

Meeting of:	<b>Standards Committee</b>
Date of Meeting:	<b>Thursday, 29 January 2026</b>
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Adjudication Panel for Wales – Recent Tribunal Decisions
Purpose of Report:	To allow Members of the Standards Committee the opportunity to consider recent decisions of the Adjudication Panel for Wales and determine whether any lessons or messages should be communicated to Members or included in future training.
Report Owner:	Victoria Davidson, Monitoring Officer/Head of Legal and Democratic Services
Responsible Officer:	Amy Rudman, Principal Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	This report does not require consultation to be undertaken
Policy Framework:	This is a decision for the Standards Committee
<p><b>Executive Summary:</b></p> <p>The Adjudication Panel for Wales (APW) is an independent body that adjudicates on alleged breaches of the Members’ Code of Conduct, following referral by the Public Services Ombudsman for Wales.</p> <p>As part of the Standards Committee’s role in promoting and maintaining high standards of conduct and supporting Members to observe the Code, this report provides an opportunity to review and reflect on recent APW decisions.</p> <p>A copy of the following decision notices are appended to this report:</p> <ul style="list-style-type: none"> <li>➤ APW Tribunal Decision – APW/001/2025-026/CT Former Councillor Iwan Huws Gwynedd County Council</li> <li>➤ APW Tribunal Decision - APW/004/2024-25/CT Former Councillor Andrew Edwards - Pembrokeshire County Council</li> </ul> <p>The Committee is invited to consider whether there are any relevant lessons or themes arising from the decisions that should be shared with Elected and Co-opted Members or incorporated into training.</p>	

## **Recommendation**

1. T H A T the recent Adjudication Panel for Wales decisions, as appended to the report, be noted.

## **Reason for Recommendation**

1. To ensure the Committee is aware of and reflects on relevant tribunal decisions in the context of its duty to promote high standards of conduct.

### **1. Background**

- 1.1 The ethical standards framework under Part III of the Local Government Act 2000 provides for the establishment of the Adjudication Panel for Wales (APW).
- 1.2 The APW operates independently to consider alleged breaches of the Code of Conduct by elected and co-opted Members of Welsh Councils, following referrals by the Public Services Ombudsman for Wales (PSOW).
- 1.3 The Panel conducts hearings and issues decision notices that include findings and, where applicable, sanctions.
- 1.4 The recent APW tribunal decisions in the cases (as per the Executive Summary) are for the Committee's consideration at.

### **2. Key Issues for Consideration**

- 2.1 The Adjudication Panel for Wales considered allegations that former Councillor Huws breached the Council's Code of Conduct.
- 2.2 The breach arose from his acceptance of a Conditional Caution for the offence of Fraud by misuse of office, involving an attempt to defraud his employer through misuse of money.
- 2.3 The Tribunal concluded that this conduct brought his office and the Council into disrepute.
- 2.4 Tribunal Findings - unanimous decision of breach of the Code of Conduct; disqualification from being a member of any relevant authority for 3 years under section 49(6) of the Local Government Act 2000. No Recommendations were made to Gwynedd County Council.
- 2.5 This case reinforces the importance of maintaining public trust and upholding standards of conduct. Acceptance of a criminal caution even without conviction can constitute a breach of the Code and lead to significant sanctions.
- 2.6 The second case related to breach of paragraph 6(1)(a) of the Council's Code of Conduct by behaviour likely to bring his office or authority into disrepute.

- 2.7** Alleged actions: Recording and sending a racist voice message via WhatsApp asserting that “white men should have a black man as a slave...”. Sharing confidential council information and making disrespectful comments about members of the public in WhatsApp messages.
- 2.8** Complaint referred to the Adjudication Panel for Wales by the Public Services Ombudsman for Wales on 9 January 2025. The Tribunal reviewed the case on paper without hearings on 18 June 2025 via remote technology.
- 2.9** Respondent claimed the voice note was a “deep fake”, but this explanation was not accepted. Unanimous finding that the member had breached the Code of Conduct (Paragraph 6(1)(a).
- 2.10** Sanction: Disqualified from holding or standing for any public authority office for 4 years, effective across Wales.
- 2.11** Respondent had already resigned from his council seat in December 2024 and left the Conservative Party in 2023.
- 2.12** No recommendations were made to Pembrokeshire County Council.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives. It is intended that the process adopted within this report will aim to promote that role.

### **4. Climate Change and Nature Implications**

- 4.1** None as a direct result of this report.

### **5. Resources and Legal Considerations**

#### **Financial**

- 5.1** Independent Members of the Standards Committee are able to be remunerated for attendance under the allowance scheme agreed by the Independent Remuneration Panel and the Vale of Glamorgan Council's Constitution. Independent Members are able to claim for a maximum of 15 days per annum as detailed within the Council's Constitution.

