

**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/006/2024-025/CT

REFERENCE IN RELATION TO ALLEGED BREACHES OF THE CODE OF CONDUCT

RESPONDENT: Former Councillor Brian Rothero

RELEVANT AUTHORITY: Neyland Town Council ('the Council')

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 Tribunal Hearing Bundle unless otherwise stated. A supplementary bundle of correspondence received subsequent to the preparation of the Hearing Bundle was also produced and ran to 17 pages.

1.3 On the morning of the hearing, the Tribunal received a further email from the Respondent, which they admitted as late evidence and read prior to consideration of the case.

2. PRELIMINARY DOCUMENTS

2.1 Reference from the Ombudsman

2.1.1 On the 31 March 2025, the Public Services Ombudsman for Wales (PSOW) made a reference to the Adjudication Panel for Wales (APW) in respect of complaints made against the Respondent that he had breached the Code of Conduct for members of local authorities.

2.1.2 The reference was made in respect of four separate complaints submitted with regard to the Respondent's conduct between 1 September 2023 and 11 March 2024. The complaints were submitted by Councillor Peter Hay; the Clerk to the Council, Miss Libby Matthews and former Councillor Andrew Lye.

2.1.3 As required by Part III of the Local Government Act 2000, the Neyland Town Council had adopted a Code of Conduct for Members which incorporated the provisions of a Model Code contained in an order made by the Welsh Ministers. The Respondent signed an undertaking that in performing the functions of a Councillor, he would observe the Council's Code of Conduct, on the 24 April 2023.

2.1.4 Part 2 of the Model Code of Conduct provides that Members must observe the Code:

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

2.1.5 The allegations which were the subject of the reference were as follows:

- a) In relation to the Clerk of the Council that the Respondent breached:
 - i) paragraph 4(b) – You must show respect and consideration for others;
 - ii) paragraph 4(c) - You must not use bullying behaviour or harass any person
 - iii) Paragraph 6(1)(a) – You must not conduct yourself in a manner which could reasonable be regraded as bringing your office or authority into disrepute.

- b) In relation to the Respondent’s emails to others on the council and the Monitoring Officer, between December 2023 and October 2024, the Respondent breached:
 - i) paragraph 4(b) – You must show respect and consideration for others;
 - ii) paragraph 4(c) - You must not use bullying behaviour or harass any person
 - iii) Paragraph 6(1)(a) – You must not conduct yourself in a manner which could reasonable be regraded as bringing your office or authority into disrepute.

- c) In relation to the Respondent’s public statement about other councillors and the former Clerk in June 2023, the Respondent breached:
 - i) Paragraph 4(c) – You must not use bullying behaviour or harass any person.
 - ii) 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.
 - iii) Paragraph (6)(1)(d) – You must not make vexatious, malicious or frivolous complaints against other members of anyone who works for, or on behalf of, your authority.

2.2 The Councillor’s Written Response to the Reference

2.2.1 On the 9 July 2025, the Respondent was sent a letter enclosing a copy of the reference and a standard APW response document, to be completed by the Respondent in compliance with paragraph 3 of the Schedule to the Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001.

2.2.2 The Respondent did not complete the standard response document. In an email to the Registrar dated 27 July 2025, he stated that he did not agree with the assessments of the APW or PSOW and wished the case to be dealt with by correspondence.

2.2.3 In a subsequent email dated 29 July 2025, the Respondent stated that he would submit the APW01 form at his earliest convenience as he would be away for most of August and wished to contest the “*sham*” with the assistance of his solicitor. He confirmed that he wished to proceed by way of written representations. He did not request an extension of the 21 day deadline, nor explain in detail, why an extension was required.

2.2.4 Paragraph 3.3 of the Schedule to the Regulation provides that if the Respondent does not reply to the APW within the specified time of 21 days or any extension of time allowed by the Tribunal or replies to state that he does not wish to attend or be represented at the hearing, the Tribunal may then determine the adjudication without a hearing.

2.3 The Ombudsman’s Written Representations

2.3.1 Because the Respondent had not provided any written responses to the reference, the PSOW did not submit any further written representations, but relied on the investigation report and appendices submitted on the 31 March 2025.

3. EVIDENCE

3.1 Undisputed facts

3.1 On the 9 January 2023, the Council met and audio recorded its meeting. Part of the meeting was in private when the public were excluded and the former Clerk, Ms Vanessa Walker advised at the time that that part of the meeting should not be audio recorded. By oversight, the recording was not switched off and the private meeting was recorded. During the discussion, comments were made about the Respondent, who was then a member of the public, regarding his suitability to become a councillor. The Respondent subsequently became a member of the Council and listened to the recording of the private discussions at the previous meeting.

3.2 On the 24 April 2023, the Respondent played part of the recording of the private session in a Council meeting and the minutes of the meeting record that the Respondent and Councillor Harry agreed to “*bury the hatchet*”. [p536]

3.3 On the 25 April 2023, Ms Walker sent an email to six Council members apologising for not having checked the audio recordings to make sure it ended at the end of the public session and went on to state:

“However, I have downloaded some free software and have been able to edit the recording to remove the end part and the discussion about Brian Rothero. If it is your collective wish, I shall substitute this amended version for the full copy currently on file and on the internet. I feel that this edit is justified as the recording now runs from the start of the meeting to the end of the meeting only which is all it is required to do. It is scarily easy to edit such a recording!”
[p1391]

3.4 On 5 June 2023, in a Council meeting, which was public and had local press attending, the Respondent made serious allegations about five members of the Council and Ms Walker. He said that [p285]:

