



**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/005/2024-25/CT

REFERENCE IN RELATION TO A POSSIBLE FAILURE TO FOLLOW THE CODE OF CONDUCT

RESPONDENT: Councillor David Devauden

RELEVANT AUTHORITY: Neyland Town Council

REPRESENTATION AND ATTENDANCE:

Respondent: In person

Public Services Ombudsman for Wales: Mr G Hughes, counsel

1. INTRODUCTION

- 1.1 A Case Tribunal, convened by the President of the Adjudication Panel for Wales ('the Panel'), considered a reference in respect of the above Respondent which had been made by the Public Services Ombudsman for Wales ('the PSOW').
- 1.2 References in square brackets within this Decision Report are to pages within the bundle of Tribunal Case Papers unless otherwise stated. A supplemental bundle of more recent material was also produced and references to that have been cited as follows; [S;...].

Before the hearing

- 1.3 The Panel had difficulty arranging the hearing. The commitments of several parties made listing problematic. In addition, the Respondent's level of communication was sporadic and his co-operation was not consistent. Those issues have been explored in more detail in paragraphs 2.2.4 to 2.2.18 below.

The hearing

- 1.4 In accordance with the Listing Direction dated 19 August 2025, the Case Tribunal determined its adjudication at a hearing that was held on 15 and 16 January 2026 at Haverfordwest County Court which was open to the public.
- 1.5 The hearing proceeded in accordance with the timetable set out in the Listing Direction, although the Respondent's failure to address the Tribunal at Stages 1 or 2 caused the case to run slightly quicker than anticipated.

2. PRELIMINARY DOCUMENTS

2.1 Reference from the Ombudsman

- 2.1.1 In a letter dated 14 February 2025 with an enclosed Report ([4-6] and [7-84]), the Panel received a referral from the PSOW in relation to allegations made against the Respondent. The allegations were that he had breached Neyland Town Council's ('the Authority's') Code of Conduct by failing to show respect for others, engaging in conduct which constituted bullying and harassment, engaging in conduct which had brought his office into disrepute, making malicious, frivolous and/or vexatious complaints, using his office to obtain and/or confer advantage and/or misusing the Authority's resources.
- 2.1.2 The actual allegations considered by the Tribunal broadly fell into three groups;
 - (a) His conduct towards the Authority's Clerk;
 - (b) His conduct towards other Councillors;
 - (c) His conduct towards the PSOW.

2.2 The Councillor's Written Response to the Reference

- 2.2.1 The Respondent had initially received notifications of the complaints from the PSOW on 2 November 2023 [287-9], 9 January 2024 [293-5] and 11 March 2024 [299-300]. His conduct in relation to those notifications and further specific warning letters of 28 March and 28 October 2024 have been dealt with below.
- 2.2.2 He had been invited to be interviewed by a PSOW in June 2024. Initially, he said that he would not attend until he had received hard copies of the documentation relied upon and only after the PSOW had answered a series of his questions. He asserted that his solicitor's absence and his own holiday were likely to have made an interview difficult at that stage. Dates of availability were sought, both before and after his intended holiday. He then became rude in correspondence [734-5] and he was then given until 22 July to provide a date for an interview [737]. He did not reply but, rather, threatened to sue the PSOW [740]. In evidence during the hearing, he accepted the characterisation of the correspondence as 'a refusal'.

2.2.3 On 28 January 2025, the Respondent then asked for an extension of time [748-9]. His request was granted in the terms requested (until 10 February) [748] but nothing was then received from him. The PSOW had already indicated that her report would have been concluded if he did not respond further and that is what then happened on 14 February.

2.2.4 Upon receipt of the reference, the Panel wrote to accept receipt on 7 March 2025 and copied the Respondent in [924]. He was notified that his response was due within 21 days.

2.2.5 The Respondent sent an email on 1 April 2025 to the Clerk of the Authority, Ms Matthews, other councillors, the PSOW and One Voice Wales in which he demanded the Clerk's resignation or threatened the Council with legal action [933-4]. A similar email was sent to Cllr Hay on the same day [935-6].

2.2.6 On 8 April, the Panel informed the Respondent that no response had been received in time but that, if he wanted to submit one late, he ought to have applied for an extension [891-2]. The following day, he claimed that he had submitted one "*within the time allowed*" [893]. Also on that date, the 9th, a response was received at the Welsh Government offices in Llandrindod Wells, having been post marked 27 March [894]. That document (Form APW2 [895-905]) contained broad allegations that the 'complaint' had been 'bogus', that Mrs Phelan had 'lied', that Cllr Hay was a 'serial and pathological liar', that Cllr Phelan was a 'bully boy', that Ms Matthews had 'some sort of mental health' and 'drink related....problems' and was 'very arrogant' and 'incompetent' and that the PSOW investigator had 'little or no legal knowledge'. Beyond that, it did not address the specifics of the allegations or facts.

2.2.7 On 23 April, it was confirmed by a Judge that the response had been received out of time, deemed service having occurred on 31 March. He was invited, again, to make an application for an extension [939].

2.2.8 On 28 April, he provided what he considered to have been an explanation for his delay (an attempt to hand deliver the response had been thwarted on 27 March by his failure to put the right fuel in his car), but he did not apply for an extension in the email. Instead, he asked the Panel to 'think about why it had not applied the Human Rights Act' [941].