#### **Employment**

- 5.2** None as a direct result of this report.

### **Legal (Including Equalities)**

- 5.3** The Council has a duty to establish and maintain a Standards Committee as defined by legislation as set out in the Standards Committees Rules and Regulations 2001 and the Standards Committee (Wales) Amendment Regulations 2006.

## **6. Background Papers**

**Report – Standards Committee 17<sup>th</sup> July 2025 - Adjudication Panel for Wales – Recent Tribunal Decisions.**



**PANEL DYFARNU CYMRU  
ADJUDICATION PANEL FOR WALES**

**NOTICE OF DECISION**

**TRIBUNAL REFERENCE NUMBER:** APW/001/2025-026/CT

**RESPONDENT:** Former Councillor Iwan Huws

**RELEVANT AUTHORITY:** Gwynedd County Council

1. A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
2. The Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales in relation to allegations made against Former Councillor Huws that he had breached the Gwynedd County Council Code of Conduct by accepting a Conditional Caution for the offence of "Fraud by misuse of office" in an attempt to defraud his employer by the misuse of money. It was considered reasonable that a conditional caution and the Member's misconduct brought his office and his County Council into disrepute.
3. The Case Tribunal determined its adjudication by way of written evidence and representations at a meeting on 17 December 2025 which was held by way of remote video-conferencing. The Case Tribunal unanimously found that the Councillor had acted in breach of the Code as set out in paragraph 2 above.
4. The Case Tribunal concluded by unanimous decision that the former Councillor should be disqualified from acting as a member for any relevant authority, as defined by section 49(6) of the Local Government Act 2000, for a period of 3 years.
5. The Authority and its Standards Committee are notified accordingly.
6. The Respondent has the right to seek the leave of the High Court to appeal the above decision.
7. The Case Tribunal made no recommendations to the Authority.

Signed..... Meleri Tudur ..... Date...17 December 2025.....

Judge Meleri Tudur

President of the Adjudication Panel for Wales and Chair of the Case Tribunal

Dr G Jones

Panel Member

Mrs S McRobie

Panel Member



## DECISION REPORT

**TRIBUNAL REFERENCE NUMBER:** APW/004/2024-25/CT

**RESPONDENT:** Former Councillor Andrew Edwards

**RELEVANT AUTHORITY:** Pembrokeshire County Council

### 1. INTRODUCTION

1.1 A Case Tribunal ('the tribunal') convened by the President of the Adjudication Panel for Wales ('APW') has considered a reference in respect of the above Respondent.

1.2 The tribunal determined its adjudication on the papers only and without the attendance of the parties at a meeting on 18 June 2025 conducted by means of remote attendance technology.

1.3 By letter dated 9 January 2025, the APW received a referral from the Public Services Ombudsman for Wales ('PSOW') regarding a complaint made against the Respondent.

1.4 The allegation was that the Respondent had breached the Code of Conduct of the Relevant Authority by failing to comply with Paragraph 6(1)(a) of the Code of Conduct which states; '*you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.*'

1.5 In summary, the details of the allegation were that the Respondent had recorded a racist voice note and sent it to his then partner via the "WhatsApp" messaging application and secondly, had shared information relating to Council business alongside disrespectful comments about members of the public to his then partner via WhatsApp. It was alleged that this conduct could reasonably be regarded as bringing the Respondent's office as

Member or the Relevant Authority into disrepute and was therefore suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct for Members.

1.6 The Respondent did not complete the standard APW response form regarding the allegation. The Respondent had attended an initial interview with PSOW officers, but subsequently declined to co-operate further because he did not feel well enough to do so and did not wish to participate any further in the tribunal's proceedings. The case bundle included oral and written evidence made by the Respondent to the PSOW and the tribunal carefully considered these in its deliberations.

1.7 Listing Directions were issued by the tribunal on 14 May 2025 and these provided a further opportunity for the parties to attend, to be represented, and to call witnesses at any hearing. The Listing Directions also provided further opportunities for the parties to submit written responses in relation to each stage of the adjudication. These three stages were determination of the facts, determination of whether there had been a failure to comply with the Code of Conduct, and a determination regarding sanction. The PSOW submitted a response in relation to sanction within the relevant timescales.

1.8 The Respondent did not respond within the relevant timescales provided in the Listing Directions.

## **2. THE PSOW'S REPORT**

2.1 The PSOW's Report had been prepared following a self-referral by the Respondent to the PSOW, made on the 7 April 2023, that the Respondent had failed to observe the Code of Conduct for members of Pembrokeshire County Council. The complaint alleged that the Respondent had recorded a racist voice note that he sent to his then partner via the "WhatsApp" messaging application; secondly, that he had shared information relating to Council business alongside disrespectful comments about members of the public to his then partner via WhatsApp. At the time of making the complaint, the Respondent was a member of the relevant authority. He resigned during the week commencing the 30 December 2024.