- Councillors Hay, Lye, Harry, E and A Phelan had held “*secret*” and “*illegal*” meetings; had made vexatious comments about councillors; had arranged a meeting to tamper with the Council’s vote; had harassed and peer pressured colleagues.
- Councillors Lye and Harry had intentionally defrauded the council, by

intentionally requesting the former clerk to resign after the Annual General meeting on 10 May 2023 and that the police, UK Government Fraud and Audit Wales would need to be contacted;

- The Former Clerk, Ms Walker had deleted part of a government document, and councillors were “*complicit and accomplices*”.
- If the Former Clerk had tampered with the recording, she should be sacked for tampering with a government document which is illegal and there could be a criminal prosecution.
- A blog written by Councillor Andrew Lye, the mayor, in 2008, must be viewed as anti-Semitic and anti-Muslim and could be “*classed as inciting racial hatred.*”
- Copies of 30 plus emails shared between councillors were “morally unethical, unscrupulous and dishonest” and that they should be brought to justice to face the consequences of their actions as they were accomplices in potentially criminal acts.

3.5 The mayor, Councillor Lye was invited to resign as mayor and an attempt made to vote him out of the role. The Acting Clerk confirmed that no motion not on the agenda could be voted for and an Extraordinary meeting of the council was called for the 14 June 2023 despite Cllrs A and E Phelan and Harry stating that they would not be able to attend on that date. Councillor S Thomas was elected Deputy Mayor.

3.6 On 6 June 2023, there was extensive local media coverage of the allegations which had been made, which included “Neyland Town Council investigated for conspiracy to defraud” [p336] and “*Neyland Mayor temporarily ousted amid racial hatred allegations*” [p318]. The latter article stated “...*Councillor Rothero claimed that Lye’s statements amounted to a direct attack on Jews and Muslims, ...*” [p319] and the former, that the Council “...*now stands to be investigated by Audit Wales and Dyfed-Powys Police.*”[p337]

3.7 On the 6 June 2023, Councillor A Lye resigned from the position of councillor and mayor.

3.8 On 14 June 2023, in a public Extraordinary Council meeting, the Respondent stated that “...*there are currently two lines of investigation, internal and*

external.” At the meeting the Respondent listed some of the concerns which had come to light from disclosure of the emails namely that private meetings with written agenda without notifying all council members; “..not discouraging members within the group from sending vexatious or inappropriate emails. Talking openly about Council members in a vexatious and demeaning manner; arranging a meeting to tamper with the vote for election to positions; harassment and peer pressure placed on councillors.” [p813]

3.9 A vote of no confidence was called on Cllrs Harry, Hay, A Phelan and E Phelan and the motion that *“The behaviours and actions of these Councillors has brought Neyland Town Council into disrepute.”* was carried six in favour one against. The Respondent was nominated and voted into the role of Mayor for the civic year 2023-24.

3.10 On 15 June 2023, the Respondent published and signed a Notice which said:

“In the interests of openness and transparency and to quell false social media comments and speculation, it is with regret that Neyland Town Council can confirm that there have been votes of no confidence in Cllr Mike Harry, Cllr Peter Hay, Cllr Ellen Phelan, and Cllr Ashleigh Phelan.

The votes of no confidence took place during an Extraordinary Meeting held on Wednesday 14th June 2023. A Standing Order was introduced that temporarily prevents Councillors who are the subject of a vote of no confidence from representing the Council and the people of Neyland on external groups, committees, Boards, and organisations. No other sanction has been imposed, and all remain as Councillors. Evidence of alleged wrongdoing including, but not limited to, bullying, harassment, conspiracy to defraud and fraud was presented at Neyland’s Town Council meeting on Monday the 5th June 2023, in the form of emails.

Following this meeting, Former Councillor Andrew Lye resigned his position on the Council. A new Mayor was elected at the Extraordinary Meeting.

Neyland Town Council are not at liberty to comment any further due to a Police investigation into these matters, and pending investigations by the Public Services Ombudsman for Wales, Audit Wales, along with the Standards Committee and Local Government Monitoring Officer.

We would ask you not to speculate on these matters, and instead let the authorities continue their work. The remaining Councillors are not at liberty to disclose any other information that may jeopardise current enquiries, however the Council will disclose information if and when we are allowed to do so, in the interests of transparency.

Neyland Town Council will continue to work hard for our community throughout these investigations and beyond.”

3.11 On 15 June 2023, there were extensive local press reports about the Council being investigated by the Police and other bodies. Headlines included *“Police investigation underway at Neyland Town Council”*.

3.12 At the Council meeting on the 3 July 2023, some of the councillors sought to correct the minutes of the two meetings in June to reflect that there was no police investigation underway and that this had been confirmed by the Police on 15 June 2023. The Respondent and Councillor Thomas expressed the view that the drafted minutes accurately reflected what was said on the day and no amendments were therefore made. The published minutes of the meeting of 14 June 2023 stated in bold at the top in capital letters *“There is a police investigation currently ongoing.”*[p812]

3.13 On the 31 July 2023, a new Clerk took up the appointment of Town Clerk to the Council. She had no previous experience of clerking and was appointed on a 26 week probationary period.

3.14 On the 1 November 2023, the Clerk, Miss Libby Matthews, sent an email to the Respondent expressing concerns about the feasibility of the Christmas Market arrangements and stating that she had not the time or the knowledge to prepare a detailed plan and risk assessment to support an application for the relevant road closures. [p196]. The Respondent responded to the email on the same day.

3.15 On the 13 November 2023, the Clerk sent to the Respondent an email setting out her intention of strongly advising the Council that the Christmas Market be dropped from the Christmas plans due to shortage of time and the complexity of organisation for it. She concluded the email by requesting “...please could you give me a brief overview of how it would work and the costings etc?”.