2.2.9 Subsequently, on 2 May, the Respondent wrote to the Panel to complain about the bundle which he had received and some of its contents, which he demanded to have removed; "*But be warned, if I find any documents that breach the HRA & GDPR that are in the revised bundle, then I will consider it a malicious act & sue you yet again.*" He alleged that the process was a "*corrupt incompetent witch hunt*" [945-6]. A similar email was sent on 22 May [947-8].

2.2.10 The President addressed the Respondent's emails of 2 and 22 May on 29 May, but he was not expressly notified that time had been extended in respect of his response within that letter [950-1]. It was clear that it had been

because the Panel invited the PSOW to make any further representations in light of the response on that day too which it would not if the response had been rejected. A reply to the response was then received from the PSOW on 10 June [916-9].

- 2.2.11 On 1 August, the Panel sought representations from the PSOW and the Respondent by 8 August on a number of things regarding the future conduct of the case; how the final hearing should have been dealt with (whether in person), its length and whether any directions were sought at the listing stage [953]. The PSOW replied within the time specified. The Respondent did not beyond asking, on 2 August, for the identity of the Judge who was presiding over the panel. Directions were duly made as set out in the Listing Direction [969-977].
- 2.2.12 On 19 August, the Listing Direction went to the parties; the Respondent was directed to respond to indicate any dates of unavailability by 2 September and he was told that, if he failed to do so, it would have been assumed that he no longer intended to attend a hearing in person (paragraphs 1.3 and 1.15) [969-971].
- 2.2.13 The Respondent then wrote on 22 August and enclosed a copy of his previous email of 2 May 2025 [979]. He accused the Panel of continuing wrongful actions in respect of the bundle and asserted that his email was part of a '*Pre-action Protocol* [sic.]' which would lead to him suing for 'punitive damages' of £5,000 under the 'Malicious Communication Act'. Nothing was then said about his intention to engage in any future hearing.
- 2.2.14 On 1 September, he communicated again [985]. He challenged contents of the Listing Direction, demanded that changes were made to it, said that the Panel had not been complying with his 'instructions' and that he did not "*give a monkey's toss*" about the possible sanctions that were available to it. Again, no comments were included about paragraph 1.3.
- 2.2.15 Whilst he did not address paragraph 1.3 of the Listing Direction before the specified deadline, he did, on 2 September, give an indication as to his future movements [988-9]; he said that he was travelling abroad on 10 December and intended to return on 15 January 2026. The Panel attempted to list the hearing in advance of his departure, but that proved impossible in light of the commitments of the rest of the Panel, the PSOW and Haverfordwest County Court. Further dates were sought and the Respondent was asked again to provide further information by 7 November and was then given a further deadline of 4:00 pm on the 10th. Again, he failed to address the matter and, in a response to other correspondence, the Panel made the position clear on 14 November [1049];

"The Tribunal has noted your previous responses with regards to your availability to attend a hearing. The Tribunal has also noted that you did not provide your updated availability within the allotted time when asked on the 30th October 2025 nor when the Tribunal contacted you again on the 7th November 2025 to extend the response deadline to the 10th

November 2025. The Tribunal also notes that you have sent it separate correspondence on the 30th October and on the 10th November but have still failed to provide any information on your availability to attend a hearing."

- 2.2.16 The hearing was therefore duly listed around his previous stated availability.
- 2.2.17 It was not until 6 January 2026 that the Respondent acknowledged the listing because he then applied to have it postponed [S; 17-8];

"In view of the recent behaviour of two of the witnesses due to appear at the upcoming Tribunal, namely, both Mr. Hay & the Town Clerk, Miss Matthews; I am appealing to the Chairman, Mr Livesey, to adjourn the Tribunal until these overriding matters are addressed."

He went on to allege that some of the witness evidence was '*not what it seemed*' and that, whilst there were civil suits pending, "*this affair should, in reality, be adjourned indefinitely.*"

- 2.2.18 That application was rejected for the reasons set out in the reply of the same date [S; 17].

2.3 The Ombudsman's Written Representations

- 2.3.1 In light of the Respondent's failure to respond to the referral initially, the PSOW had nothing to respond to [909]. A Form APW1 was subsequently completed in June [915-9].

2.4 Preliminary issues at the hearing

- 2.4.1 The following matters were addressed at the start of the hearing;

- 2.4.1.1 The list of undisputed facts;

At the start of the hearing, the Respondent challenged the accuracy of paragraphs 1.1 and 1.2 of the annex to the Listing Direction [974]. Once discussed and cross-referenced with the relevant transcripts, the Respondent accepted the accuracy of paragraph 1.2 and paragraph 1.1 was amended by agreement with the insertion of the words "*against the Council*" after the words "*committed illegal acts*".

During his evidence, he also challenged the accuracy of paragraph 1.5 but, again, once that was examined in comparison with the relevant document (the solicitors' letter itself), that objection was not pursued, either in evidence or submissions.

- 2.4.1.2 Apparent request for anonymity or restricted reporting;

On the morning of the hearing, the Tribunal received an email from a former councillor who requested that their “*name is not brought into the hearing by anyone, including Councillor Devauden, and that if it is, that you immediately cease comment, strike it from the record, and ensure that the witness does not mention me again*”. Reference was made to health problems having been suffered and how the former councillor had been the subject of “*spurious, malicious and vexatious complaints*”. No medical evidence was included.

We canvassed the views of those present on the application (if the email had amounted to one) and from those members of the press who were present.

