my 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 Monitoring Officer of this investigation and have asked for any relevant information.

In the meantime, I note the contents of your e-mail of 10 January and particularly that you say that the Church of Scientology has not to your knowledge approached the Council's Monitoring Officer, the Council's Standards and Ethics Committee, your own Council Group or the Welsh Liberal Democrats. Whilst it is not entirely clear on what basis this comment is made, I feel it may be helpful to clarify that code of conduct complaints may only be made to and considered by the Ombudsman.

Yours sincerely,

Laura Phillips  
Investigator

# Appendix

E

- Damn my memory. Could have sworn the Care Council for Wales meeting was due to start at 11! Really should do something to sort the traffic! 9:39 AM May 12th, 2009 from [Tweetie](#)

- [Delete](#)

372.

- knackered after LHB Transitions Board meeting. Could do without Group meeting, but will try to be efficient and catch up on sleep too. 6:35 PM May 11th, 2009 from [Tweetie](#)

- [Delete](#)

373.

@[wmjohn](#) Don't think so in Cardiff. Despite being responsible for £130m budget no-one's even tried to bribe me. Most disappointing ;) 3:43 PM May 10th, 2009 from [Tweetie](#) in reply to [wmjohn](#)

- [Delete](#)

374.

- didn't realise Godspell was so preachy. Should have looked at the name a little bit more closely 3:40 PM May 10th, 2009 from [Tweetie](#)

- [Delete](#)

375.

(o) @[wmjohn](#) Agree, but it's Ministers who have the most cash to splurge, so it won't be as exciting until they've been in power for 10 years... 12:15 PM May 10th, 2009 from [Tweetie](#) in reply to [wmjohn](#)

- [Delete](#)

376.

- in Twickenham with Kate and Co, feeling very nostalgic. Would feel more so if everything hadn't changed so much. Eel Pie still here - yay! 12:13 PM May 10th, 2009 from [Tweetie](#)

- [Delete](#)

377.

@[bengoldacre](#) - can't help but if you sort it, I'll buy the video. Of the hot nerdy girls in glasses with lasers. I'll fast forward the rest. 5:00 PM May 9th, 2009 from [Tweetie](#) in reply to [bengoldacre](#)

- [Delete](#)

378.

@[amcunningham](#) What had the plants done wrong? 4:55 PM May 9th, 2009 from [Tweetie](#) in reply to [amcunningham](#)

- [Delete](#)

379.

(v) - didn't know there was a Scientology 'church' on Tottenham Court Road. Just hurried past in case the stupid rubs off. 4:25 PM May 9th, 2009 from [Tweetie](#)

- [Delete](#)

380.

- buying the rings now. Suddenly everything is feeling very real. And expensive. In a good way, obviously. 3:33 PM May 9th, 2009 from [Tweetie](#)

- [Delete](#)

381.

- Cheap short-dated bread. Are there any four more beautiful words? Can you tell I'm in Sainsburys for the sad singles shift again? 8:32 PM May 8th, 2009 from [Tweetie](#)

- [Delete](#)

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# Appendix

F

**CARDIFF COUNCIL**

**MEMBER DEVELOPMENT 2008/09 : CODE OF CONDUCT**

Councillor	12 June 08 Session 1	17 June 08 Session 2	17 June 08 Session 3	25 June 08 Session 4	21 July 08 Session 5	16 Feb 09 Extra Session	19 Mar 09 Extra Session
AUBREY			1				
AYLMER							
BERMAN		1					
BOWDEN							
BOWEN			1				
BRIDGES							
BURFOOT		1					
BURFITT							
BURNS		1					
CARTER							
CHAUNDY	1						
CLARK							
COOK Ralph	1						
COWAN	1						
DAVIES Kirsty	1						
DIXON				1			
FOLEY		1					
FURLONG						1	
GODDARD	1						
GOODWAY							
GRANT	1						
GREENING							
GRIFFITHS		1					
HOLLAND Clarissa							
HOLLAND Martin			1				
HOPPER							
HOWELLS	1						
HUDSON							
HYDE		1					
IRELAND							
ISLAM				1			
JONES Brian		1					
JONES Margaret							
JONES-Pritchard	1						
KELLOWAY		1					
LEANS DOWN							
LLOYD						1	
MACDONALD							
McEVOY					1		
MCKEEFICH							
MONTEMAGGI			1				
MORGAN David							
MORGAN Derrick					1		
MORGAN Elgan							
MORGAN Linda		1					
PAGE			1				
PARRY Jacqui				1			
PARRY Keith		1					