2.2 The PSOW concluded that the consequences of the Respondent's conduct in the context of both allegations could reasonably be regarded as having brought the office of Member and Pembrokeshire County Council into disrepute, and that this was suggestive of a breach of paragraph 6(1)(a) of the Council's Code of Conduct.

## **3. THE RESPONDENT'S SUBMISSIONS**

3.1 The Respondent initially co-operated with the PSOW's investigation and attended an interview to discuss the allegations on the 4 December 2023. During his interview, the



Respondent said that the voice recording was a “deep fake” created with malicious intent. This led to further investigations and expert analysis of the voice note recording, in an attempt to clarify whether it was a deep fake and was not created by the Respondent. The Respondent declined to attend a second interview in the course of the investigation.

3.2 In the initial interview, he accepted that he had shared information relevant to Council business alongside disrespectful comments about members of the public to his partner via WhatsApp and explained that he had done so at a time when he was under personal pressure and was “venting”.

3.3 Following the sharing of the Digital Forensic report, the Respondent’s solicitors submitted a letter to the PSOW challenging the conclusion of the report. In a letter dated 23 July 2024, Price and Son solicitors stated that the Respondent accepted that he made some “foolish lighthearted remarks in relation to school children and traffic and that he shared some information with his partner which he acknowledges was inappropriate and will not be repeated.”

3.4 The solicitors also challenged the conclusions of the expert report on the basis that the two statements made in conclusion were incompatible with each other and did not approach the question appropriately. It was submitted that the report did not stand up to scrutiny and should be disregarded.

## **4. THE FINDINGS OF FACT**

### **Undisputed Facts**

4.1 The tribunal noted the following undisputed material facts:

4.1.1 The Respondent was elected on to the Council and signed an undertaking that he would observe the Code of Conduct on the 9 May 2022. He received training on the Code of Conduct on 17 May 2022.

4.1.2 The contents of a voice note which he shared with Ms T Welsh was widely reported in the media.

4.1.3 The voice in the voice note recording sounded like the Respondent.

4.1.4 At the time Ms Welsh said she received the voice note recording, she was in a relationship with the Respondent.

4.1.5 In January 2023, Mr Fitzpatrick confronted the Respondent and was found guilty of criminal damage to a vehicle belonging to the Respondent by Ceredigion and Pembrokeshire Magistrates Court and was ordered to pay £567 in compensation for the damage caused to the Respondent’s vehicle.

4.1.6 The Respondent sent screenshots of social media posts and messages to Ms Welsh and added comments to them at a time when they were in a relationship together.

4.1.7 The Respondent was included in the social media posts and messages because he was a councillor.

## **Disputed Facts**

4.2 The PSOW considered that the following constituted Relevant Disputed Facts:

4.2.1 Was the Respondent correct in stating that the voice note was in fact a deepfake and was not created by him?

4.2.2 Was the Respondent acting in his capacity as a councillor when he sent the screenshots to Ms Welsh?

4.2.3 Did the Respondent act inappropriately in sharing the screenshots with Ms Welsh?

## **5 The tribunal's deliberations on the Disputed Facts**

5.1 The tribunal noted the following in relation to the Disputed Facts: -

### Was the voice note a deepfake or recorded by the Respondent?

5.1.1 In his initial interview with the PSOW investigating officer, the Respondent stated that the voice note was a "deepfake" and had not been created by him. In response to this evidence, the PSOW commissioned a report by Digital Forensics and Corporate Forensic Investigations, to consider the provenance of the recording.

5.1.2 In the course of the investigation, the PSOW obtained a statement from Ms Tracy Welsh to whom the recording was sent. She stated that the voice note, was sent to her by the Respondent over WhatsApp. In the voice note, the Respondent said: "There's nothing wrong with their skin colour, I think all white men should have a black woman or a black man as a slave" and "There's nothing wrong with them, it's just they're a lower class than us white people."

5.1.3 In her statement, Ms Welsh gave evidence that the voice note was sent in July 2022 and she was 100% confident it was recorded by the Respondent. She confirmed that the recording was not a fake and set out, in her evidence, the context in which the comments were made: she stated that they were part of an exchange between them about Ms Welsh's former partner. Ms Welsh expressed the view that she did not believe it was the Respondent's intention to be malicious, that he was not racist but had a dark humour. The voice note, she had found disturbing and it made her feel uncomfortable. She provided a screenshot of the WhatsApp voice note sequence sent between her and the Respondent, showing the time and the sequence of voice messages in which it was sent.