The press were content to refer to the former councillor as ‘a former councillor’. We considered that, to the extent that any councillor had been involved in the events in this case in their capacity as a councillor, they had been exercising a public function and could not now claim that their involvement ought to have been withheld *from* the public. That said, the Tribunal was not considering a complaint or allegations against anyone other than the Respondent and any findings made by it below concerned the Respondent only. The former councillor did not seek to invoke any article 8 (or other) rights and we did not consider that any anonymity and/or restricted reporting order was appropriate in the circumstances.

3. EVIDENCE

- 3.1 The Case Tribunal heard the following witnesses give evidence at the First Stage;
 - Ms Matthews, the Clerk, who gave evidence in accordance with her statement [631-7];
 - Councillor Hay, who gave evidence in accordance with his statement [655-662];
 - Ms V Phelan, who gave evidence in accordance with her statement [693-4];
 - The Respondent.
- 3.2 The Tribunal invited submissions and argument at the First Stage from both parties. Neither Mr Hughes nor the Respondent wanted to make submissions.
- 3.3 The Case Tribunal heard no further witnesses give evidence at the Third Stage of the hearing.
- 3.4 The Tribunal heard further submissions and argument at the Second and Third Stages from both parties.

4. FINDINGS OF FACT

- 4.1 Having considered the evidence and both parties' submissions, the Case Tribunal found the following material facts on the balance of probabilities. The findings were unanimous.
- 4.2 This case involved the polarisation of two distinct factions within the Authority over a period of time, a process which caused much bitterness and resentment and the making of allegations and counter allegations. There was distinct and clear evidence, in our judgment, of one faction having behaved extremely poorly in certain respects. The Respondent was part of that faction. That was not to say that the other faction had behaved beyond reproach, but the case referred to this Tribunal concerned this Respondent.
- 4.3 The story started in January 2023 when there was, on the 9th, a Council meeting during which there was a private discussion from which the public were excluded. That part of the meeting was not supposed to have been recorded and had concerned the resolution of some grievances which had emerged. During it, the conduct of a member of the public, Mr Rothero, was commented upon. As it turned out, that part of the meeting was recorded, apparently unintentionally. Mr Rothero subsequently became a councillor.
- 4.4 The Respondent too was co-opted to the Council in April 2023 and agreed to observe the Code of Conduct [241]. In evidence, he said that he had not sought or read the Code at that stage. He said that he had other things to do; he was getting ready to go sailing.
- 4.5 At a Council meeting on 24 April 2023, Cllr Rothero played a recording which he then had of the private session of the meeting of 9 January and expressed his displeasure about the nature of the discussions. Nevertheless, the minutes stated that he and Cllr Harry had agreed "*to 'bury the hatchet' and move on*" [389].
- 4.6 The day after that meeting, the then Clerk, Ms Walker, emailed some of the councillors and apologised for the fact that a recording had been made of the private discussions on 9 January. She offered to have the recording edited to reflect the approach which had been agreed.
- 4.7 At a Council meeting on 5 June, Cllrs Rothero and Thomas made a number of serious allegations about Ms Walker and five fellow councillors; Cllrs Hay, Lye, Harry and both Mr and Mrs Phelan. With reference to an old blog that had been written about circumcision, Cllr Rothero referred to Cllr Lye as anti-Semitic and anti-Muslim [397]. It was alleged that the five councillors had held private meetings, had committed fraud and/or had conspired to commit fraud [405, 412 & 480]. Those allegations were repeated in the local press soon afterwards ([489-495], [498-505] & [511-6]) and Cllr Lye then resigned as a councillor and mayor. The Respondent's involvement was limited at that point, but he did join Cllrs Rothero and Thomas in accusing the other 5 of having engaged in "*illegal acts*" [492] and his name was also reported in that context [495].

4.8 The Council held an EGM on 14 June at which Cllrs Rothero and Thomas maintained that a police investigation was then underway [533-4]. Subsequent enquiries of the police revealed that no investigation had been started [663]. Cllr Rothero was appointed mayor, with Cllr Thomas as deputy [532 & 551]. The Respondent too became more involved; he said that he had been “*absolutely staggered*” to learn that five people had “*actually conspired to redact a government document which is actually fraud.*” [535]. He participated in a vote of no-confidence against the five [537 & 552]. Perhaps unsurprisingly, further adverse media reports followed that meeting ([496-7] & [517-526]).

4.9 On the following day, 15 June, Cllr Rothero published an ‘Openness and Transparency Official Statement’ which announced the vote of no-confidence and the councillors’ sanction and stated that “*evidence of alleged wrongdoing including, but not limited to, bullying, harassment, conspiracy to defraud and fraud*” was presented at the meeting [557]. It was also suggested that the PSOW and Audit Wales were both investigating. They were not.

4.10 On 22 or 23 June 2023, it was alleged that the Respondent attended Haverfordwest Police Station. Whilst waiting to speak to an officer, he engaged another member of the public in conversation; he identified himself as a councillor and made serious allegations about Cllr Hay (that he had stolen £6,000 from the Council) and claimed that he was going to ‘force’ a number of councillors out, including the ‘Bobbies’ (who were later identified as Mr and Mrs Phelan). What he did not know at the time was that was then speaking to Ms Vanda Phelan, Cllr A Phelan’s aunt. Her witness statement provided a compelling account of the interaction [693-4].