3.16 On the same day, the Respondent responded thanking the Clerk for her email and reminding her of her role as Clerk:

“..to assist with the councillors ideas when and how much you can, the budget and the funding for this event has been set, even though your past comments in previous emails There seems to be a pattern forming! But irrespective of your comment and your opinion it will go on as a lot of the people in Neyland want it and a lot has been done already away from the council to pull out now.

By the way a question, if the deadline for road closure was six weeks, why are you telling me today and not three weeks ago...”[p202]

3.17 The Clerk shared a revised copy of the payments for authorisation list for the Council meeting that night and the Respondent responded, this time copied to all the councillors, where he criticised her preparation of the costing for the Christmas Market:

“...I am surprised you have done a print out of the Christmas costings.

Where is the predicted income ???

That is a more professional approach to any event the council wishes to put on, did we have the same expenditure sheet leading up to the fireworks display the answer being NO???

I am concerned this has not been discussed at the Christmas working Committee prior to you releasing only half of the information...” [p204]

3.18 On the 24 November 2023, the Clerk emailed all the councillors informing them that she had been notified of a claim made on the Council’s insurance for payment of legal expenses. She notified the councillors that this was not a payment authorised

by the Council nor had the insurer been authorised by the Council to instruct a solicitor on behalf of the Council. She had sought advice from One Voice Wales prior to sending the email and had been advised that she should instruct the insurance company that no claim has been authorised so that no payment should be made towards the claim and to contact the solicitor to advise them of the same.

3.19 On the same day, she received a response from Councillor Thomas, which was copied to Councillors Devauden, Richards, Campodonic and Radice as well as the Respondent. [p146]. In it, he stated that it was the intention to place the matter on the agenda for the December meeting because the insurance company had accepted the claim and that he and the Respondent had been in regular communication with the solicitor and the understanding being that the invoice would be paid directly by the insurance company. Councillor Thomas claimed that the action had been taken to protect the Council from any cost and that the Clerk had expressed a wish for Councillor Thomas to deal with the matter because of a conflict of interests within the Council. He went on to comment on the Clerk's complaints about her workload and the work he had taken from her in relation to the Christmas Market.

3.20 The Clerk responded by email setting out her disagreement with the comments made by Councillor Thomas. She stated that his comments were incorrect and rude [p145] and requested:

"I would appreciate no further contact on the matter until I have sought further advice, as I feel your email is coming across as misleading, inaccurate and an attempt to discredit me at my job. Please remember that I am an employee of Neyland Town Council and I am following advice given from One Voice Wales on a difficult situation."

3.21 Councillor Thomas responded again the same day, contesting the comments made by the Clerk. He stated[p142]: *"To be frank, that is nonsense on all counts."* And later when commenting on her workload: *"You have had since August to pull the weekend together and in the last two weeks a ridiculous amount of work has fallen to Brian, myself and others as a result of the lack of progress that you have made."*

3.22 On the 30 November 2023, Councillor Thomas again wrote to the Clerk requesting information about the insurance position. [p140]

3.23 On the 1 December 2023, The Respondent sent an email to the clerk the first sentence of which was "*More protocol errors!*" [p172]. This arose as a result of the Clerk having failed to post a notice of meeting the requisite three days prior to the meeting. The email questioned whether the "online system" was now functioning and stated that the meeting could not proceed until the system was working. The final sentence of the email stated: "*We also need to do an appraisal of your position which I will make arrangement, to do with you shortly.*"

3.24 On the 7 December 2023, Councillor Thomas chased a response to his email of the 30 November 2023 [p140]. The Clerk responded [p138] explaining that a week had passed due to her seeking advice on the relevant next steps in relation to the insurance issue. Having had a meeting with the Monitoring Officer, a representative of One Voice Wales and corresponding with the Ombudsman, she had been advised that the matter was under investigation and no further updates could be provided until the investigation had been completed. She had also been advised that as all members of the Council had a personal and prejudicial interest in the matter, no further discussions can be made to the Clerk regarding the matter at present.

3.25 Councillor Thomas responded within the hour challenging some of the advice and stating [p138] "*As I have already highlighted, I am very concerned as a result of you stating that you would not want me to see the information that you are sending to others on this matter, that the information provided to the Ombudsman etc is at best extremely biased. I suspect it is far worse than that and likely not to be a clear account.*". All of his emails were copied to the other five councillors, including the Respondent.

3.26 On the 8 December 2023, Councillor Thomas again wrote to the Clerk, copying in the Respondent, querying why the Council remained without a working telephone. [p162] There followed an exchange of emails between the two where the Clerk challenged the statements made about her and Councillor Thomas challenged aspects of her work in relation to the telephone line and BT bill.

3.27 At 10.43 on the 8 December 2023, the clerk wrote to Councillor Thomas stating [p159]:

“Due to the continuous derogative, accusatory and misleading tone of your emails, I am requesting that you no longer contact me until I have sought further advice on the way you are seeing fit to treat me. I will also ask that you do not come into the office as your intimidating presence makes me feel extremely uncomfortable.

No other member of NTC continuously and relentlessly speaks to me in the way that you do and to be quite honest, I do not have to and shouldn't be expected to put up with your constant and continuous criticism and non-factual emails.

I have already raised this issue and shared the lengthy stream of derogative emails you have sent with the Monitoring Officer, One Voice Wales, the Ombudsman and the SLCC who I will now return to for further advice.

I have also cc'd all other members of NTC so that they are aware of the current situation.”

