

DYDD MAWRTH, 7 CHWEFOR 2023

AT: HOLL AELODAU Y PWYLLGOR SAFONAU

**YR WYF DRWY HYN YN EICH GALW I FYNYSBU CYFARFOD O'R
PWYLLGOR SAFONAU A GYNHELIR YN Y SIAMBR – NEUADD Y
SIR, CAERFYRDDIN, SA31 1JP AC O BELL AM 10.00 YB DYDD
MAWRTH, 14 CHWEFOR A DYDD MERCHER 15 CHWEFOR, 2023
ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA
SYDD YNGHLWM**

Wendy Walters

PRIF WEITHREDWR

Swyddog Democrataidd:	Julie Owens
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Gellir gwyllo'r cyfarfod ar wefan y cyngor drwy'r ddolen canlynol:- https://carmarthenshire.public-i.tv/core/portal/home	

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

PWYLLGOR SAFONAU

Aelodau Annibynnol (5)

1. Mrs Mary Dodd
2. Ms Caryl Davies
3. Mrs Daphne Evans
4. Mrs Julie James
5. Mr Frank Phillips

Aelod Pwyllgor Cymunedol (1)

1. Y Cyngorydd Tref Phillip Rogers

Aelodau Etholedig y Cyngor Sir (3)

1. Y Cyngorydd Betsan Jones
2. Y Cyngorydd Rob James
3. Y Cyngorydd Gareth Thomas

A G E N D A

1. YMDDIHEURIADAU AM ABSENOLDEB.
2. DATGAN BUDDIANNAU PERSONOL.
3. GWRANDAWIAD TERFYNOL MEWN PERTHYNAS Â'R
ADRODDIAD A GYHOEDDWDYD GAN YR OMBWDSMON
GWASANAETHAU CYHOEDDUS CYMRU MEWN PERTHYNAS
Â'R CYNGHORYDDDD TERRY DAVIES 5 - 344
4. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD
AMGYLCHIADAU ARBENNIG, BENDERFYNU EI YSTYRIED YN
FATER BRYN YN UNOL AG ADRAN 100B(4)(B) DEDDF
LLYWODRAETH LEOL 1972

Mae'r dudalen hon yn wag yn fwriadol

**Y PWYLLGOR SAFONAU
14 A 15 CHWEFROR 2023**

**GWRANDAWIAD TERFYNOL MEWN PERTHYNAS Â'R
ADRODDIAD A GYHOEDDWDYD GAN YR OMBWDSMON
GWASANAETHAU CYHOEDDUS CYMRU MEWN PERTHYNAS Â'R
CYNGHORYDDDD TERRY DAVIES**

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Clywed y dystiolaeth a gyflwynwyd a phenderfynu a yw'r Cynghorydd Davies wedi torri côd ymddygiad aelodau Cyngor Gwledig Llanelli.

Y Rhesymau:

Dyma un o swyddogaethau statudol y pwyllgor.

Angen ymgynghori â'r Pwyllgor Craffu perthnasol: Amherthnasol

Angen i'r Cabinet wneud penderfyniad: Amherthnasol

Angen i'r Cyngor wneud penderfyniad: Amherthnasol

Yr Aelod Cabinet Sy'n Gyfrifol Am Y Portffolio: Amherthnasol

Y Gyfarwyddiaeth:

Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swydd:

Pennaeth Gweinyddiaeth
a'r Gyfraith

Rheolwr y Gwasanaethau
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**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
14TH AND 15TH FEBRUARY 2023**

**FINAL HEARING IN RELATION REPORT ISSUED BY THE PUBLIC
SERVICES OMBUDSMAN FOR WALES IN RESPECT OF
COUNCILLOR TERRY DAVIES**

On the 27th May 2022 the Council's Monitoring Officer received a report from the Public Services Ombudsman for Wales setting out the results of their investigation into allegations that Councillor Davies has breached the members code of conduct for Llanelli Rural Council. A copy of the Ombudsman's report is attached.

On the 4th August 2022 the Committee carried out an initial consideration of the Ombudsman's report and concluded that the matter should proceed to the next stage of the determination process. A copy of this process is also attached.

Following a pre-hearing review held in November 2022 it was decided that a final hearing would be held at which witnesses would be called and evidence and legal submissions presented.

Councillor Davies, his legal representative and a representative of the Ombudsman will be in attendance at the meeting, as will other individuals who will give evidence as to the events that gave rise to the investigation.

The hearing will proceed in stages as set out in the attached procedure. In summary these are

- Stage 1 – Determining those factual issues which are in dispute.
- Stage 2 – Deciding whether those facts amount to a breach of the members code of conduct.
- Stage 3 – If the Committee decides that the facts do amount to a breach of the members code of conduct they will then need to decide what sanction should be imposed.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *LRJones*

Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

Legal Implications

Should the committee determine that Cllr Davies did breach the code of conduct and impose a sanction upon him, then Cllr Davies would have a right of appeal against that decision to the Adjudication Panel for Wales.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *LRJones*

Head of Administration and Law

1. **Scrutiny Committee** – not applicable
2. **Local Member(s)** - not applicable
3. **Community / Town Council** - not applicable
4. **Relevant Partners** - not applicable
5. **Staff Side Representatives and other Organisations** - not applicable

**CABINET MEMBER PORTFOLIO
HOLDER(S) AWARE/CONSULTED**

NO

Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Services file	DPSC-198	County Hall, Carmarthen

The investigation of a complaint
against Councillor Terry Davies of
Llanelli Town Council

A report by the
Public Services Ombudsman for Wales
Case: 202005902

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Introduction

Report by the Public Services Ombudsman for Wales on the investigation of a complaint made against Councillor Terry Davies of Llanelli Town Council, of breaches of the Council's statutory Code of Conduct for Members.