4.11 She gave evidence about it and was cross-examined. The Respondent too gave evidence about it and agreed many of the salient facts. Whilst there was some doubt as to the precise date of the event (Ms Phelan put it on the 23rd, Cllr Hay’s complaint referred to it as having taken place a day earlier [89] and the Respondent claimed it to have been on the 29th), it was not disputed that he had attended the police station, as he had admitted in his email of 23 April 2024 [646-7] and his Form APW2 [898]. His intended purpose had been to seek information about the background of someone in the neighbourhood who he (and others) had suspicions about. He was given a leaflet about ‘Sarah’s Law’, which accorded with Ms Phelan’s account.

4.12 He did not deny that he told Ms Phelan that he considered that Cllr Hay had stolen £6,000. He could not recall that part of the conversation, but we had no reason to doubt what Ms Phelan had said, given that so many of the details of their conversation were agreed. He agreed that he had referred to the Phelans as ‘the Bobbies’. It was, he said, an ex-serviceman’s habit of nicknaming people. He accepted that that would have been offensive if he had said it to their faces. As to his alleged stated desire to oust councillors, the statement was consistent with subsequent emails and his actions at the earlier Council meeting and we therefore considered it more likely than not that Ms Phelan’s account was true and accurate in that respect too.

4.13 On 3 July 2023, the Respondent emailed Cllr A Phelan, copying in other councillors. The background to that email was that Cllr Phelan had drafted the minutes of 5 June meeting and had expressed concern about some amendments proposed by Cllr Thomas. The Respondent referred to Cllr Phelan's alleged 'pettiness', 'bullying' and 'arrogance'. He asserted that he had been behaving like a 'headless chicken' and repeated the assertion that a police investigation was ongoing [666].

4.14 There was a Council meeting later that day at which Cllr Harry then indicated that there was not any ongoing police investigation. There were extensive discussions about the accuracy of the previous meetings minutes and whether they should have been amended ([614-20] & [559-613]).

4.15 On 24 August 2023, the Respondent was written to by solicitors acting on behalf of the five named councillors and the former Clerk, Ms Walker [623-7]. The letter alleged that he had committed acts of defamation at the meetings on 5 and 14 June. Similar letters were sent to Cllrs Rothero and Thomas. Cllr Thomas spoke to Ms Walker about the letter and contacted the Council's insurance brokers and was subsequently put in touch with the insurers, Aviva.

4.16 The Respondent's level of involvement in an attempt to gain an indemnity through the insurers was unclear. Allegations of impropriety were raised initially, but it was clear that no monies were ever paid and Aviva did not consider the approach to have been improper. The PSOW considered allegations in that respect, they were not ultimately pursued (see paragraph 157 of the Report [82] and [135-6], [753], [755], [758], [764], [766] and [769]).

4.17 For his part, the Respondent subsequently emailed the solicitors, marked 'FAO Cllr Harry', on 26 February 2024 and asserted that the five councillors had behaved like 'idiots'. He demanded a sum of £2,430 by 4 March and he threatened to report the solicitors to the SRA [687-9].

4.18 Cllr Hay had lodged a complaint with the PSOW on 12 August 2023 [87-90] which had concerned the Respondent's visit to the police station. He made another in November in relation to the approach to the insurers [93-8]. The Respondent received notification of the first complaint from the PSOW on 2 November and he was warned not to make contact with any witnesses [287-9]. Following that notification, the Respondent emailed the PSOW and suggested that, if the investigator did not drop the investigation, people might regard her as having "*shit for brains*" [707], demands which were repeated a few days later [720-1].

4.19 In the meantime, a new clerk had taken up office for the Council, Ms Matthews. It soon transpired that the Respondent was to treat her little better than Ms Walker.

4.20 In November, the Respondent asked Ms Matthews to produce minutes of previous Council meetings. Ms Matthews stated that he requested their production 'straight away' but that she had pointed out that the request,

which had been for 9 years of minutes, would have taken time to have retrieved, printed and collated. He returned a week later and repeated his request. She said that she had had other pressing matters to attend to and had not been able to undertake the task. She claimed that he then became 'quite irate', 'frustrated' and shouted at her, which made her feel 'really intimidated' (her witness statement [631-2]).

- 4.21 Cllr Thomas' email of 30 November clearly corroborated the fact that both he and the Respondent had been present, as Ms Matthews had alleged [158]. It echoed much of what she had herself said; that she had 'repeatedly' said that she had been too busy to do the task, which reflected her account of having been harried by the Respondent. Her account of the Respondent's anger and frustration also accorded with so much of his correspondence to and/or about her.
- 4.22 The Respondent's account of the discussions on that day was not known until he gave evidence about it at the hearing. He willingly accepted in evidence that he thought that she was lazy and that he had told her that he considered that she was not doing her job. Whilst he did not accept the tone and anger that was alleged, having considered all of the evidence, we were satisfied that the Clerk's account was more likely to have been correct.
- 4.23 On 27 November, a hand-delivered letter appeared through Cllr Hay's door for his wife from the Respondent [664-5]. By way of background, the Respondent had wanted someone removed from his neighbourhood because he considered him to have been a sex offender. He had been putting a petition together for others to support him in his attempts but one resident, Ms MacPhail, had refused to sign it. In the letter to Cllr Hay's wife, the Respondent accused her of having spoken negatively about him to Ms MacPhail, which had caused her stance in relation to his petition. He accused Mrs Hay of having a 'tiny brain' and of being 'so evil' and he also made disparaging remarks about her husband. He made a number of demands which, if not met, were allegedly going to have led him to approach the police and/or issue a civil claim. A few months later, Mrs Hay decided to publish the Respondent's letter on Facebook [660]. The wisdom of that decision seemed questionable.
- 4.24 The following day, Ms Matthews received a complaint from Ms MacPhail about the Respondent's conduct and his attempts to remove the person who he regarded as a 'sexual predator' from the neighbourhood. She expressed outrage at his conduct in vociferous terms [648-9].
- 4.25 In early 2024, the Respondent sought more Council Minutes from the Clerk, this time for the whole of 2019 [640]. She replied the following day, stating that she would do her best to comply [639]. He responded, stating that it had been the fourth request that he had made and that she had a 'legal obligation' to 'abide by' what he had asked [639].
- 4.26 On 25 January, the Respondent visited Ms Matthews in her office again and demanded further minutes 'now' (for the period 2014-8). He then accused her