3.28 Councillor Thomas responded to the email at length at 11.39 and rejected the allegations that his emails were derogatory or misleading. [p158]

3.29 At 11.24 on the 8 December 2023, the Respondent emailed the Clerk, copying in Councillor Thomas and stated [p208]:

“Yet again I have stepped back a little and allowed this bickering and to continue, can I one remind you of your position and please refer to you (stet) job description!

Secondly, I am the Mayor the most senior Councillor who is your employer therefore if there is a problem it is I who should be made aware of the issues first not full council.

I have also seeked (stet) advice through various groups on your current handling of jobs and work without authorisation within your probationary period and we will require an appraisal imminently regarding this. (Next week I will arrange a day and time)

I do not work for, you work for the council and are responsible for any questions which are fact to be answered, I feel that your lack of experience is not helping in this matter on how to deal with certain situations.

Sending emails to full council without discussing the situation with me first is

unacceptable and unprofessional.

I will in future monitor the emails, and I do not wish you to reply without going through the chair on certain matters.

I expect you to continue doing your duties as described in your job description, that means, taking responsibilities on, without discussing matters of importance with me first.

This does include any and all information regarding your unauthorised discussions with the insurance company.

I would like all emails regarding this matter sent to the six councillors involved that includes your emails as a employee (unless you are putting in a complaint to the ombudsman as that would be the only reason contact them) by virtue if you refuse I would like it writing form the monitoring officer or one voice wales (who incidentally are advising me) as to the reason why, this also includes the correspondence from the insurance company for you to contact them on the 22/11/2023 regarding payment (when they we're dealing with the payment direct)

This is a serious mater, as it was done without authorisation from the chair, again not following proper procedure.

I wish you to read through your job description carefully and your role as Clerk to clarify what the job entails.

I am happy for you to share this email with anyone you take advice from !”

3.30 The Clerk responded the same day and stated [p207]:

“I have it on good advice that, due to the continuation of threatening tone you are using in regard to my appraisal, and that due to the fact that you have not been appointed by Council, or a committee, to complete my appraisal, I am well within my rights to not attend and appraisal with you at present. I am also well within my right to gain representation from the ALCC to attend when the appraisal does go ahead which I will be seeking to do so.” and “I am absolutely distraught and the continuation of the way I am being threatened and treated by yourself and the Deputy Mayor for doing nothing other than my job.”

To which the Respondent responded [p206]:

“let me stress your appraisal is up for review although a little late, fact! If you do not wish to attend the appraisal it will still go ahead and matters will be documented in your absence. I have not used bullying or any other forms of tactics, I have just stated the truth.”

3.31 At 4.40pm on the 8 December 2023, the Monitoring Officer, Rhian Young wrote to all the councillors stating:[p250]

“I am very concerned about the lack of respect and consideration shown in many of these communications, and in particular recently, towards the Clerk. The Clerk is an employee of the Council and as such is not expected to display the political robustness of Members. The role of Clerk is difficult and complex; and good working relationships and mutual respect are essential. You can question the advice of your Clerk but it should be done in a constructive and objective manner. It is not acceptable to exert pressure on the clerk to advise or perform her duties in one way or another.”

3.32 The Respondent responded to the email at 6.02pm informing the Monitoring Officer as follows [p249]:

“I have also discussed matters perhaps not with you(as you never replied) but to impartial clerks and mayors even PCC Councillors on the way our Clerk is acting or should act, without showing any prejudice, and views such as disciplinary, suspension are words that they used, so please do not place the code of conduct at my feet, I have done nothing wrong except to expect the Clerk to do her job.

The Clerk is on probation for 6 months and is due for appraisal imminently and at present I alone have collated 10-15 faults and 2 breaches of contract(me only)

I do not appreciate being classed as using bullying tactics when all I am doing is asking for a job that is being payed (stet) for by the council to be done correctly and throughly, (stet) I have also dictated all my emails both with an English teacher and Clerk who are both female!”

3.33 On the 3 January 2024, the Respondent sent an email to the Clerk which set out the agenda items for the January meeting of the Council. It included as an agenda item *“Clerks appraisal and probation extension.”* The clerk responded

on the same day and stated[p198]:

“FYI, I have added my appraisal and extension of probationary period, as requested, however I am awaiting a call back to confirm the legality of extending the probationary period as this is not something that was stipulated in my contract. I would just prefer clarification on the matter before a discussion or decision is made, that is all.”

The Respondent responded [p198]:

“More than happy for you to seek advice, but please inform them that due to not having meetings in December and you being on the sick for 2 weeks with Covid and 2 weeks Christmas break, and me as Mayor being your superior then it is not beyond comprehension to extended the probation period until you have had your fist appraisal.”

3.34 On the 5 January 2024, the Clerk circulated the Amended Agenda and agenda pack to the councillors. The covering email stated[p173]: *“Please note the amended agenda is also attached. Under advice sought, item 15 has been removed and replaced with “the formation of a HR/Staffing Committee”.* The Respondent responded to the email, copying in Councillors Richards and Thomas stating: [p173]

“Could you please explain item 15 slightly different to what was originally accepted in the agenda you first sent to me for authorisation!!

Don’t you feel amendments should be explained before you take it upon yourself to make changes??

IF you have taken advice then I would like to know by whom and written confirmation of the said advice for you to amend the agenda without agreement!!

As I have said before you work for the Council and as your superior you constantly take matters upon yourself without respect for your position.”

3.35 On the 25 January 2024, the Respondent sent an email to the Clerk which stated: [p224]:

“As you know, you are currently on a probationary contract of employment. Confirmation of ongoing employment depends on a successful probationary period, and following that period, you being offered a ‘permanent’ contract.

To confirm that you have successfully completed the probation period, a performance review and job appraisal must take place, Unfortunately, you have been resisting this appraisal since at least the beginning of December 2023.