Councillor	12 June 08 Session 1	17 June 08 Session 2	17 June 08 Session 3	25 June 08 Session 4	21 July 08 Session 5	16 Feb 09 Extra Session	19 Mar 09 Extra Session
PATEL				1			
PEARCY							
PICKARD				1			
PIPER							
REES David		1					
REES Dianne							
ROBSON	1						
ROGERS							
ROWLAND-JAMES					1		
SALWAY							
SINGH			1				
SMITH							
STEPHENS				1			
WHITEHEAD							
WALKER	1						
WALLACE							
WILLIAMS							1
WOSTMAN							
<b>Attendance Total (75)</b>	<b>20</b>	<b>20</b>	<b>12</b>	<b>13</b>	<b>7</b>	<b>2</b>	<b>1</b>

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# Appendix

## G

### Questions for Councillor John Dixon

1. Please describe your understanding of the Code of Conduct for Members of Cardiff County Council, particularly in relation to sections 4(1) (b) and 6 (1) (a).
2. Please confirm that you have undertaken to accept the terms of the Code of Conduct.
3. Please confirm how long you have been an elected member of Cardiff County Council.
4. Please describe any training, guidance or advice on the Code of Conduct that you have requested and/or received from the Council or from any other body. Please also confirm when any training you have received has taken place and if any training has been arranged that you did not attend and the reason for that.
5. Please confirm your 'Twitter' identity and that you posted the following comments:

"- didn't know there was a Scientology 'church' on Tottenham Court Road. Just hurried past in case the stupid rubs off" (4:25 pm May 9<sup>th</sup>, 2009)

"-just noticed the Scientologists are following me on Twitter. Quick, everyone hide and pretend you're out!" (9:16 pm May 18<sup>th</sup>, 2009)

"-just noticed I've got some homeopaths joining the scientologists following me now. I can set up my own branch of Ofquack soon!" (11:22 pm July 16<sup>th</sup>, 2009)

6. Do you accept that by making the above comments you may have breached paragraph 4 (b) and 6 (1) (a) of the Council's code of conduct for members.
7. Please add any other comments you consider relevant to the investigation of the complaint.

200901804

Case against Cardiff County Council by John Wood  
created by Laura Phillips on 26/03/2010

Sender:	Laura Phillips <Laura.Phillips@ombudsman-wales.org.uk>
Recipient(s):	"chas@psow.chas" <chas@psow.chas>
Sent Date:	26/03/2010 11:24
Email To Complainant:	No
Email To Relevant Body:	No
Title:	FW: 200901804 Carol Cutajar

Laura Phillips  
Investigator

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed CF35 5LJ  
01656 641168  
laura.phillips@ombudsman-wales.org.uk

-----Original Message-----

From: ask  
Sent: 26 March 2010 11:04  
To: Laura Phillips  
Subject: FW: 200901804 Carol Cutajar

-----Original Message-----

From: John Dixon [mailto:john@adamsdown.org.uk]  
Sent: 25 March 2010 16:15  
To: ask  
Subject: 200901804 Carol Cutajar

Apologies for not sending this to your personal email account, but I have left your letter at home. This is my formal response to the complaint.