5.1.4 Ms Welsh had sent the voice note to Mr Christopher Fitzpatrick in March 2023. Mr Fitzpatrick's sister worked for the Pembrokeshire County Council and was a former police officer. Mr Fitzpatrick sought her advice about the voice note and screenshots and his sister spoke to her line manager about them. Her line manager in turn contacted the Monitoring Officer, Ms Rhian Young and brought the matter to her attention.

5.1.5 On the 6 April 2023, Ms Young met with the Respondent to discuss the voice note and the screenshots. The conservative group leader on the Council, Cllr Di Clements and Mr William Bramble, the Council's Chief Executive, also attended the meeting. The Respondent was shown the screen shots and "generally accepted" that he had sent them. During the meeting the Respondent was also played the voice note. His immediate response to the recording was that he could not recall making it but if he had it would have been "in jest". He then said that he thought it was a set up and he was not saying it was him on the recording. In the course of the interview, the Respondent suggested that Mr Fitzpatrick might have created a fake recording of him because he understood Mr Fitzpatrick had some IT knowledge. Both the Respondent and the Monitoring Officer referred the complaint to the PSOW after the meeting.

5.1.6 Within a few days of the complaint being reported, the content of the voice note was reported in the media, locally and nationally and received widespread coverage.

5.1.7 The evidence that the Respondent had initially stated that if he had sent the voicemail it was "in jest" was confirmed by Mr Bramble in his statement of evidence. Mr Bramble gave evidence that he had found the contents of the recording surprising and not in character with his knowledge of the Respondent.

5.1.8 In a subsequent interview with the PSOW investigating officer, on the 4 December 2023,[p250] the Respondent denied recording the voice message. He stated that he was in a relationship with Ms Welsh from about October 2022 to January 2023 but that they were close from February 2022. He could recall a conversation with Ms Welsh about her former partner and that the conversation may have been over WhatsApp but that the voice note was evidence of Ms Welsh and Mr Fitzpatrick conspiring against him. In relation to the screenshots, he stated that he was not being malicious but "venting" to his partner because he was stressed. He stated, in the context of the screenshots, that Ms Welsh had "constructed all these" to make him look "...a horrendous person." He also explained that he did not consider the screenshot messages to be capable of bringing the authority or his role as a member into disrepute because it was a personal message and "just a vent".

5.1.9 In response to the Respondent's comments about the voice note, the PSOW commissioned a specialist report by Cyfor Forensics Digital Evidence. The report dated 18 March 2024, concluded that it was more probable that the recording had not been

artificially generated or manipulated and there was no disparity in the recording that would indicate data had been added from another recording.

#### The second allegation as to the application of the Code of Conduct

5.1.10 The PSOW raised the question of whether the Respondent's behaviour was covered by the Code.

5.1.11 The Respondent was clear in his view that he was not acting as a councillor when he "vented" to his then partner in sending the screenshots with comments. He regarded them as private messages which would not be seen by the constituents because he was in a private conversation.

5.1.12 The Respondent acknowledged, however, that some of the information in the screenshots such as the names and telephone numbers of the constituents had been sent to him privately to his councillor Facebook page and he only had the information which they had shared with him privately and in confidence.

5.1.13 The PSOW's submission was that the behaviour was not appropriate though it was a very fine line and the comments were derogatory to members of the public about matters of concern to his constituents and his constituency. The PSOW concluded:

"The investigation also found that the Former Member was not acting in his official capacity when he shared information relating to Council business alongside disrespectful comments about members of the public to his partner, via WhatsApp. It was therefore found that paragraphs 4(b) and 5(a) of the Code were not engaged in this case. However, the investigation found that sharing the information alongside disrespectful comments about members of the public was inappropriate and suggestive of a further breach of paragraph 6(1)(a) of the Code."

5.1.14 The provisions of the Code at paragraphs 5(a) and 6(1)(a) state:

"5(a) – Members must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so.

6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute."

#### The third allegation regarding sharing screenshots with Ms Welsh.

5.1.14 The report of the PSOW identified the third contentious issue as the question of whether the Respondent acted inappropriately in sharing the screenshots with Ms Welsh?

5.1.15 The PSOW's submission was that the information contained within the screenshots was provided to the Respondent in his official capacity with a reasonable expectation that he would act on it. Each of the screenshots identified the individuals who

had sent the query to the Respondent and some showed where they lived. The PSOW concluded that the comments made on the screenshots were offensive and disrespectful and that it was “wholly inappropriate” for the Respondent to share his constituents’ personal messages with his partner at the time.