You were aware at the time of signing your contract that I was identified as your line manager the responsibility for your review and appraisal therefore contractually falls to me. I am however willing to be flexible with this and will happily agree to a small panel approach for your review. But it is clear from advice taken from One Voice Wales that your performance review and appraisal must take place.” And “I have been further advised that if you do not agree to a necessary extension of a probationary period, your employment can be terminated...”

3.36 The Clerk’s contract of employment signed on the 26 July 2023 stated at paragraph 4 that the appointment was subject to satisfactory completion of a probationary period of not less than 26 weeks. [p1341] and paragraph 12 that the position is subject to appraisal and performance reviews, initially held at 3, 6 and 12 months and subject to those being satisfactory, annually after that.[p1345]

3.37 The Clerk’s appraisal was carried out by three members of the Council, including the Respondent and was satisfactory.

3.38 On 23 May 2024, the Respondent sent an email to the Clerk and full Council, which criticised her handling of matters during May 2024, asking pointed questions about her attendance at meetings and arrangements for recording. [p219]

3.39 On 23 May 2024, the Monitoring Officer advised the Respondent by email that she considered that his email to the Clerk (23 May 2024) had breached the Code of Conduct [p218]. The Monitoring Officer referred specifically to paragraph 4 of the Model Code which requires councillors to show respect and consideration for others and not use bullying behaviour or harass any person. She made reference to the need for the Council to have in place procedures to deal with any issues with employees of the Council and recommended those procedures should be utilised,

respecting the dignity of both parties.

3.40 On the 24 May 2024, Councillor Harry wrote to the Respondent stating that his email was inaccurate in many ways and that he found the tone of the message to the clerk offensive and rude. The Respondent responded stating “It is very simple really to the more intelligent of us,” and suggested that he and Councillor A Phelan should spend less time in the office and allow the Clerk to do her job without interference [p226].

3.41 On 5 June 2024, Council members were advised by the new Mayor, Councillor Hay that the Clerk had a medical certificate for 1 month. They were advised that part of her condition was a result of stress caused by three members of Council, which included the Respondent and asked that they not contact the Clerk during this time.

3.42 On 5 June 2024, the Respondent replied to the Mayor’s email copying in all Council members. He said he agreed with Councillor Thomas’ comments, which included that the Mayor’s email was “*disgusting*” and “*point scoring*” and it was the “*toxic clique*” who had exerted pressure on the Clerk to act against the three councillors.

3.43 On the 15 July 2024, the Respondent sent an email to the Clerk, [p231] copying in all the members of the council, querying the reason why the Clerk had not circulated details of Code of Conduct training, sent to her by the Monitoring Officer on the 21 June 2024 (during her period of sick absence) to the members sooner.

3.44 On the 11 September 2024, the Respondent wrote a letter to the Pembrokeshire County Council regarding a retrospective Planning request he had submitted for consideration. The letter stated:

“..it has bought (stet) been brought to my attention that there are a few members of Neyland Town council who are hellbent on and causing as much disruption as possible with my application.

Yesterday the 10th of September the council members involved allegedly held a

private meeting as three were members of Neyland Town Council this could be classed as an illegal meeting as no other council members were notified of this private meeting session. The topic of the agenda they were discussing was how to deal, stall, postpone, disrupt my application.

One of the council members involved is a director of Neyland CIC community hub, therefore his interest is purely one of business. His partners in crime have both actively complained through relations, writing in objections to the retrospecting planning around a year ago also my Licensing applications having accessed their complaints.

I believe, should they respond to my application in a damning manner it is through business jealousy and concerns how my business will undoubtedly affect theirs (it won't really make any difference) there are other council factors which will underline their complaints should they submit one, they are malicious and devious individuals who have nothing to do with the application, i.e., do not live close, do not use the facility, and have no interest in my business whatsoever."

4. FINDINGS OF FACT

Summary of the disputed facts

4.1 Were the public statements made by the Respondent about councillors and the Former Clerk in Council meetings on 3 and 14 June 2023 and the Respondent's published Notice of 15 June 2023, indicative of bullying, vexatious and disrespectful behaviour?

4.2. Were any of the Respondent's emails to the Clerk, or about the Clerk, between November 2023 and January 2025, bullying in nature and/or disrespectful towards the Clerk?

4.3 Were the Respondent's emails to others between November 2023 and October 2024 indicative of disrespectful behaviour?

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

5.1 The Respondent's position

5.1.1 The Respondent did not formally respond to the reference by the PSOW but has confirmed in email correspondence in the course of the proceedings that he is of the view that he provided all the relevant information in his interview with the PSOW's investigating officer and that he did not wish to add any further response over and above that which he had already said. During the course of the PSOW investigation and the Tribunal proceedings, he has however sought to draw attention to the conduct of the other councillors and the Clerk, and on the basis of his submissions, requesting that the PSOW cease to investigate the complaints against him immediately.

5.1.2 In an email dated 12 February 2026, addressed to the Tribunal, the Respondent stated that he did not consider that the full transcript of his interview with the PSOW's investigation officers should be considered as evidence because it was not signed by him. He requested that the transcript be removed from the Tribunal bundle.

5.1.3 The transcript was a formal transcription of a recording of an interview carried out with the Respondent's consent on the 29 October 2024. The transcription has been signed by the transcription company and is dated the 11 November 2024. The Respondent was offered a copy of the original recording by the PSOW should he wish to receive it. The Respondent was informed of the purpose of the interview and the recording at the time it was made and he was provided with a copy of the draft report and appendices, prior to its publication and had an opportunity to comment upon it then. We have found no reason why the transcript should be removed from the evidence presented by the PSOW and consequently it has remained as part of the evidence taken into consideration by the Tribunal.