This report is issued under section 69 of the Local Government Act 2000.

Summary

The Ombudsman's office received a complaint that a Member ("the Member") of Llanelli Town Council ("the Council") had breached the Code of Conduct.

It was alleged that the Member had behaved inappropriately during an interaction with other members.

The investigation considered whether the Member failed to comply with the following provisions of the Code of Conduct:

- 4(a) – You must carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.
- 4(b) – You must show respect and consideration for others.
- 4(c) – You must not use bullying behaviour or harass another person.
- 6(1)(a) – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Witness accounts were obtained from 5 individuals, including both members of the public and members of the Council. The investigation found that the evidence suggested that the member had used discriminatory language towards other members on 9 February 2021. The Ombudsman concluded that the Member's behaviour was suggestive of a breach of paragraph 4(a) of the Code of Conduct.

The Ombudsman considered that the Member's comments and use of offensive language was an attempt to intimidate and undermine the members. She considered that the Member's behaviour was also suggestive of a breach of paragraph 4(b) of the Code of Conduct.

The Member denied that his actions had breached the Code of Conduct. The other members said they were upset, sad and “shook up” following the incident. A witness described one of the other members as visibly shaking and upset. On balance, the Ombudsman considered that the Member behaved in a way that was suggestive of a breach of paragraph 4(c) of the Code of Conduct.

The Ombudsman was also of the view that it would be reasonable to regard such conduct as capable of bringing the Member’s office or authority into disrepute and was therefore also suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.

The report on the investigation was referred to the Monitoring Officer of Carmarthenshire County Council for consideration by its Standards Committee.

The Complaint

1. On 11 March **2021** the Ombudsman's office received a complaint from Councillor Andre McPherson that Councillor Terry Davies had failed to observe the Code of Conduct for Members of Llanelli Town Council ("the Council"). It was alleged that Councillor Davies used discriminatory language and failed to show respect during an interaction with Councillor McPherson and Councillor Curry on 9 February 2021. A copy of the complaint is attached at Appendix 1.

Legal background

2. As required by Part III of the Local Government Act 2000 ("the Act"), the Council has adopted a Code of Conduct for Members which incorporates the provisions of a Model Code contained in an order made by the Welsh Ministers. A copy of that Code is at Appendix 2. Council Members are required to sign an undertaking that, in performing their functions, they will observe the Council's Code of Conduct. Councillor Davies gave such an undertaking on 5 May 2017. A copy of that declaration is attached at Appendix 3. Councillor Davies was re-elected to the Council in May 2022. He was also elected as a member of Carmarthenshire County Council ("the County Council").

3. Section 69 of the Act provides the authority for my investigation and the production of this report.

4. The Council's Code of Conduct incorporates the mandatory provisions of the Model Code of Conduct for Wales, which is consistent with 10 core principles of conduct, derived from the Nolan Principles for Public Life:¹

- i. Selflessness
- ii. Honesty
- iii. Integrity and Propriety
- iv. Duty to Uphold the Law
- v. Stewardship

¹ The Conduct of Members (Principles) (Wales) Order 2001 SI 2001 No. 2276 (W.166)

- vi. Objectivity in Decision-making
- vii. Equality and Respect
- viii. Openness
- ix. Accountability
- x. Leadership.

5. Article 10 of the European Convention on Human Rights (“the ECHR”) states that:

- 10(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.
- 10(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 interest 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 and interests of others.

6. Enhanced protection of freedom of expression applies to political debate, including at local government level. Article 10(2) has the effect of permitting language and debate on questions of public interest that might, in non-political contexts, be regarded as inappropriate or unacceptable which requires those holding political office to have a “thicker skin”. This protection does not extend to gratuitous or offensive personal comment, nor to “hate speech” directed at denigrating colour, race, disability, nationality (including citizenship, ethnic or national origin, religion, or sexual orientation).^{2,3}

7. The Council’s Code of Conduct provides that members must observe the Code in its entirety whenever they act in the role of member and at all times in respect of paragraphs 6(1)(a) and 7.

² R (on the application of Calver) v Adjudication Panel for Wales [2012] EWHC 1172 (Admin)

³ Heesom v Public Services Ombudsman for Wales [2014] EWGC 1504 (Admin)

My investigation

8. Having considered the complaint as made, my predecessor concluded that it was appropriate to investigate whether Councillor Davies had failed to comply with any of the following provisions of the Code of Conduct:

- 4(a) – You must carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age, or religion.
- 4(b) – You must show respect and consideration for others.
- 4(c) – You must not use bullying behaviour or harass another person.
- 6(1)(a) – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

9. Councillor Davies was informed of the intended investigation on 14 April 2021 (Appendix 4).

10. During the investigation, the Investigation Officer obtained copies of relevant documents from the Council (Appendix 5). This information confirmed that Councillor Davies had attended training on the Code of Conduct on 17 March 2021. The information also confirmed that Councillor Davies was offered the opportunity to attend Code of Conduct training, delivered by the County Council, in July 2019 and August 2020, and provided copies of the training materials. It is unclear whether Councillor Davies attended these training events.