### **The tribunal’s decision on the Disputed Facts**

5.2 The tribunal decided the following in relation to the Disputed Facts: -

#### The first allegation as to whether the voice note was a deepfake and not created by the Respondent

5.2.1 The tribunal noted that the evidence of the Monitoring Officer, Ms Young, Mr Bramble and the Respondent himself confirmed that the Respondent’s first reaction to the voice note was that if it was of his creation, it had been said in jest. The evidence of Ms Welsh corroborates this interpretation, suggesting that the Respondent was capable of making inappropriate comments in jest. Although the Respondent has subsequently sought, on several occasions, to dismiss the initial response as a knee-jerk reaction to hearing the recording for the first time, we consider that on a balance of probability, his first reaction was his honest and truthful reaction to hearing the recording and reflected the reason why the voice note had been sent.

5.2.2 We did not accept the Respondent’s assertion that the voice note was a deepfake. The evidence from the screenshots of the sequence of voice notes, together with the evidence of Ms Welsh, is preferred as an explanation for the existence and provenance of the voice note. At the time it was sent, which is confirmed by the screenshots of the message sequence, there was no reason why anyone would create a deepfake voice note of the Respondent.

5.2.3 We concluded that the voice note was not a deepfake: there is sufficient evidence of its being created and delivered in a sequence of message to Ms Welsh’s WhatsApp account, and corroboration by the Forensic Report which concluded on a balance of probability that the recording had not been created artificially and had not been modified. We did not accept the Respondent’s submissions challenging the validity of the forensic assessment: the conclusions reached are sufficient to corroborate the other evidence available that it is more likely than not that the recording was created by the Respondent.

5.2.4 In conclusion, the tribunal determined that the voice note was not a deepfake and had been produced by the Respondent. We concluded that his first response to hearing the voice note – that it was created as a joke - was probably accurate and that he had intended the message to be received as a jocular, lighthearted comment rather than a serious statement, as confirmed by his then partner in her evidence. The effect of the voice note, however, was to make the recipient uncomfortable and its contents were completely unacceptable.

## The second allegation as to the application of the Code of Conduct

5.3.1 The tribunal was satisfied that the Respondent was not acting as a councillor when engaging in the conduct complained of, on the basis that the message conversations he had with Ms Welsh were private conversations by WhatsApp. The contents of the screenshot conversation was not made public but did share information which the Respondent had obtained in his capacity as a councillor. He shared information which would not have been available to him had he not been a councillor. The Code of Conduct therefore applied to him in the context of the information shared with him by his constituents on a confidential basis.

## The third allegation regarding the sharing of screenshots with Ms Welsh

5.4.1 We accepted the PSOW's submission that the Respondent's behaviour in sharing the screenshots, superimposed with derogatory comments, with Ms Welsh was not appropriate. By putting his name forward for election to the Council, he had placed himself at the service of his constituents and had been elected to address their concerns and issues with the Council. His stated view was that it was appropriate to share information with his partner, as a means of relieving his own frustration was misguided. Whilst his conversation was a private one, it was inappropriate to share personal information in the course of "venting" and he should have found a more appropriate means of relieving his frustrations. The tribunal found that the Code applied to the sharing of information on both occasions because of the nature of the content of both the voice note and the screenshots and that the Code of Conduct applied to the Respondent, then an elected councillor, whether or not acting in his capacity as a councillor.

5.4.2 The tribunal was satisfied that the Code applied to the sharing of personal information without the consent of the person who had shared with the Respondent in confidence. We accepted the PSOW's analysis that it is a fine line to tread but that this amounted to inappropriate conduct and by sharing confidential personal information contained in the screenshots with derogatory comments superimposed upon them, the Respondent was a breach of the Code of Conduct.

5.4.3 The content of the voice note brought both the Council and the Respondent into disrepute because of the inappropriate content which came to be broadcast widely on national news and media. The comments made, whether in jest or otherwise, demonstrated a discriminatory approach on grounds of race and a total disregard for the basic human rights of other people to freedom, equality and equal treatment. Sharing such inappropriate comments was not careless – it was entirely deliberate and probably an indirect attack on Ms Welsh's previous boyfriend. Making and sharing the recording was indefensible and the severity of the behaviour was compounded by the Respondent's attempt to deflect blame on to others and his denial that he had sent the voice note subsequent to his initial suggestion that it was sent in jest.

## **6. FINDINGS OF WHETHER MATERIAL FACTS DISCLOSE A FAILURE TO COMPLY WITH THE CODE OF CONDUCT**

6.1 The relevant provisions of the Code, overarching Code Principles, the European Convention on Human Rights ('ECHR') and PSOW Guidance on the Code of Conduct for Members state as follows.