5.1.4 From the transcript, the Respondent's position is clear. He has maintained his assertion that he has not breached the Code of Conduct, that his

conduct within the Council was deliberate and undertaken in the spirit of “*transparency and openness*.” In the course of his interview, he stated that he had not undertaken his actions in order to be installed as mayor and on reflection, took the view that he did not have sufficient experience and knowledge to take on the role of mayor at the beginning of June 2023.

5.1.5 The Respondent has stood by his views of his fellow councillors and the clerk and in the course of correspondence has on several occasions indicated that he would produce further evidence to provide context to his emails and demonstrate the unacceptable conduct he endured from the Clerk.

5.2 The Ombudsman’s position

5.2.1 Having undertaken the investigation and considered the evidence, the PSOW concluded that the Respondent’s public statements which he made in Council meetings, and his published Notice (June 2023) [p375] appeared to have been made with the intention of causing harm to others.

5.2.2 The PSOW submitted that the majority of the Respondent’s statements and accusations had little, if any, factual basis: the Respondent was very clearly aware that the press was present at the Council meetings in question, as shown by the comments he made twice at the time: “*The press may draw their own conclusions from the facts given.*” The Respondent also said: “*I promise I will do whatever it takes to bring you all to justice and make this as public as possible*”.

5.2.3 The PSOW concluded that many of the statements were vicious, such as suggestions of “*inciting racial hatred*”; that the Clerk should be “*sacked*” and could face a “*criminal prosecution*”; calling for votes of no confidence and that councillors should either take no part in the daily running of the Council or not participate in external events.

5.2.4 The PSOW considered the Respondent’s public statements were deliberately sensational in order to cause harm or were reckless as to the consequences of accusing a Clerk of illegality, and councillors of being “*accomplices*”

to both their individual reputations and the Council as a whole. If there were concerns about the Former Clerk's behaviour, those concerns needed to be progressed through due procedure and process, as did any serious concerns about the behaviour of councillors.

5.3 Case Tribunal's Decision

5.3.1 The Case Tribunal found little difficulty in concluding that the Respondent's conduct in the course of his email exchanges with the Clerk between November 2023 and June 2024 were bullying and harassing in nature.

5.3.2 Whilst the Clerk in her witness statement acknowledged that the initial relationship with the Respondent appeared positive, differences appeared during the autumn which degenerated into bullying in respect of her appraisal during December and January 2024. The Respondent also failed to intervene in the so-called "*bickering*" between the Clerk and the Deputy Mayor, Councillor Steve Thomas at the end of November and beginning of December 2023, instead adding fuel to the fire by seeking to threaten the Clerk with an appraisal, at a time when he should have tried to defuse an already tense situation caused by her harassment by others.

5.3.3 Although the Respondent did not accept in interview that a tone could be interpreted from an email, and that the requirement for an appraisal was a factual issue rather than a threat, the chronology of email correspondence produced in evidence shows that he did not mention the requirement for an appraisal until the 1 December 2023, when the Clerk had already been in post since the 31 July, so that contractually her first appraisal was due on the 1 October at the end of three months. No evidence has been produced to indicate that the issue of an appraisal was raised at that point or indeed at any point prior to the 1 December 2023.

5.3.4 The Respondent's email to the Monitoring Officer dated 8 December 2023 [p249] also demonstrates that he was linking the appraisal to his perceived "*faults*" in the Clerk's performance of his duties. He reported to the Monitoring Officer that he had discussed with "*impartial clerks and mayors even PCC Councillors*"

matters pertaining to the way the Clerk was acting: “...and views such as *disciplinary*, *suspension* are words that they used...”, concluding: “*The Clerk is on probation for 6 months and is due for appraisal imminently and at present I alone have collated 10 - 15 faults and 2 breaches of contract (me only)*”.

5.3.5 We are satisfied on the evidence that the Respondent was bullying the Clerk, by linking his perception of her poor performance of her job as clerk and the appraisal. His email to the Monitoring Officer dated 8 December 2023 made a direct link between the appraisal and the faults and breaches of contract the Respondent believed he had identified in the clerk’s performance. He shared that he had discussed the situation with others who had suggested actions such as ‘*disciplinary*’ and ‘*suspension*’ in their responses. The emails also support the conclusion that the Respondent was seeking to bully the clerk into an appraisal by pulling rank on her, and that he expected the outcome of the appraisal to be that she was not performing her role satisfactorily. His use of the phrases “*I am your superior*” and reminding her that as Mayor he was a senior councillor, were rude and disrespectful, bullying and unpleasant.

5.3.6 It is also of note that the Respondent alleged in writing to the Monitoring Officer on the 8 December 2023 that the Clerk was responsible for sowing discord among the council members. This was clearly untrue, as the events of June 2023 demonstrate. Miss Matthews was not appointed to the role of Clerk until the 31 July 2023 and the serious discord had already been in existence for many months prior to her arrival. In relation to the Respondent’s conduct towards other councillors, we have considered very carefully the evidence presented in the Council minutes and transcripts, as well as the widely reported press articles. We have concluded that the actions of the Respondent at the meeting of the 5 June 2023 was deliberately vicious towards Former Councillor Lye in particular and disrespectful of the four other councillors against whom attacks were made.