11. Copies of all witness statements are attached at Appendix 6. An account was obtained from the following witnesses:

- Mr Andrew Wood - Park Contractor
- Mr Arfon Davies - Deputy Town Clerk
- Mr Steven Lewis - Member of the public
- Councillor Suzy Curry
- Councillor John Prosser

12. Councillor Davies provided comments on several occasions during the investigation, including an annotated aerial photograph of the scene. These comments are attached at Appendix 7. He also provided a written statement shortly before his interview, attached at Appendix 8. The evidence found by my investigation was shared with Councillor Davies, enabling him to review it before responding to questions, which were put to him at interview. The transcript of the interview with Councillor Davies is attached at Appendix 9. Councillor Davies also provided 2 character witness statements, which are attached at Appendix 10.

13. I have given Councillor Davies the opportunity to comment on a draft of this report which included my provisional views and finding. His comments, including 4 character statements provided, are included in Appendix 12.

My guidance on the Code of Conduct

14. My predecessor issued guidance for members of local authorities in Wales on the Model Code of Conduct (“the Guidance”). I include at Appendix 11 extracts of the Guidance which are relevant to this complaint.

Events

15. A children’s park (“the Park”) was developed in the Tyisha Ward (“the Ward”) of the Council. The Park was a County Council project, and the intention was that the Park would be transferred to the Council in due course. The Ward has 3 Councillors - Councillor McPherson and Councillor Curry were both Town and County councillors⁴, and Councillor Davies was a Town councillor and its Deputy Mayor⁵.

16. On 9 February 2021 Councillor McPherson and Councillor Curry received an invitation from Mr Arfon Davies, the Deputy Clerk of the Council, to meet him and the contractor who had built the Park (“the Contractor”), that day to discuss a list of snags identified at the Park (Appendix 6).

⁴ Councillor McPherson was not re-elected to the County Council in May 2022

⁵ Councillor Davies was elected to the County Council in May 2022

17. The Contractor was at the Park in advance of the meeting, dealing with some minor snagging issues (Appendix 6). He said he was approached by a gentleman whom he thought was the Deputy Clerk, Mr Davies. The Contractor said that the man was quite agitated and blunt, and he questioned the quality of the surfacing in the Park. He said that a member of the public came to talk to the man, so he took the opportunity to “escape”. The Contractor said that he now knows that this man was not the Deputy Clerk but was the Deputy Mayor (Councillor Davies).

18. In his response to written questions, the member of the public referred to above by the Contractor, Mr Steven Lewis, said (Appendix 6) that he spoke to Councillor Davies outside the Park’s fencing for about 5 minutes. He said that the Park had approximately 20 people in it at the time. Mr Lewis said that, once he had finished his polite and friendly conversation with Councillor Davies, he turned around and walked home with his back towards Councillor Davies. Mr Lewis said that he saw Councillor Curry and a male arrive nearby. He said that he did not hear any conversation between Councillor Davies and Councillor Curry and the male, as he is deaf.

19. In his complaint (Appendix 1), Councillor McPherson said that he and Councillor Curry arrived simultaneously at the Park in separate cars and noticed Councillor Davies standing outside the Park, near the road. Councillor McPherson said that he was a little taken aback to see Councillor Davies at the Park as Councillor Davies had not been optimistic about the project from the start, “even hostile to the project”. He said that Councillor Davies seemed to want to speak to them. Councillor Curry said that she was also surprised to see Councillor Davies at the Park (Appendix 6) due to Councillor Davies’ historic negative attitude towards the development of the Park. Councillor Prosser was a passenger in Councillor Curry’s car (Appendix 6) and remained in the vehicle throughout the events complained about, although he said he heard much of what was said by the 3 Councillors.

20. Councillor McPherson said (Appendix 1) that, as he and Councillor Curry got out of their cars, Councillor Davies said, “I don’t know if you have bothered to speak to the Clerk or the Deputy Clerk” and said

that he was not happy with several issues at the Park. Councillor Curry said (Appendix 6) that Councillor Davies launched into shouting at them with his arms moving a lot.

21. Councillor McPherson said that Councillor Curry informed Councillor Davies that they were fully aware of the snagging issues at the Park and that they were dealing with them. This was corroborated by Councillor Curry. She said that she told Councillor Davies that she was surprised to see him there as he had not been interested in the Park and had not contributed to its development in any way. She said that she asked Councillor Davies what he was now doing at the Park. Councillor Curry said that Councillor Davies “blew his top”, got very animated and angry with his arms waving about. She said that Councillor Davies said, “You’re not from around here” and “You’re English outsiders, you’re not from around here, you’ll never understand the people around here, you’ll never understand the issues around here”.