of breaking the law and threatened police involvement ([632-3] & [642-3]). She had been eating her breakfast at the time and his subsequent reference to her doing so corroborated her account of him having been there [644]. In evidence, he accepted that he had stated that the non-production of minutes that had been requested was a criminal offence and that he threatened police involvement. He simply denied that he had been angry and/or that he had adopted the tone alleged. The conduct reported by Ms Matthews was, in our judgment, consistent with that which we had found had taken place in November and the surrounding correspondence and, again, on balance, we considered it more likely than not that her account of the events was likely to have been broadly accurate.

4.27 On 30 January, Ms Matthews emailed the Respondent and stated that the minutes were ready for collection. She indicated a time for him to have collected them, but stated that she was to have been accompanied by a Member as a 'witness' [644-5]. With the benefit of hindsight and experience of the Respondent's conduct, we considered that it might have been better if Ms Matthews had not pre-warned the Respondent that someone else was going to have been present, but we understood why that was done. What followed from him was an email dated 2 February, which was cross copied to all councillors, in which he asserted that Ms Matthews had been 'discriminatory' and 'defamatory' in her approach [644].

4.28 Ms Matthews complained about the Respondent's conduct towards her to the PSOW in January 2024. As a result, he was notified again on 11 March and was warned not to make contact with her [299-300].

4.29 On 20 March 2024, the Council was due to hold an EGM, before which Ms Matthews was setting up the meeting room alone when the Respondent entered, she said. In direct contravention of the PSOW's entreaty to him not to, he attempted to discuss her complaint. She declined to engage on the issue [634]. In evidence, the Respondent accepted that he made reference to her complaint to the PSOW and that some of his interaction with her had been 'just to annoy her'. He said that he had ignored the PSOW's request because she had no power to direct him in that manner and/or because the request was not reasonable.

4.30 Also on that day, the Respondent sent a letter to Cllr Hay threatening litigation against him and his wife for 'lying', breaching the Malicious Communications Act and making a 'mendacious' complaint to the PSOW [668-9].

4.31 There then followed further emails in quick succession in which further allegations and threats were made to Cllr Hay and his wife;

- An email on 25 March in which he threatened to report the councillor to the police for 'lying' and alleged that he had been in breach of the Defamation Act [670-2];
- An email on 26 March in which he alleged that the councillor had made a 'fraud' complaint to the PSOW and that there been breaches of the Protection of Harassment Act [675-7];

- An email of 4 April in which further threats of legal action and police involvement were made, specifically in relation to the publication of his letter to Mrs Hay on Facebook [673-4].

4.32 Amongst all of this was a further letter from the PSOW on 28 March in which the Respondent was again asked not to contact Cllr Hay [303-4]. That clearly went unheeded since Ms Matthews was contacted again on 23 April about her PSOW complaint; he described it as 'malicious', threatened police involvement and alleged that he had been libelled by her sending Ms MacPhail's email complaint to the PSOW [646-9].

4.33 On 4 May, the Respondent emailed Ms Matthews and asked for a recording of the previous council meeting and stated that she was in 'enough trouble' already in respect of her previous failures to provide minutes [960-1]. On 6 May, she stated that she could not comply because the Council had decided not to renew its 'Dropbox' subscription and it had not decided how recordings ought to have been shared instead [960]. That prompted a further email of invective from the Respondent on the 7th in which he again accused her of having 'lied' [959-960].

4.34 On 13 May, at a Council AGM, the Respondent tried to record events on a personal device. His actions were spotted by Cllr A Phelan and he was stopped. On 21 May, the Respondent sent an email to Cllr Phelan, which he copied to other councillors, in which he asserted that he had a 'narcissistic personality disorder', that he was 'intimidating', an 'odious little man', a 'bully' and a 'serial liar' [678-680].

4.35 On 5 June, Cllr Hay sent a message to all councillors about Ms Matthews' illness absence [681]. He stated that the conduct of the Respondent and Cllrs Rothero and Thomas had been the 'major issue' for her and they were asked not to contact her during her absence. Given the Respondent's previous behaviour, we considered that the letter may have been better worded and it was not, perhaps, surprising that the Respondent wrote the following day to allege that Cllr Hay had 'defamed' him. He blamed the 'Toxic Three' (Cllrs Hay, Harry and Phelan) for her illness and/or suggested alcoholism or an affair [682].