5.3.7 The Respondent relied to a large extent on information provided to him by Councillor Thomas: it was Councillor Thomas who insisted that a police investigation was underway and that both One Voice Wales and the Ombudsman had

already become involved. The Respondent did not question the information provided by Councillor Thomas, nor did he request the documentary evidence to support those statements – something that he asked of the Clerk in relation to comments she had made. None of these statements were true, and despite their being proved to be untrue at a later meeting, the Respondent also refused a request to amend the minutes of the meetings of the 5 and 14 June 2023, insisting that they were accurate. He had himself requested clarification or amendments to minutes in past meetings, so that it cannot be correct to consider that he was unfamiliar with the process: he was adamant that the minutes should stand, despite the fact that they were in fact, inaccurate, in direct contradiction of his assertions that all his actions were undertaken in the spirit of openness and transparency.

5.3.8 The manner in which he introduced the 2008 blog by Councillor Nye to the public meeting, without prior warning or consultation, asserting that it was both anti-Semitic and anti-Muslim and an incitement to racial hatred which should be the subject of investigation by the police, whilst encouraging the press to reach their own conclusions on the facts, was disrespectful, malicious and vexatious. His attack on the former Clerk, Ms Vanessa Walker, was similarly disrespectful, undertaken without warning in a public meeting at which the press was present, at a time when she was not present to defend herself and on medical absence was particularly disrespectful.

5.3.9 The evidence from the minutes and transcript of the meeting of the 9 January 2023 was that it had been agreed that the private session would not be recorded and it was an oversight that the recording was not switched off. There was therefore no misconduct in the suggestion that the recording should be edited to remove the private discussions and allegations that to do so would be a criminal act to which all those who had received the email request were “*complicit and accomplices*” were entirely unfounded. To all intents and purposes, the recording of the private session was a covert and accidental recording and the Former Clerk’s suggestion was entirely reasonable and sensible in the circumstances. To assert that this was criminal and wrong was disproportionate and wrong. It was at the very least disrespectful and vexatious. It was damaging to the former clerk’s reputation, she wasn’t present to defend herself and in a small community her good name would be damaged by such allegations.

5.3.10 We concluded that the way in which the Respondent bandied terms such as “*illegal*”, “*fraud*” and “*criminal*” at the meeting of the 5 June 2023 almost suggested that he did not grasp the meaning of the terminology in the context of a council meeting. His assertions at the meeting of the 14 June 2023 that the conduct of the Council was subject to both internal and external investigation and his subsequent failure to identify what investigations he was referring to in that statement suggests that he had limited understanding of what was going on and was relying on information from others to support his statements. If that is the case, he was at best reckless about the impact of his public statements on the good name of the Council and at worst deliberately seeking to discredit the Council in the eyes of the public. Whilst purporting to act to protect the reputation of the Council, he took action which was very damaging to the Council and to some members of the Council, without obvious reason. His unmeritorious allegations in the presence of the press damaged the reputation of the Council very badly, as demonstrated by the subsequent press reporting of his comments. His allegations of “*illegal meetings*” and loss of £30,000 were without substance or merit. We conclude that the action taken in June 2023 brought his Office and the Council into disrepute.

5.3.11 In his interview, he stated that his actions had been deliberate, which means that he deliberately carried out his besmirching of others with the intention that they should be discredited in public. Such actions are disrespectful and vicious.

5.3.12 The Respondent was twice warned about his conduct in emails from the Monitoring Officer and chose not heed that advice but rather contested it, on the basis that he was right. In interview, he stated that he did not believe that the Clerk had been unwell in June 2024 and continued to argue that her conduct had been encouraged by the other group of councillors. Such an argument demonstrates the Respondent’s significant lack of insight into his own behaviour and that of others, on whose information he relied in order make inaccurate public pronouncements.

5.3.13 On the 15 June 2023, the Respondent drafted and published a public notice, in the name of the Council but without the approval of the Council, in which he

made inaccurate and untruthful remarks regarding the police investigation and showed disrespect towards both the councillors and the Council. The notice referred to evidence of alleged wrongdoing presented to the Council meeting, stating that the wrongdoing consisted of bullying, harassment, conspiracy to defraud and fraud. It stated that a Police investigation was ongoing and pending investigations by the PSOW, Audit Wales Standards committee and Monitoring Officer – none of whom had instigated an investigation. The matter had been drawn to the attention of the police by Councillor Steve Thomas – but no decision had been made whether the matters should be investigated. The police confirmed on the 19 June 2023 that no investigation was being undertaken.

5.3.14 The notice was shared with the press who relied upon it to continue the sensationalist covering of the situation within the Council. The action of publishing the notice, taken by the Respondent, again brought the Council into disrepute.

5.3.15 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 Case Tribunal's Decision

6.1 The Case Tribunal by unanimous decision, based on the findings of fact made in turn on the basis of the evidence presented by the PSOW in her report and

appendices and the additional evidence submitted piecemeal during the course of the proceedings by the Respondent, that the Respondent had breached the following paragraphs of the Code of Conduct:

6.2 In respect of the public statements made in the meetings of the 5 and 14 June 2023 and the statement issued in the name of the Council on the 15 June 2023, these amounted to conduct which was in breach of paragraph 4(b), (c) and (d) of the Model Code of Conduct in that they did not show respect and consideration for the other councillors; it did not show respect and consideration for the Former Clerk and was bullying behaviour towards the five councillors and the former clerk. The comments made in the meetings and in the statement were vexatious and malicious complaints against other members and the Former Clerk. The publication of the statement on the 15 June 2023 was also a breach of paragraph 7(a) because he used his official capacity as mayor within the authority for political gain by using his position to publish a statement about the alleged corruption of others on the 15 June 2023 which the Council had not agreed or approved.