22. Councillor McPherson said that Councillor Davies repeated several times that he and Councillor Curry knew nothing as they were foreigners and outsiders, and “not from around here”. Councillor McPherson said that Councillor Davies kept saying that Wales should be for the Welsh people and that outsiders had no business being councillors in the area. Councillor McPherson said that Councillor Davies expressed his disgust at incomers being “dumped on Welsh communities” and said loudly that they would never be welcome. Councillor Curry (Appendix 6) and Councillor Prosser (Appendix 6) corroborated Councillor McPherson’s account.

23. Councillor McPherson said (Appendix 1) that Councillor Curry walked away towards the Deputy Clerk, Mr Arfon Davies, who was in the Park with the Contractor. Councillor Curry said that, as she walked away, she could hear Councillor McPherson trying to reason with Councillor Davies. She said that as she walked past the Park, there were mothers and young children in the Park “maybe half a dozen parents and 1 or 2 children per parent”.

24. Councillor McPherson said that he stayed with Councillor Davies who continued saying that they were not welcome. Councillor McPherson said that he decided to end the conversation and walked away. He said that as he did so, Councillor Davies shouted, “F off”. He said that Councillor Davies must have shouted very loudly for him to have been able to hear this as he is partially deaf. Councillor Prosser said that Councillor Davies shouted “Fuck off Andre” loud enough for everyone in the Park to hear and the parents were looking around. Councillor Curry said that, when Councillor McPherson joined her, he told her that Councillor Davies had told him to either “F off” or to “Fuck off”.

25. Mr Arfon Davies said (Appendix 6) that he did not hear any of the conversation between Councillor Davies and Councillor McPherson and Councillor Curry as he was too far away. He estimated that the 3 Councillors were between 30 and 40 metres from the centre of the Park. He said there were people in the Park at the time, but he could not recall how many.

26. Councillor McPherson said that Councillor Davies posted about the altercation on Facebook that evening (Appendix 1). The Facebook post said:

“For the Two outsiders I had a strong chat with today. We need a genuine party that builds here in Llanelli, Tyisha has been through a traumatic 30 years in decline. You have no idea what people have suffered here because of bad social decisions. The promises made to us that ended up as lies for the vote. As for one A [sic] stating the people here were my customers. You lack the understanding of a Welsh community, How [sic] the businesses here are conducted, All [sic] my customers were personal friends and the business was all about the community and still is successfully operating that way. Wales communities, it's every [sic] standards are being eroded by people who do not want to change their ways to be sociable. Housing is losing value because of it, setting up a chain reaction to more landlords [sic] portfolios and properties that welcome this association of people that give this community hell. NEXT TIME YOU WANT TO HAVE A GO AT ME. understand [sic] I have been through it with my family as a resident for 50 years, with a successful business that looked after the community here in Tyisha”.

27. On 10 February Councillor McPherson, Councillor Curry and Councillor Prosser reported the matter to the Council's Clerk by email (Appendix 5). The Clerk informed Councillor Curry that he had spoken to Councillor Davies who had denied swearing and, although Councillor Davies had agreed there had been a "heated exchange", he felt he was reacting to Councillor Curry calling him a "vile person".

What the witnesses said

Councillor McPherson

28. Councillor McPherson said (Appendix 1) that he considered Councillor Davies' comments to be discriminatory as he was born in England. He said that he considered Councillor Davies' comments to also discriminate against many of the area's non-UK citizens. Councillor McPherson said that, as a gay Jewish person, Councillor Davies' behaviour had caused extra upset and made him sad. Councillor McPherson said that Councillor Davies' language was used in a public park and would have discriminated against any constituent of a different national origin who may have overheard. He said that the park was full at the time, and it was regularly used by European and Syrian families. He said that he had concerns that they overheard Councillor Davies' comments and could feel that they were not welcome in the community.

Councillor Curry

29. Councillor Curry said (Appendix 6) that she was "shook up" after the confrontation. She said that Councillor Davies' comments were nasty and racist. Councillor Curry said that the conversation with Councillor Davies happened directly in front of the Park, so anybody in the Park would have heard every single word. She said that she did not know any of the people in the Park, but that Tyisha had a large population of Polish and Romanian families and a few Syrian families who use the Park a lot.

30. Councillor Curry said that Councillor Davies instigated the confrontation and at no point during the exchange did she call Councillor Davies an evil and vile man.

Councillor Prosser

31. Councillor Prosser said (Appendix 6) that Councillor Davies “just went for them”. He said that Councillor McPherson was visibly shaking after the confrontation, and it really upset him. Councillor Prosser said that Councillor Davies had always been an opponent of the Park and he was never keen on it being built there.

32. Councillor Prosser said that there were about 10 or 15 people in the Park at the time of the altercation with at least 4 adults and the rest being children. He explained that a lot of Polish, Syrians and people from England use the Park. Councillor Prosser said that the people in the Park were very close, and they were looking at the confrontation. He said that he had since measured the distance between the road, where Councillor Davies’ van was parked, and the Park and it was 23 feet. Councillor Prosser also provided photographs of the area to give context (Appendix 6).