### **The Code of Conduct for Members**

6.1.1 The relevant part of the Code are as follows; Paragraph 2(1)(d) of the Code states; *'...You must observe this code of conduct at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.'* Paragraph 6(1)(a) of the Code states; *"You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.'*

### **Article 10 ECHR**

6.1.2 Article 10 of the ECHR states as follows;

*'1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers....*

*2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of...public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others...'*

### **The Nolan Principles**

6.1.3 The Principles governing the conduct of elected and co-opted members of local authorities in Wales, which reflect and expand the 'Nolan Principles' include the principles of 'Integrity' and of 'Leadership' as follows; *'Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority'.*

### **The Ombudsman's Guidance on the Code of Conduct**

6.1.4 With regard to Paragraph 6(1)(a) of the Code, the Ombudsman's Guidance states as follows: -

*'2.31...As a member, your actions and behaviour are subject to greater scrutiny than those of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on the public perception of your office as a member, or your Council as a whole.*

*2.32 When considering whether a member's conduct is indicative of bringing their or their authority into disrepute, I will consider their actions from the viewpoint of a reasonable member of the public. It is likely that the actions of those members in more senior positions, such as the Chair of a Council, will attract higher public expectations and greater scrutiny than ordinary members. It is more likely, therefore, that inappropriate behaviour by such members will damage public confidence and be seen as bringing both their office and their Council into disrepute. This does not mean that inappropriate behaviour by ordinary members can never bring their council into disrepute.*

*2.33 Dishonest and deceitful behaviour will bring your Council into disrepute, as may conduct which results in a criminal conviction, especially if it involves dishonest, threatening or violent behaviour, even if the behaviour happens in your private life.*

*2.34 Whilst you have the right to freedom of expression, making unfair or inaccurate criticism of your Council in a public arena might be regarded as bringing your Council into disrepute. Similarly, inappropriate emails to constituents or careless or irresponsible use of social media might bring the office of member into disrepute, bearing in mind the community leadership role of members. Cases considered by the Adjudication Panel have shown that such behaviour will often be viewed as a serious breach of the Code.'*

### **The tribunal's determination**

6.2 The tribunal's findings as to whether the material facts amount to a failure to comply with the Code of Conduct were as follows: -

6.2.1 On the basis of the findings of fact, the tribunal found by unanimous decision that the Respondent had failed to comply with Paragraph 6(1) of the Code for the following reasons.

6.2.2 As per Paragraph 4.1.1 above, there is no doubt in this case that the Respondent was a Member at the time that the Respondent sent the relevant messages in July 2022.

6.2.3 It is not in dispute that the contents of the voice note became public and was shared widely on national media.

6.2.4 Although the respondent was acting in a private capacity when he sent the voicemail, paragraph 6(1)(a) could apply in such circumstances.

6.2.5 The tribunal was entirely satisfied that the admitted conduct could reasonably be regarded as bringing the Respondent into disrepute in his personal capacity and the council into disrepute because of the repugnant comments published in the news media.

6.2.6 On the balance of probabilities, the tribunal was persuaded that the conduct as outlined above was so serious, unpleasant and disturbing that, despite the fact that it initially occurred entirely within a private capacity, it was released into the public domain and such, was conduct by an individual who held an important leadership role in the



community as an elected County Councillor. The tribunal was satisfied that due to the nature and seriousness of the comments shared, it would inevitably be viewed by the public in the light of the Respondent's important status as a Member.

6.2.7 The tribunal noted that there had been wide coverage of the voice note by the media and in the press. It was also noted that the evidence of the Respondent's partner was that as a result of the publication of the voice note, the Respondent's family had been subject to abuse and death threats.

## **7. FINDINGS IN RELATION TO SANCTION**

7.1 The Listing Directions dated 14 May 2025 provided the opportunity for the parties to make further written submissions to the tribunal as to what action the tribunal should take, should this stage of the proceedings be reached.

### **The Parties' submissions**

7.2 The parties' submissions as to any sanction to be imposed in the event of a finding of breach of Paragraph 6(1)(a) of the Code of Conduct can be summarised as follows.

#### **The PSOW's Submissions as to Sanction**

The PSOW's representative made the following general submissions regarding sanction in a letter dated 28 May 2025 : -

7.2.1 The PSOW highlighted the fact that the ethical standards framework's purpose was to promote high standards amongst council members in Wales and maintain public confidence in local democracy. It noted that the purpose of a sanction was to provide a disciplinary response to Code breaches, place the misconduct and appropriate sanction on public record, deter future misconduct, promote a culture of compliance, and foster public confidence in local democracy.

7.2.2 The PSOW considered that the nature of the Code breaches in question was serious in this instance, and it drew attention to matters from the APW's Sanctions Guidance which the PSOW considered to be mitigating and aggravating factors in this case. The PSOW submitted that a period of disqualification would reflect the seriousness of the breaches and provide a necessary and proportionate disciplinary response.