4.36 At the Council meeting on 1 July, Ms Matthews' mother and sister attended as members of the public and expressed concern about her illness and attributed it to the conduct of Respondent and the other two councillors [789-796]. They specifically alleged that the Respondent was being a bully and that her illness had nothing to do with alcoholism and/or any affair. The Respondent referred to the Human Rights Act, said that he had 'protected speech' and that he could say what he wanted as long as it was not malicious [793].

4.37 Sometime later, in October, the Respondent emailed Ms Matthews and asked for the minutes of the previous week's meeting. She asked for his postal address and he responded; 'are you serious?'.. 'look it up'. She replied and referred to his communication as 'obnoxious'. In a further reply on 24

October, he then called her a “spoiled brat who had her dolls taken away” and a “harpy boss woman” [874-5].

4.38 The Monitoring Officer defended Ms Matthews on 24 October and alleged that the Respondent had been ‘rude’ and had displayed ‘misogyny’ in his communications [876]. That was met with predictable invective and vitriol, with the Respondent referring to Ms Matthews’ alleged ‘laziness’ and re-stating his rights under the Human Rights Act [880-1].

4.39 The PSOW also again reminded him the next day not to contact complainants [742-3]. Nevertheless, the Respondent wrote to Ms Matthews again on 25 October quoting the Human Rights Act, the Equality Act, the Local Government Act and threatening police involvement [883].

4.40 Although not part of any of the allegations described in the PSOW’s Report, the Respondent’s conduct since the referral to the Panel had shown no sign of stopping. He had threatened Cllr Hay, the Authority, the PSOW and the Panel with litigation and his response to the allegations in Form APW2 contained further abuse and unsubstantiated allegations of wrongdoing [895-905]. He was rude to the PSOW’s investigating officer [734 & 740], Cllr Hay [935] and Ms Matthews [933]. He maintained a similarly robust and arrogant tone in his dealings with the Panel on 2 May [945-6], 22 May [947-8], 22 August [979] and 1 September 2025 [985].

Summary the disputed facts

4.41 In the Annex to the Listing Direction of 19 August 2025, the relevant Undisputed and Disputed facts were set out. For the sake of clarity, the findings made above led to the following conclusions on those which remained in dispute [977];

- (1) Did the Member, when attending Haverfordwest Police Station in June 2023, to obtain information under Sarah’s law, speak to a member of the public, Vanda Phelan, and;
 - a. Say that Councillor Hay had stolen £6,000 from the Council;
 - b. Refer to two councillors as the “Bobbies”;
 - c. Say that there were problems at the Council which he and 2 other councillors were sorting out in order to ‘get rid’ of 4 other councillors? (120)

This allegation was proved (see paragraphs 4.10 - 4.12 above);

- (2) Did the Member attend the Clerk’s office with Councillor Thomas in November 2023 and behave inappropriately towards the Clerk in that he became irate, shouted at her and accused her of not doing her job?

This allegation was proved (see paragraphs 4.20 - 4.22 above).

(3) Did the Member behave inappropriately towards the Clerk at her office, on 25 January 2024 in that he demanded a large amount of documents be produced by her 'now', became angry, shouted at her, accused her of breaching the law and threatened to report her to the police?

This allegation was proved (see paragraph 4.36 above);

(4) Did the Member speak to the Clerk before the Council meeting of 20 March 2024 about her complaints to the PSOW, shout at her and accuse her of having broken the law?

This allegation was proved (see paragraph 4.29 above).

5. FINDINGS OF WHETHER MATERIAL FACTS DISCLOSE A FAILURE TO COMPLY WITH THE CODE OF CONDUCT

5.1 The Code of Conduct

5.1.1 The Respondent had agreed to observe the Authority's Code of Conduct, on 24 April 2023 [241].

5.1.2 The Authority had adopted the Model Code of Conduct approved by the National Assembly, as amended by the Amendment Order of 2008 (No. 2016/84) with effect from 1 April 2016 (paragraph 2 [12] and [215-227]. The relevant parts were as follows;

Paragraph 4 (b) and (c);

"You must-
(b) show respect and consideration for others;
(c) not use bullying behaviour or harass any person;"

Paragraph 6 (1)(a), (d) and (2);

"(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.

(2) You must comply with any request of the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers."

5.1.3 Paragraph 2.14 of the *Ombudsman's Guide to the Code of Conduct* (2022 Ed.) defines harassment under paragraph 4 (c) as follows;

"Harassment is repeated behaviour which upsets or annoys people. Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person, or a

person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.”

- 5.1.4 The conduct and the perception of the victim was to have been considered (paragraph 2.15) and, whilst there was always a line to be drawn between forceful or robust discussion and bullying, the High Court had recognised the special position of unelected public servants (2.17).
- 5.1.5 The type of ‘complaint’ covered by paragraph 6 (1)(d) did not appear to have been solely restricted to complaints to the PSOW (paragraphs 2.42 to 2.48 of the *Guide*), but we considered that that was the primary mischief that was meant to have been covered. Mr Hughes rightly pointed out that the Code’s wording included complaints about people who worked *for* local authorities who were not, of course, themselves subject to the Code. Nevertheless, the *Guide* appeared to direct out attention to complaints that had been made to third parties and/or the press.
- 5.1.6 Although paragraph 7 of the Code had also been addressed by the PSOW in her report, it was not considered relevant by the Tribunal as it agreed with the PSOW that no breach of its provisions had been made out (paragraph 157 [82]).
- 5.1.4 The Tribunal also took account of the Guidance from the Ombudsman on the Code of Conduct (August 2016).