What Councillor Davies said

33. In response to being notified of the complaint made against him (Appendix 7), Councillor Davies identified a difficult historical relationship with Councillor McPherson, Councillor Curry and Councillor Prosser. He said that the complaint was “politicised and fabricated”. Councillor Davies said that he uses the term “outsiders” to refer to “county lines”.

34. Councillor Davies said that, when Councillor McPherson and Councillor Curry first approached him on 9 February, they asked him what he was doing there. He said Councillor Curry told him that the Park was nothing to do with him “along with a personal attack” including that he was a horrible man and evil. Councillor Davies said there was an exchange of words between them; he said he was not racist or prejudiced. He said he did not swear as he does not use that type of language in public or private.

35. During a telephone conversation with my Investigation Officer (Appendix 7), Councillor Davies said that Councillor Curry had told him he was an evil, nasty man after what he had previously put on Facebook. He said that when he asked what she was referring to, she told him he would have to find out for himself. He again said he was not racist.

36. In a further telephone conversation with my Investigation Officer (Appendix 7), Councillor Davies said that Councillor McPherson had alleged that he was racist and that “maybe he was”. He said that there was a problem with people from England being put in the Ward who had a history of crime and drugs or were “hardened criminals”.

37. On 20 October 2021 having been provided the file of evidence when invited for interview, Councillor Davies provided further comments and an aerial image of the location of the Park (Appendix 7). He said that he was further away from the Park when the interaction occurred than was suggested by witnesses. He reiterated that Councillor Curry’s opening comment to him was that he was evil and nasty with a “barrage of support with Councillor McPherson in tow”.

38. Shortly before his interview, Councillor Davies provided a written statement in response to the allegations made against him (Appendix 8). He did not consider that he had breached paragraphs 4(a), 4(b), 4(c) and 6(1)(a) of the Code of Conduct.

39. When interviewed, Councillor Davies said (Appendix 9):

- He was acting in his role as an elected member when speaking to Mr Steven Lewis⁶ and that he was acting in his private capacity during the interaction with Councillor McPherson and Councillor Curry (“the Interaction”).
- He was approximately 100 yards away from the Park at the time of the Interaction. It was quite quiet in the Park at the time, and he estimated there to have been 4 or 5 people there, at most. There was nobody around them at the time of the Interaction and they were “well away” from the Park.
- After seeing Councillor McPherson and Councillor Curry arrive, he decided to wait and see what they had to say.

⁶ Councillor Davies initially referred to Mr Lewis as John during the interview but later confirmed that he was referring to Mr Steven Lewis

- The first words said to him by Councillor Curry were “You are an evil and nasty person” and she was referring to a Facebook post he had made. He said he was met with a “barrage of abuse” which was forceful language, but not shouting, and that the comments were personal and about his Facebook posts.
- He stepped over the mark and called the 2 Councillors “drop-in councillors”.
- He said he did not use the term “foreigners” but conceded that he used the term “outsiders” in respect of the 2 Councillors’ knowledge of the Ward and its history. He denied saying that Councillor McPherson and Councillor Curry would never be welcome.
- He agreed that he said “Wales are [sic] for Welsh people, and we have a Welsh community here” but not in respect of people from outside Wales settling in Wales.
- He did not think that he had referred to Councillor McPherson and Councillor Curry as “English outsiders”.
- He could not recall telling Councillor McPherson to either “F off” or to “Fuck off”, or saying anything about race, religion or being gay.
- The Interaction was “heated” - he did not shout, but he imagined his voice would have been raised in defence. He said there was no shouting between any of them.
- He did not lose his temper, but he was angry.
- The Interaction lasted at least 10 minutes.

40. In relation to the Facebook post that Councillor McPherson said was posted by Councillor Davies on the evening of 9 February (Appendix 1), Councillor Davies said:

- The Facebook page on which the post was made is a personal page. He said that he has a councillor Facebook account but had not been able to access it for about a year.
- The post related to 2 “druggies” from England that have caused him and his wife, and other elderly constituents some trouble both before and after the Interaction.
- Councillor McPherson and Councillor Curry are mistaken in thinking that the 2 outsiders he referred to in the post were them.
- This Facebook post was not the Facebook post referred to by Councillor Curry at the start of the Interaction.
- He could not recall when he had made the post as he was posting a lot on Facebook around that time. He believed the Facebook post was made after the Interaction.
- The Town Clerk advised him to delete the post, which he did.

41. When reflecting on the Interaction, Councillor Davies said:

- He interacted with Councillor McPherson and Councillor Curry as he wanted to “neutralise” the situation and not “let the bully get the better of me”.
- He said that, in hindsight, he should have driven away without giving Councillor McPherson and Councillor Curry any opportunity to speak to him.

42. In commenting on the draft version of this report [Appendix 12], Councillor Davies disputed their distance from the Park when the Interaction occurred. He said that they were close on 70 yards away from the Park and provided a photograph of where his van was parked from the perspective of the park.

43. Councillor Davies said that, due to historical ill-health, he does not work himself up to avoid further risks to his health.

44. He said that the complaint against him was part of a long-standing bullying effort by Councillors McPherson, Curry and Prosser, made in an attempt to discredit him in public. He said that his comments on Facebook about “two English drug people” was not about the 2 councillors, and he would not have called Councillor McPherson and Councillor Curry “two English people”. He said that he would not have called Councillor Curry English as she hails from Ireland.