#### **The Respondent's submissions as to Sanction**

7.2.3 The Respondent did not provide specific submissions in relation to sanction.

### **The tribunal's deliberation as to Sanction.**

7.3 The tribunal determined the following in relation to Sanction:-

7.3.1 The tribunal considered all the facts and evidence. It was noted that there was no medical evidence supplied by the Respondent in relation to his alleged ill-health and refusal to engage in the Tribunal's proceedings.

7.3.2 It also had regard to the Adjudication Panel for Wales' current Sanctions Guidance. It noted the public interest considerations as follows in paragraph 44 of that Guidance; *'The overriding purpose of the sanctions regime is to uphold the standards of conduct in public life and maintain confidence in local democracy. Tribunals should review their chosen sanction against previous decisions of the Adjudication Panel for Wales and consider the value of its chosen sanction in terms of a deterrent effect upon councillors in general and its impact in terms of wider public credibility. If the facts giving rise to a breach of the code are such as to render the member entirely unfit for public office, then disqualification rather than suspension is likely to be the more appropriate sanction.'*

7.3.3 The Tribunal's Registrar notified the tribunal that there had been no formally recorded previous instances of breach of the Code of Conduct by the Respondent.

7.3.4 The starting point for the tribunal was to consider the seriousness of the breach of the Code. The Sanctions Guidance made it clear in paragraph 35 that seriousness should be assessed with particular regard to matters such as the actual and potential consequences of the breach for any individuals, the wider public and/or the Council as a whole. The tribunal considered that the action was serious, because the Respondent had expressed opinions which were racially discriminatory and whether in jest or otherwise, should not even be contemplated as acceptable utterances under any circumstances. The comments had reached the public's attention and were inevitably the subject of comment on the basis of the Respondent's role as a member of the relevant Authority. It considered whether a finding of 'no action' would be appropriate in this case but was satisfied that the conduct in this case had been too serious to reach a finding of no action.

7.3.5 The tribunal then had regard to paragraph 47 of the Sanctions Guidance which states; *'In circumstances where the tribunal would normally apply a suspension but the Respondent is no longer a member, a short period of disqualification may be appropriate...This will ensure that the Respondent is unable to return to public office, through co-option for example, sooner than the expiry of the period of suspension that would have been applied but for their resignation or not being re-elected.'*

7.3.6 The tribunal considered whether, had the Respondent remained in office following the relevant incident, it would have imposed a period of suspension to enable the Respondent to have sufficient time to reflect on his conduct. The tribunal considered that the nature of the comments made were such as to warrant disqualification for a substantial period would instead be appropriate, to ensure that the Respondent had the opportunity to reflect upon the requirements of the Code of Conduct before contemplating any return to public office in future.

7.3.7 The tribunal then considered any relevant mitigating and aggravating circumstances and how these might affect the level of sanction under consideration as follows. In doing so, it considered the APW Sanctions Guidance.

#### Mitigating Factors

7.4 The tribunal concluded that the following mitigating factors applied in the Respondent's case:

7.4.1 Firstly, the Respondent had been in service for a short period before the messages were sent. He had been in the role of county councillor for just under two months.

7.4.2 The tribunal was persuaded that there had been some limited recognition and regret by the Respondent as to the misconduct and any consequences of his behaviour, but only in relation to the screenshots shared with Ms Welsh. The solicitors, in their letter of the 24 July 2024, expressed the Respondent's apology for the contents of the screenshots sent to Ms Welsh.

7.4.3 The Respondent initially co-operated with the PSOW's investigation officer. He attended the initial interview and provided evidence, acknowledging that he had sent the screenshots to Ms Welsh.

7.4.4 The Respondent resigned from his role as a councillor with immediate effect in December 2024.

7.4.5 The Respondent had produced a number of positive character references from constituents and colleagues.

#### Aggravating factors

7.5 The tribunal concluded that the following aggravating factors applied in the Respondent's case:

7.5.1 Although the Respondent had self-referred the complaint to the PSOW, he did not demonstrate unqualified regret as to the misconduct and later sought to withdraw his self-referral to the PSOW. The complaint was also separately reported by the Monitoring Officer.

7.5.2 Although it was mitigation that the Respondent had only had a short length of service as a county councillor, he had extensive prior experience as a member in public office and should have been aware of the expectations of holding such an office.

7.5.3. Whilst the Respondent attended an initial interview with the PSOW's office, he subsequently chose not to engage in the investigation and did not engage at all with the Tribunal proceedings. He instructed solicitors to notify the PSOW and the Tribunal that this was due to ill-health but there was no supporting medical evidence in relation to the alleged health conditions.

7.5.4 The tribunal considered that there was a lack of real understanding or acceptance by the Respondent for his misconduct and any consequences. Whilst he had demonstrated remorse in relation to some of the conduct on occasions, it was apparent that he lacked true insight into the seriousness of the behaviour and the impact that his behaviour had upon others. He had no insight into the impact of his behaviour upon the Relevant Authority and lacked understanding of the impact of the widespread reporting of the incident by the media.