5.2 **The Respondent’s position**

- 5.2.1 The Respondent’s position had only been set out in his Form APW2 [895-905] before the hearing. At the hearing itself, when it came to submissions about the Code and the alleged breaches, he had nothing to say. He made two unrelated submissions about the application of the Pre-Action Protocols in his civil claims and a recent Council minute [S; 6] but, despite encouragement from the Tribunal, he made no further submissions.

5.3 **The Ombudsman’s position**

- 5.3.1 In her report, the PSOW had not tied particular factual allegations to specific paragraphs of the Code. We considered the potential evidence with Mr Hughes in support of each allegation and he confirmed and/or amended that list as it was examined (see paragraph 5.4 below).

5.4 **Case Tribunal’s Decision**

- 5.4.1 On the basis of the findings of fact, the Case Tribunal unanimously found that there were failures to comply with the Code of Conduct. We addressed the allegations under the broad headings referred to in paragraph 2.1.2 above;

- 5.4.1.1 His conduct towards the Authority’s Clerk;

We concluded that the following factual matters constituted breaches of the paragraphs of the Code shown in bold;

- His behaviour in November 2023 (paragraphs 4.20-2 above); **paragraph 4 (b);**
- His email of 6 January 2024 [639] (4.25); **4 (b) and (c)** as the behaviour had been repeated and had started to become a pattern;
- His behaviour on 25 January 2024 (4.26); **4 (b) and (c);**
- His email of 2 February 2024 [644] (4.27); **4 (b) and (c);**
- His conduct on 20 March 2024 (4.29); **4 (b) and (c);**
- Email of 23 April 2024 [646] (4.32); **4 (b) and (c);**
- Emails of 4 and 7 May 2024 [959-961] (4.33); **4 (b) and (c);**
- Email of 6 June 2024 [682] (4.35); **4 (b) and (c) and 6 (1)(a);**
- Email of 24 October 2024 [874-5] (4.37); **4 (b) and (c);**
- Emails of 25 October 2024 [880-1 & 883] (4.38); **4 (b) and (c);**

5.4.1.2 His conduct towards other Councillors;

We concluded that the following factual matters constituted breaches of the paragraphs of the Code shown in bold;

- The accusations made on 5 June 2023 [492] (paragraph 4.7 above); **paragraphs 4 (b) and 6 (1)(a);**
- The accusations of fraud made on 14 June 2023 [535] (4.8); **4 (b) and 6 (1)(a);**
- The things said during the June visit to the Police Station (4.10-4.12); **4 (b), (c)** (by this time, if not before, the Respondent's behaviour had been repeated and was forming a pattern) **and 6 (1)(a);**
- The email of 3 July 2023 [666] (4.13); **4 (b), (c) and 6 (1)(a);**
- The email to solicitors on 26 February 2024 [687-9] (4.17); **4 (b), (c) and 6 (1)(a);**
- The hand delivered letter on 27 November [664] (4.23); **4 (b), (c) and 6 (1)(a);**
- The letter of 20 March 2024 [668-9] (4.30); **4 (b) and (c);**
- Email of 25 March 2024 [670-2]; (4.31); **4 (b) and (c);**
- Email of 26 March 2024 [675-7] (4.31); **4 (b) and (c);**
- Email of 4 April 2024 [673-4] (4.29); **4 (b) and (c);**
- Email of 21 May 2024 [678-680] (4.34); **4 (b) and (c);**
- Email of 6 June 2024 [682] (4.35); **4 (b) and (c);**

5.4.1.3 His conduct towards the PSOW;

We concluded that the following factual matters constituted breaches of the paragraphs of the Code shown in bold;

- The email to the PSOW of 6 November 2023 [707]; **paragraph 6 (2);**
- His conduct on 20 March by speaking to the Clerk about her complaint [634] (paragraph 4.29 above); **6 (2);**

- Emails to Cllr Hay of 20 March [668], 25 March [670] and 26 March [675] (4.30-1); **6 (2)**;
- Email to Ms Matthews on 23 April 2024 [649-9] (4.32); **6 (2)**;
- Email of 25 October 2024 [883] (4.37); **6 (2)**;
- The refusal to be interviewed (2.2.2); **6 (2)**;

5.4.2 We did not consider that there had been breaches of paragraph 6 (1)(d). Whilst there had been complaints and accusations of wrongdoing (both of a civil and criminal nature), we saw no evidence that complaints had been raised to the PSOW and/or any third party.

5.4.3 The Respondent did not suggest that any of the communications set out above had been protected or justified in the sense that they had been expressions of political views and/or had been political speech in an attempt to root out criminality or wrongdoing under article 10 or otherwise. In our judgment, what was set out above amounted to insult, abuse and name calling. Insofar as it may have included allegations of criminality and/or wrongdoing, it was not based upon evidence.

5.4.4 Although the Respondent's Article 10 rights to freedom of expression were potentially engaged, insofar as it was necessary to interfere with them in order to make findings of breaches of the Code, it was proportionate and justified to do so in order to protect the rights of others (see the decisions in *R (Calver)-v-Adjudication Panel for Wales* [2012] EWHC 1172 (Admin) and *Heesom-v-Public Services Ombudsman for Wales* [2014] EWHC 1504 (Admin)). We recognised that Article 10 enabled the Respondent to say or write things which "*right thinking people consider dangerous and irresponsible or which shock or disturb*" (*Calver*, paragraph 55) and that councillors and other politicians ought to have thicker skins than ordinary members of the public (paragraph 58 of *Calver* and 39 of *Heesom*), but we did not consider that the Respondent's views had been part of any political debate and/or that the enhanced level of protection considered in *Calver* ought to have applied. The emails were "*little more than an expression of personal anger*".