45. Councillor Davies provided character statements from 4 individuals [Appendix 12].

Undisputed facts

46. The Ward is a multicultural and diverse community.

47. Councillor Davies had concerns about the development of the Park in the Ward.

48. An interaction occurred between Councillor Davies and Councillor McPherson, who was in the company of Councillor Curry, on 9 February 2021.

49. Councillor Davies called Councillor McPherson and Councillor Curry “drop-in councillors” and “outsiders”.

50. Councillor Davies said, “Wales are [sic] for Welsh people, and we have a Welsh community here”.

51. Councillor Davies was angry and raised his voice.

52. Councillor Davies said that, in hindsight, he should have driven away from the situation.

53. Councillor Davies was responsible for the Facebook message Councillor McPherson said was posted on the evening of 9 February 2021.

54. Councillor Davies deleted the Facebook post after receiving advice from the Town Clerk.

Disputed facts

55. Was Councillor Davies acting in his capacity as an elected member at the time of the Interaction?

56. Was Councillor Davies subject to a barrage of abuse from Councillor McPherson and Councillor Curry?

57. Did Councillor Davies shout during the Interaction?

58. Did Councillor Davies use discriminatory language towards Councillor McPherson and Councillor Curry on 9 February 2021?

59. Did Councillor Davies tell Councillor McPherson to either “F off” or to “Fuck off”?

60. Could members of the public have heard the Interaction?

61. Was the Facebook post said to be posted on 9 February 2021 directed towards Councillor McPherson and Councillor Curry, following the Interaction?

Analysis of evidence

Was Councillor Davies acting in his capacity as an elected member at the time of the Interaction?

62. Councillor Davies said that, whilst he was acting in his capacity as an elected member immediately prior to the Interaction when meeting

Mr Lewis, he was acting in his private capacity during the Interaction. It is my view that, given the proximity of the Interaction following his discussion with Mr Lewis and the fact that the nature of the Interaction related to Council matters, Councillor Davies was acting in his capacity as an elected member at the time of the Interaction.

63. In relation to the Facebook post said to be posted on 9 February 2021, Councillor Davies said that the post was made on his private Facebook account. He said that he used his private account to post about Council matters as he has been unable to access his councillor Facebook account for approximately a year. He also said that he was posting a lot on Facebook at the relevant time.

64. Given the nature of the post, and that Councillor Davies said that it was a “message to the system” and that he used it to raise awareness of problems in the Ward, it is my view that Councillor Davies was acting or giving the impression he was acting in his role as an elected member when publishing the post.

Was Councillor Davies subject to a barrage of abuse from Councillor McPherson and Councillor Curry?

65. Councillor Davies referred to being subject to a “barrage of abuse” from Councillor McPherson and Councillor Curry which lasted at least 10 minutes. He told my Investigation Officer that Councillor Curry’s first words to him during the Interaction were that he was “an evil and nasty person”, but did not provide any detail of what else was said by the 2 Councillors, other than what was said was personal and about his previous Facebook posts.

66. Councillors McPherson and Curry both said that it was Councillor Davies who initiated the conversation by telling them that he was not happy with a number of issues at the Park. Councillor Prosser said that Councillor Davies “just went for them”. By his own admission, Councillor Davies said that, after seeing the 2 Councillors arrive, he decided to see what they had to say.

67. Given Councillor Davies' failure to elaborate on exactly what Councillor Curry said to him during the "barrage of abuse" for at least 10 minutes, the corroborating accounts of both Councillor McPherson and Councillor Curry, and Councillor Prosser's account, I am of the view on the balance of probabilities that Councillor Davies was not subject to a barrage of abuse from Councillor Curry.

Did Councillor Davies shout during the Interaction?

68. Councillor Davies admits that he raised his voice during the Interaction. He denied shouting. By his own admission, he was angry during the Interaction. Councillor Curry described Councillor Davies shouting and Councillor Prosser said that he heard Councillor Davies despite being sat in a car with the windows closed. In addition, Councillor McPherson described Councillor Davies shouting "F off" as he walked away; he heard this despite being partially deaf.

69. For these reasons, it is my view that, on the balance of probabilities, it is more likely than not that Councillor Davies shouted during the Interaction.

Did Councillor Davies use discriminatory language towards Councillor McPherson and Councillor Curry on 9 February 2021?

70. Councillor Davies denied calling Councillor McPherson and Councillor Curry "foreigners" and "English outsiders". He also denied saying that they would never be welcome and that "Wales are [sic] for Welsh people, and we have a Welsh community here". He did, however, admit to using the term "outsiders" towards Councillor McPherson and Councillor Curry due to, what he said was, their limited knowledge of the Ward and its history. He also admitted to calling them "drop-in councillors". In a telephone conversation with my Investigation Officer (Appendix 7), Councillor Davies conceded that he may have used racist language during the Interaction.

71. On balance, I consider that the evidence suggests that Councillor Davies did use discriminatory language during the Interaction.

Did Councillor Davies tell Councillor McPherson to either “F off” or to “Fuck off”?