7.5.5 The tribunal noted that the Respondent had received training on the Code of Conduct shortly before he signed his formal undertaking to abide by the Code in July 2022. This would undoubtedly have underlined the importance of members leading by example both in an official and private capacity, and of the impact of Paragraph 6(1)(a) of the Code. The Case Tribunal also noted that the Respondent had received general advice about conduct and the Code from the Monitoring Officer during August 2022 regarding a separate issue, and yet he persisted in sending a further e-mail to the recipient in September 2022.

7.5.6 The tribunal considered that the refusal to acknowledge that he had sent the voice note and the attempt to appropriate the act to others was an aggravating factor demonstrating lack of integrity and honesty.

7.5.7 Although the Respondent had resigned with immediate effect, he did not do so until the end of December 2024, by which time, the investigation was well advanced and a significant length of time had passed since the publication of the voice note in April 2023.

7.5.8 In addition to these factors, the tribunal was satisfied that the seriousness and nature of the conduct itself was an aggravating feature. By sending racially discriminatory messages the Respondent had engaged in what could reasonably be regarded as a disturbing and threatening course of conduct.

#### **Case Tribunal's determination as to Sanction.**

7.6 The tribunal was mindful of the public interest in maintaining standards in public life and the overarching purpose of the Code of Conduct to maintain confidence in local democracy. It also considered the mitigating and aggravating factors as above. In all the circumstances however, in view of the serious nature of the admitted offence, the Case Tribunal remained of the view that disqualification was the appropriate sanction in this case.

7.7 The tribunal considered a period of disqualification to be necessary and proportionate to allow the Respondent a further period of reflection in the light of his continuing failure to recognise the severe impact which his behaviour had and the wider impact this would have upon his role and Council which could reasonably have been foreseen.

7.8 The tribunal reminded itself that there was an expectation that members would act with integrity, in accordance with the trust that the public placed in them, and promote public confidence through leading by example. It considered a sanction of disqualification was fair, proportionate and in the public interest in this case, in order to underline the importance of the standards regime in Wales, to promote a culture of compliance across the relevant authorities and to foster public confidence in local democracy.

7.9 For the avoidance of doubt the tribunal considered the Respondent's messages in the context of Article 10 of the ECHR. Whilst it considered freedom of expression to be a fundamental right, it was a right which could only be claimed where it did not impact on the fundamental rights of others, and it clearly did so in this case and impacted on the lives of other individuals, proposing as it did that their human right to freedom and equality should be determined by their race. The Case Tribunal concluded that the messages in question were not made in a political context, and in any event, were so extreme and disturbing, that the protections offered to politicians by the ECHR to freely express views would not apply here.

7.10 The Nolan principles as extended in the principles governing the conduct of elected Members in Wales underpin the Code of Conduct and underline the importance of integrity and propriety, the duty to uphold the law, the need to promote equality and respect and finally leadership by example, *'so as to promote public confidence in their role and in the authority'*. The tribunal considered that the Respondent had failed to uphold these Principles.

7.11 In conclusion, the tribunal determined that the behaviour of the Respondent both in the context of the conduct he had admitted and that which the Tribunal has found proved, could reasonably be regarded as bringing his office and authority into disrepute. The contents of the voice note was widely reported and commented upon in the local and national media, with headlines making reference to his role as a councillor and reporting that the Respondent was a member of the Pembrokeshire County Council. Such coverage and the attention it attracted, brought his office and authority into disrepute. The Respondent did not admit to the behaviour alleged in respect of the voice note and sought to blame others for its creation. He therefore compounded his actions by denial and deflection without regard to the impact on the others affected by his conduct.

7.12 As to the length of the period of disqualification, the Sanctions Guidance indicated that conduct which called into question the Respondent's fitness for public office would be relevant in determining this question. The Respondent had acted as Member of the relevant authority for a relatively short period, but he had been in other public offices for a considerable period. The tribunal considered that the Respondent needed a further significant period in order to reflect upon his conduct and the impact of this conduct, and to consider whether to engage in any role in politics in future.

7.13 The tribunal therefore found by unanimous decision that the Respondent should be **disqualified** for 4 years from being or becoming a member of the Relevant Authority or any other relevant authority within the meaning of the Local Government Act 2000.

7.14 Pembrokeshire County Council and its Standards Committee are notified accordingly.

7.15 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.

Signed.....Meleri Tudur.....

Dated 9 July 2025

Judge Meleri Tudur

President of the Adjudication Panel for Wales

Tribunal Member: Miss S Hurd

Tribunal Member: Mr D Morris