6.3 The Respondent declined to identify the source that provided him with a copy of the 2008 blog written by Councillor Lye. The Respondent expressed his own opinion regarding the impact of the blog but did not disclose that it had been written about 15 years previously, when Councillor Lye was not a councillor and it was not written in his capacity of councillor. The blog was an opinion piece and was addressing the use of male circumcision for non-medical purposes. The information shared at the meeting on the 5 June 2023, did not address any of these factors, but instead expressed the Respondent's view that it could be regarded as anti-Semitic and anti-Muslim. Councillor Lye was not provided with the opportunity to prepare to defend himself or the blog nor given advance warning of the intention of drawing the blog to the Council and the public's attention. Such action was disrespectful.

6.4 The conduct also amounted to conduct which could reasonably be regarded as bringing the office of councillor and the Council itself into disrepute contrary to paragraph 6(1)(a) because the statements contained inaccuracies and untruths which were fed to members of the press and public in public meetings, leading

to the sensational elements of the allegations being reported in the press, together with the comments of the Respondent, without any evidence to support them.

6.5 In respect of the Clerk, the email threads between November 2023 and January 2024 and from May 2024 to July 2024 amounted to breach of paragraph 4(c) of the Model Code of Conduct because they were bullying in nature and disrespectful when they referred to the Respondent on the 3 January 2023 stating “..me as mayor being your superior ...” and on the 5 January 2024 “..as your superior..” and in tone from the 1 December 2023 when the Respondent started criticising the quality of the Clerk’s work and failed to intervene to prevent Councillor Thomas from criticising her work whilst copying other councillors into the correspondence. The emails in respect of the appraisal were both bullying in linking the appraisal to the Respondent’s perception of the Clerk’s poor performance and because they were continued over several weeks, amounted to harassment of the Clerk.

6.6 The conduct of the Respondent towards the other councillors as demonstrated in his emails to and about them between November 2023 and October 2024 demonstrated his ongoing disrespect towards them.

7 ACTION TO BE TAKEN

7.1 The Respondent did not make any submissions in relation to the action to be taken.

7.2 On the 17 December 2025, the PSOW made further written submissions in relation to the action to be taken in the event that the Case Tribunal found that breaches had been committed. She submitted that the gravity of the breaches was serious; that the PSOW regarded the conduct to have been deliberate or at best reckless and had serious consequences for others. The sensational manner in which the Respondent aired his alleged concerns about other members and the Former Clerk along with the apparent lack of merit to his concerns and the untruthful nature of some of the statements caused both upset to others and harm to reputations. The PSOW concluded that damage was also caused to the reputation of the Council as a

whole as shown by the media reporting. The Respondent's behaviour towards the Clerk caused her distress and upset and she stated that she had become ill as a result.

7.3 The PSOW advocated for a sanction and that disqualification is likely appropriate where a significant disciplinary response is warranted to deter repetition, make clear the unacceptable nature of such conduct in public office, underscore the importance of the Code and to safeguard the public's confidence in local democracy.

7.4 Aggravating factors.

7.4.1 The Respondent held the position of Mayor and was in a leadership position. He should have led by example but instead used his power within the authority for political gain by using his position to publish a statement about the alleged corruption of others on the 15 June 2023 which the Council had not agreed or approved.

7.4.2 The Respondent has demonstrated a lack of insight, reflection, learning or regret for his behaviour and its consequences.

7.4.3 There has been no acceptance of the need to modify behaviour in the future.

7.4.4 There has been a lack of understanding or acceptance of the misconduct and any consequences such as the undermining of a council employee and the distress caused to her, to other councillors by the statements he made and the undermining of the public's confidence in elected officials and in the Council.

7.4.5 Whilst the Respondent had only served as a co-opted councillor for a short time, from April 2023 in this term of office, he had held public office within the council previously, by his own evidence from about 2014 or 15 until 2018. He therefore had significant experience of the expectations of conduct in public office.

7.4.6 The Respondent has sought to discredit the complainants and others and attack both the PSOW and the APW in their dealing with the complaint and adjudication process.

7.4.7 The Respondent has continued to blame others for his own failings and refused to accept responsibility for his own actions.

7.5 Mitigating factors.

7.5.1 The Respondent conceded in interview that he should not have referred to himself as the clerk's "superior" or to meetings being "illegal".

7.5.2 The Respondent acknowledged in interview that he lacked the relevant experience to take on the role of Mayor in June 2023.

7.5.3 He co-operated with the PSOW investigation to the extent of providing about 25 emails in evidence and attending for interview.

7.6 The Case Tribunal applied the President's Sanctions Guidance and considered the following matters added to the weight of the breaches: the systematic harassment and bullying of the Clerk over an extended period; the significant attacks on the former mayor and other councillors, bringing them, their office and the Council into disrepute through extensive media coverage of unfounded allegations; the ongoing attacks on the members of the council causing significant negative reputational damage to the office and to the Council. There was disregard of the advice of the Monitoring Officer on two separate occasions and blatant disagreement with her advice as well as lack of insight or any reflection on his own behaviour.

7.7 The Monitoring Officer confirmed to the Case Tribunal that the Respondent had previously been sanctioned by the Standards committee during his previous term of office in 2018. The Standards Committee on the 5 September 2018 censured the Respondent for a previous breach of the code of conduct. He was subsequently disqualified as a member for failing to attend Council meetings.

7.8 The Case Tribunal concluded that the Respondent should be disqualified from seeking or holding public office in a relevant authority for a period of 3 years from the 26 February 2026. He has now been the subject of two investigations by the PSOW and the conclusions suggest that he is not fit for public office.

7.9 The relevant authority and the standards committee are notified accordingly.

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

8. CASE TRIBUNAL RECOMMENDATIONS

8.1 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.

Dated 05 March 2026

Judge Meleri Tudur, President and Legal member

Ms S Hurds, Panel Member

Mrs S McRobie, Panel Member