Regards

John Dixon



Ombudsman reply.pdf

Document History  
Document Control

1. I understand that I am bound by the Code of Conduct for Members – this is an undertaking made by all members on election to the Council.
2. I have, myself, most recently agreed to abide by the code of conduct at the first Council meeting of the new administrative session, in 2008.
3. I have been an elected Councillor since 1999.
4. I have attended training arranged by the Council on the Code of Conduct, and would agree that I am fully aware of, and take seriously, my responsibilities.
5. My Twitter identity is “CllrJohnDixon” and I am responsible for the three posts in question.
6. I do not accept that these posts breach the code of conduct in regard of either paragraph 4(b) or 6(1)a. Para 4(b) only applies under General Provisions 2(1) and paras (a) through (c) clearly do not apply in these circumstances, as I was clearly commenting in a private capacity. I do not accept that para (d) applies, as the comments are not of a nature which would bring my office or authority into disrepute, as per 6(1)a, nor are they in breach of paragraph 7, to secure a personal advantage or misuse the resources of the authority.
7. I do not recognise Scientology as a religion, and neither is it recognised as such in the UK by the Charities Commission. Even so, I do not accept that Para 4(b) applies in this case for reasons given above, and would argue that there is no issue raised under para 6(1)a in any event.

See:

- <http://www.independent.co.uk/news/uk/home-news/scientologists-are-refused--charitable-status-744109.html>
- <http://infosec.freeshell.org/infocult/Charitycommissionscientology.pdf>

First, I would say that the views of the “Church of Scientology” on freedom of association, freedom of press, freedom of speech, sexual orientation and race are in direct opposition to my own, and those who believe in liberal democracy (meant in terms of the nature of society, rather than a political party).

See:

- <http://www.guardian.co.uk/world/2009/oct/26/paul-haggis-scientology-prop-8>
- <http://www.guardian.co.uk/world/2009/oct/30/scientology-tommy-davis-paul-haggis>

The “Church of Scientology” has a long and well-documented global history of using litigation and process to suppress criticism, by harassment and bullying of the critic.

See:

- <http://www.guardian.co.uk/uk/1999/jun/09/claredyer>,
- <http://www.guardian.co.uk/world/blog/2009/nov/02/scientology-expose-track-down-former-members>

To illustrate I quote from the organisation’s active policy:

- “If attacked on some vulnerable point by anyone or anything or any organisation, always find or manufacture enough threat against them to cause them to sue for peace.”
- “We do not want Scientology to be reported in the press, anywhere else than on the religious pages of the newspapers. Therefore, we should be very alert to sue for slander at the slightest chance so as to discourage the public presses from mentioning Scientology.”
- “The purpose of the suit is to harass and discourage rather than to win. The law can be used very easily to harass, and enough harassment on somebody who is on the thin edge anyway... will generally be sufficient to cause his professional decease. If possible, of course, ruin him utterly.”
- “Enemy- [...] Fair Game. May be deprived of property or injured by any means by any

Scientologist without any discipline of the Scientologist. May be tricked, sued or lied to or destroyed.”

See:

- <http://www.xenu.net/archive/go/legal/rvy.htm>
- [http://www.arts.ualberta.ca/~skent/Linkedfiles/erlich\\_fairgameda.htm](http://www.arts.ualberta.ca/~skent/Linkedfiles/erlich_fairgameda.htm)
- Michael Streeter – Behind Closed Doors: The Power and Influence of Secret Societies (ISBN 978-1845379377)

I would suggest that this is what the office of the Ombudsman is being used for in this instance.

My role within the Council is specifically to lead on policy and services in regard of children and adults receiving social services – by definition, those people regarded as the most vulnerable in the City. It is not just my opinion that the policies and practices of the “Church of Scientology” in regard to vulnerable people put them at risk.

I'd refer you to the comments in 1984 of Mr Justice Lacey, a High Court Judge, hearing a custody battle between a Scientologist father and ex-Scientologist mother and step-father, who gave a damning opinion of the Scientology organisation.

“Scientology is both immoral and socially obnoxious... In my judgement it is corrupt, sinister and dangerous.