72. When responding to the complaint, Councillor Davies denied swearing (Appendix 7). He said that he did not use that type of language in public or private. When interviewed, he said (Appendix 9) that he may have thought the words but did not think he had said the words. He added that he could not recall telling Councillor McPherson to either “F off” or to “Fuck off”.

73. Councillor Davies’ evidence changed from initially saying that he never used such language, to saying he did not recall using such language during the Interaction. In view of this change of position and on the balance of the evidence, I consider that the evidence suggests that Councillor Davies did use one of these terms towards Councillor McPherson.

Could members of the public have heard the Interaction?

74. There is a discrepancy between the account of Councillor Davies and the account of the witnesses in relation to exactly where the Interaction occurred. Councillor Davies had distanced himself from the Park, initially explaining that he was 100 metres away and, when commenting upon the draft of this report, that he was close to 70 yards away. He also provided an annotated aerial photograph showing where the vehicles were parked and a photograph of where his van was parked from the viewpoint of a person in the Park. His evidence is contradicted by witnesses. Mr Lewis described speaking to Councillor Davies outside the Park’s fencing. Councillor McPherson described standing by the Park and Councillor Curry said they were directly in front of the Park. Mr Davies, who was some distance from the area, said that the 3 councillors were approximately 30-40 metres from the middle of the Park. Councillor Prosser provided photographs of the area and measured the distance to be 23 feet between where Councillor Davies’ van was parked and the Park.

75. Similarly, there is a discrepancy between the account of Councillor Davies and the account of witnesses in relation to the number of members of the public in the area. Whilst he admitted there were people in the Park, he said the Interaction occurred “well away” from the Park with nobody around them. Contrastingly, Mr Lewis estimated there to be

20 people in the Park, Councillor Curry described half a dozen parents with 1 or 2 children each in the Park, Councillor Prosser described there being 10-15 people in the Park, and Councillor McPherson described the Park as being “full”. In addition, witnesses have described people in the Park looking in the direction of the Interaction.

76. The evidence of the various parties varies regarding the number of people in the Park and the distance between the members of the public and the Interaction, including differing accounts provided by Councillor Davies himself. However, on balance, I consider it likely that the Interaction occurred close to members of the public and was sufficiently loud that they could have heard the Interaction and the language used by Councillor Davies.

Was the Facebook post directed towards Councillor McPherson and Councillor Curry following the Interaction?

77. The Facebook post provided as evidence is undated. Both Councillor McPherson and Councillor Curry said that the post was made on the evening of 9 February 2021. On 10 February, in his email to the Clerk, Councillor Prosser described the post as Councillor Davies’ “most recent” Facebook post.

78. Councillor Davies was uncertain about when this Facebook post was published although he believed that it was posted after the Interaction. He denied that the post was aimed at Councillor McPherson and Councillor Curry following the Interaction. He stated that it was instead aimed towards 2 “druggies” from England. When interviewed, he conceded that the 2 drug users did not follow him on Facebook and were unlikely to receive his “message”.

79. Given the topic of the post being very similar in tone and content to the allegations made against Councillor Davies during the Interaction, the reference to “Two outsiders I had a strong chat with today” and “NEXT TIME YOU WANT TO HAVE A GO AT ME”, and that Councillor Davies removed the post after being advised to do so by the Clerk, I am of the view that, on the balance of the evidence available, this Facebook post was directed at Councillor McPherson and Councillor Curry.

Conclusions

80. In conclusion, having considered all the available evidence, I have concluded that Councillor Davies' conduct was such that it may amount to a breach of paragraphs 4(a), 4(b), 4(c) and 6(1)(a) of the Code of Conduct.

81. In relation to paragraph 4(a) of the Code of Conduct, I consider that Councillor Davies used discriminatory language towards Councillor McPherson and Councillor Curry during the Interaction on 9 February 2021, which is suggestive of a breach of paragraph 4(a) of the Code of Conduct by failing to have due regard to the principle that there should be equality of opportunity for all people, regardless of their race.

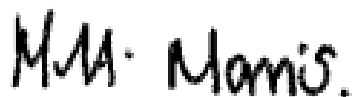
82. When considering complaints of a failure to show respect and consideration, I will consider the specific circumstances of the case and whether there was an attempt to intimidate or undermine the individuals involved. Councillor Davies' language, both during the Interaction and subsequently in his Facebook post was, in my view, an attempt to intimidate and undermine both Councillor McPherson and Councillor Curry. I consider that Councillor Davies' behaviour is suggestive of a breach of paragraph 4(b) of the Code of Conduct.

83. Paragraph 4(c) of the Code of Conduct states that members must not use bullying behaviour or harass any person. Bullying can be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour. It may happen once or be part of a pattern of behaviour. When considering allegations of bullying and harassment, I will consider both the perspective of the alleged victim and whether the member intended their actions to be bullying. Councillor Davies denied that his actions breached the Code of Conduct. Councillor McPherson said that Councillor Davies' behaviour caused him upset and made him sad. Councillor Prosser, who witnessed the Interaction, said that Councillor McPherson was visibly shaking and really upset. Councillor Curry said that she was "shook up" after the Interaction. On balance, I consider that Councillor Davies behaved in a way that is suggestive of a breach of paragraph 4(c) of the Code of Conduct.