6. SUBMISSIONS ON ACTION TO BE TAKEN

6.1 The Respondent's Submissions

6.1.1 Initially, again, the Respondent had nothing to say when he was invited to address the issues of sanction. When asked the direct question whether he wished to take the opportunity to show any contrition and/or to apologise, he did then say that he took full responsibility for what he had done and apologised for any stress caused.

6.2 Case Tribunal's Decision

6.2.1 The Case Tribunal considered all of the facts of the case and the Sanctions Guidance issued by the President of the Adjudication Panel for Wales under s. 75 (10) of the Local Government Act 2000. It also considered the Nolan Committee's Principles for Public Life from which the National Assembly for

Wales' core principles were derived. Those principles set standards of conduct and behaviour which were expected of councillors in the Respondent's position and which included respect, which had been brought into focus here.

6.2.2 First, the Case Tribunal had to assess the seriousness of the breaches and their consequences. In our judgment, it was difficult to imagine an individual who was any less suited to public life than this Respondent given his repeated and flagrant inability to behave in a civil, courteous and respectful manner. His conduct towards the Clerk and some of his fellow councillors was very poor and he had demonstrated no respect for the Ombudsman, her role and function.

6.2.3 In terms of the broad sanction that was appropriate in the circumstances, the Tribunal considered that the option of disqualification was most applicable.

6.2.4 The Tribunal had started by considering whether it could take no action or impose a partial suspension but, in the case of the former, it considered the conduct had been too serious and, in the case of the latter, there was no particular aspect of the Respondent's conduct which made a partial suspension appropriate. As to a suspension generally, the lack of contrition and/or apparent insight into his wrongdoing left the Tribunal with a sense of concern in relation to the Respondent's future conduct. Further, as a result of s. 79 (5) of the Local Government Act, any suspension would have been limited to May, the date upon which the Respondent's term of office ended, which we considered would not have adequately reflected the nature of the wrongdoing.

6.2.5 The Tribunal then considered both mitigating and aggravating features and, in particular, those matters set out within paragraph 42 of the President's Sanctions Guidance.

6.2.6 The Tribunal was informed that the Respondent had no prior record of misconduct with the Ombudsman or the relevant Monitoring Officer.

6.2.7 In the Respondent's mitigation, we found little within the list that could properly have been said to have applied to him beyond the following two; first, his short length of service from April 2023 and, secondly, his good record.

6.2.8 In terms of aggravation, the following points were of relevance;

- These were not one off or isolated incidents. The Respondent had demonstrated a pattern of repeated conduct over a protracted period by committing numerous breaches of the Code;
- This was not mistaken conduct or conduct which the Respondent had genuinely believed had *not* been in breach of the Code. He had acted consciously, wilfully and in the face of repeated requests for him to modify his behaviour. He had not taken time to read and/or understand the Code;
- Contrition; the Respondent had shown no contrition whatsoever, until asked the direct question by the Tribunal at the end of the hearing. He had failed to take direction for the PSOW and the Tribunal in relation to his conduct with others. Only last week, he wrote threatening emails to Ms

Matthews and the niece of Ms Phelan, Cllr Ashleigh Phelan (on 7 and 8 January respectively). He had not apologised and had shown no sign of wanting to do so. He had failed to accept that what he had done was wrong until moments ago and, even then we considered that the apology was somewhat qualified;

- He had demonstrated a willingness to share his views with anyone who was prepared to listen and his actions, through the press reports, have continued to attract significant adverse publicity for the Authority. Allegations of criminality can be made all too easily and attract significant public interest but, where they are made without foundation, they cause harm, upset and enormous reputational damage;
- He had shown no respect for the PSOW and her investigation and a similar level of contempt for the Panel and its officers;
- Ms Matthews, in particular, was clearly affected by the treatment that she had suffered from the Respondent (and others). She had a period off work in June 2024.

6.2.9 The Case Tribunal considered whether and how to adjust the sanction in order to achieve an appropriate deterrent effect, to maintain public confidence in the standards expected in public life and in other respects (paragraphs 43-52 of the Sanctions Guidance). It did not consider that any further adjustments were warranted in that respect and it unanimously concluded that the Respondent should be **disqualified for a period of 4 years** from being or becoming a member of the Authority or any other relevant authority within the meaning of the Local Government Act 2000. Whilst this was a very bad case, it was not the worst case of its type that the Tribunal had seen or could imagine.

6.2.10 The Authority and its Standards Committee are notified accordingly.

6.2.11 The Respondent has the right to seek the permission of the High Court to appeal the above decision. Any person considering an appeal was advised to take independent legal advice about how to appeal.

7. CASE TRIBUNAL RECOMMENDATIONS

7.1 The Case Tribunal did not consider it appropriate to make recommendations to the Authority in the case given the nature of the sanction imposed and the surrounding circumstances.



Signed..... Date...16 January 2026.....
Mr J Livesey
Chairperson of the Case Tribunal

Dr G Jones
Panel Member

Mr D Morris
Panel Member