“It is corrupt because it is based on lies and deceit and has as its real objective money and power for Mr. Hubbard, his wife and those close to him at the top.

“It is sinister because it indulges in infamous practices both to its adherents who do not toe the line unquestioningly, and to those who criticise or oppose it.

“It is dangerous because it is out to capture people, especially children and impressionable young people, and indoctrinate and brainwash them so that they become the unquestioning captives and tools of the cult, withdrawn from ordinary thought, living and relationships with others.”

The judgement was based on extensive consideration of internal Scientology documents and testimony from past and present Scientologists. The point was to examine whether the boy and girl in the custody battle would be harmed by being brought up in Scientology:

“Discipline is ruthless and obedience has to be unquestioning.”

“The auditing - the processing - begins at an early age. [...] In ‘The Second Dynamic’ 1982 edition under the heading ‘Children’s Confessional Ages 6-12’ is a ‘processing check for use on children’. It is a very long and vigorous interrogation. [...] I agree with Dr. Clark [an expert witness] that ‘Scientology training is training for slavery’.”

Referring to the threats used by the Scientology’s leaders to get missions producing money he said:

“it is grimly reminiscent of the ranting and bullying of Hitler and his henchmen”

Mr. Justice Lacey addressed many different aspects of the Scientology: its origin and goals, the history of L. Ron Hubbard and the way the organisation deals with dissent and opposition. Here he addresses the alleged confidentiality of Scientology confessionals:

"Contrary to the assurance of confidentiality, all 'auditing' files are available to Scientology's intelligence and enforcement bureau [the Office of Special Affairs] and are used, if necessary, to control and extort obedience from the person who was audited. If a person seeks to escape from Scientology his auditing files are taken by the intelligence bureau and used, if wished, to pressure him into silence. They are often so used and uncontraverted evidence of this has been given at this hearing."

About the policy of Disconnection, which forces followers to disassociate themselves from non-believing friends and family, Latey wrote that "Very many examples have been given and proved in evidence." As examples, he reproduced two disconnection letters. One is written by a Scientologist to his fiancée. In the other a man writes to his business partner and former friend, "What you are now doing in setting yourself against the Church is not only very suppressive but also non-survival for you, your family and any group you are associated with."

The judgement was appealed, and the appeal dismissed, with leave to appeal to the House of Lords refused.

See:

- <http://www.xenu.net/archive/audit/latey.html>
- <http://www.xenu.net/archive/audit/appeal.html>

More recently, the "Church of Scientology" has been convicted in France for fraud, and is facing a complaint from the family of a member of the church who killed herself.

See:

- <http://www.guardian.co.uk/world/2009/oct/27/scientology-church-fraud-france>
- <http://www.guardian.co.uk/world/2009/aug/29/scientology-france-legal>

As well as the risks posed to children and their families highlighted in the Lacey judgement, other legal cases, and allegations by former members of systematic abuse there is the matter of their views on mental illness, and their demonisation of the psychiatric and psychology professions which pose further risk to adult clients with mental health issues, another area that I have responsibility for.

See:

- <http://www.independent.co.uk/life-style/the-prisoners-of-saint-hill-the-scientologists-call-it-babywatching-but-it-has-nothing-to-do-with-looking-after-infants-tim-kelsey-and-mike-ricks-investigate-the-potentially-dangerous-and-possibly-illegal-secret-treatment-that-the-worlds-largest-cult-uses-to-deal-with-difficult-members-1403815.html>
- <http://ukpmc.ac.uk/articlerender.cgi?artid=406235>
- <http://www.news.com.au/national/scientology-putting-lives-at-risk-says-australian-of-the-year-pat-mcgorry/story-e6frfkvr-1225838942141>
- ['http://www.abc.net.au/news/stories/2010/03/10/2841369.htm?section=justin'](http://www.abc.net.au/news/stories/2010/03/10/2841369.htm?section=justin)

The organisation has recently also been denounced in the strongest possible terms in the Australian Parliament, with the Prime Minister expressing concerns about allegations of "a worldwide pattern of abuse and criminality".

See:

- <http://www.guardian.co.uk/world/2009/nov/22/scientology-cruise-haggis-us-australia>
- <http://www.timesonline.co.uk/tol/news/world/article6921140.ece>

While not wishing to assign motives to the complainant, I do find it curious that, despite obviously being aware of the post in question within a matter of days, they took six months to complain about it despite the grave offence which they felt I caused them. I am not particularly difficult to find – being the top Google hit for ‘ “John Dixon” councillor adamsdown’ – so the issue can't have been in identifying the source.

These were, quite clearly, whimsical comments, made in a private capacity, but ones which I feel are fair comment, and which fall well short of other accusations which have been upheld in court judgements worldwide. I do not accept that I have breached the Code of Conduct.

## Sinead Cook

---

From: ask  
Sent: 11 January 2010 10:31  
To: Sinead Cook  
Subject: FW: 200901804 Carol Cutajar  
Attachments: John Dixon (CllrJohnDixon) on Twitter.pdf

Administration Team

Public Services Ombudsman for Wales/Ombudsmon Gwasanaethau Cyhoeddus Cymru  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend/Pen-y-bont ar Ogwr  
CF35 5LJ

Telephone/Ffôn: 0845 6010987 (local call rate)  
Fax/Ffacs: 01656 641199  
Email/Ebost: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

-----Original Message-----

From: John Dixon [mailto:[john@adamsdown.org.uk](mailto:john@adamsdown.org.uk)]  
Sent: 10 January 2010 13:23  
To: ask  
Subject: 200901804 Carol Cutajar

Please find attached the complete record from my Twitter account. You'll see that a few days later, I noticed that the "Church of Scientology" was following my account - I did nothing to block them. You'll that I have not singled out Scientology for particular criticism, but that I am critical of anything that is not evidence-based - homeopathy, crystal healing, chiropractic, and nutritionists included.

To my knowledge, they have not approached the Council's Monitoring Officer, or the Council's Standards and Ethics Committee, my own Council Group or the Welsh Liberal Democrats.

John

- Damn my memory. Could have sworn the Care Council for Wales meeting was due to start at 11! Really should do something to sort the traffic! 9:39 AM May 12th, 2009 from Tweetie

◦ Delete

372.

- knackered after LHB Transitions Board meeting. Could do without Group meeting, but will try to be efficient and catch up on sleep too.  
6:35 PM May 11th, 2009 from Tweetie

◦ Delete

373.

@wmjohn Don't think so in Cardiff. Despite being responsible for £130m budget no-one's even tried to bribe me. Most disappointing ;)  
3:43 PM May 10th, 2009 from Tweetie in reply to wmjohn

◦ Delete

374.

- didn't realise Godspell was so preachy. Should have looked at the name a little bit more closely 3:40 PM May 10th, 2009 from Tweetie

◦ Delete

375.

@wmjohn Agree, but it's Ministers who have the most cash to splurge, so it won't be as exciting until they've been in power for 10 years... 12:15 PM May 10th, 2009 from Tweetie in reply to wmjohn

◦ Delete

376.

- in Twickenham with Kate and Co, feeling very nostalgic. Would feel more so if everything hadn't changed so much. Eel Pie still here - yay!  
12:13 PM May 10th, 2009 from Tweetie

◦ Delete

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@bengoldacre - can't help but if you sort it, I'll buy the video. Of the hot nerdy girls in glasses with lasers. I'll fast forward the rest. 5:00 PM May 9th, 2009 from Tweetie in reply to bengoldacre

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RT @antonvowl Another reason why LabourList is rubbish <http://tr.im/s8ov> - Bill ... Read More: <http://is.gd/1xsTL> 8:21 PM Jul 13th, 2009 from Tweetie

◦ [Delete](#)

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