84. I have considered very carefully whether Councillor Davies' actions might also be suggestive of a breach of paragraph 6(1)(a). As a member, Councillor Davies' actions and behaviour are subject to greater scrutiny than those of ordinary members of the public. His role as Deputy Mayor (and now as a newly elected member of Carmarthenshire County 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 his office and his Council into disrepute. As I am satisfied that Councillor Davies' behaviour was suggestive of a breach of paragraphs 4(a), 4(b) and 4(c), I am of the view that it would be reasonable to regard such conduct as capable of bringing his office or authority into disrepute and is, therefore, suggestive of a breach of paragraph 6(1)(a).

Finding

85. My finding under section 69 of the Act is that my report on this investigation should be referred to the Monitoring Officer of Carmarthenshire County Council for consideration by the Council's Standards Committee.

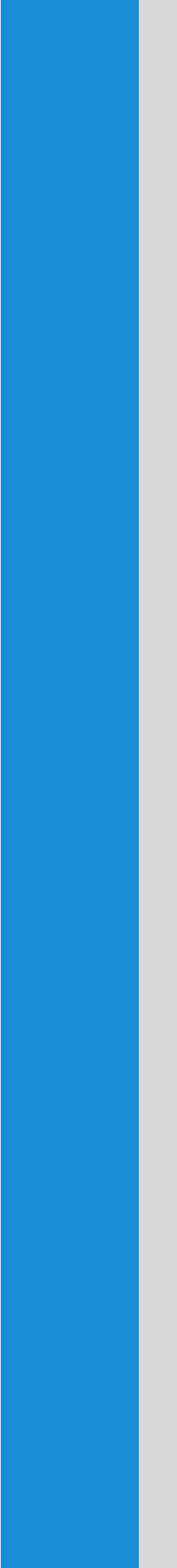


Michelle Morris
Ombudsman

27May 2022

Appendices

Appendix 1	The complaint
Appendix 2	Code of Conduct
Appendix 3	Declaration of acceptance of office
Appendix 4	Investigation start letter
Appendix 5	Information from Clerk
Appendix 6	Witness statements
Appendix 7	Member comments during investigation
Appendix 8	Member written statement before interview
Appendix 9	Transcript of Member interview
Appendix 10	Character witness statements
Appendix 11	My guidance on the Code of Conduct
Appendix 12	Member comments on the draft version of this report



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Mae'r dudalen hon yn wag yn fwriadol

APPENDIX 1

Complaint Reference: JUY9NMKM

Your details

Title

cllr

Forename(s)

Andre

Surname

Mcperson

House name/number and Street

[REDACTED]

Address Line

2

Address Line

3

Town

[REDACTED]

County

[REDACTED]

Postcode

[REDACTED]

Country

[REDACTED]

Phone

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Tudalen 38

ask@ombudsman.wales

0300 790 0203

Mobile

[REDACTED]

Email

[REDACTED]

How would you prefer us to contact you?

Email

Are you filling this form out on behalf of someone else?

No

Please choose your preferred language for communicating with us.

English

Your Complaint

Organisation - please select from the list. If your complaint is about more than one organisation, you will need to submit a separate complaint for each one. If the body you are complaining about does not appear in the list below please telephone us on 0300 7900203 or email ask@ombudsman-wales.org.uk

Llanelli Town Council

Councillor Name

Cllr Terry Davies

Explain how the individual has breached the Code of Conduct.

Please say which or refer to the paragraphs of the "Code" you think the member has breached.

Please also include the names and contact details of any witnesses relevant to your complaint.

I feel I have no choice but to make a formal complaint about Cllr Terry Davies, Deputy Town Mayor and his behaviour towards myself and my fellow elected member Cllr Curry.

This is an outline of what took place on 9th February at 14.05:

Both Cllr Curry and I received a WhatsApp invite from Arfon Davies (Deputy Town Clerk) as the park contractor for the new park

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ask@ombudsman.wales

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in Tyisha to go over the snagging list we had highlighted. I messaged back to say that I would attend, as did Cllr Curry; we were both close to the park at the time.

As Cllr Curry and I arrived simultaneously in separate cars, we noticed that Town Councillor Terry Davies was standing by the side of the new children's play park, near the road and seemed to want to speak to both of us.

As we got out of our cars, Cllr Davies said: "he didn't know if we had bothered to speak to the clerk or the deputy clerk about the new park, but he wasn't happy with several issues." Cllr Curry informed him that we are both in constant contact with the officers about the park, were fully aware of the snagging issues and were dealing with it. I have to say I was a little taken aback to see him at the park as he had not been optimistic about the project from the start, even hostile to the project. This was in contrast to myself and Cllr Curry, who had been campaigning for the money to build the new park and getting the community involved.

Cllr Davies said to both of us, "we knew nothing' as we were foreigners and outsiders and not from around here", he repeated this several times. I was taken aback by this as I have lived in the Llanelli area for over 22 years and live within walking distance of the park. Cllr Curry also informed him of the same information around herself and how long she had lived here.

Calling us English outsiders, to say the least, is upsetting as I took this as racist rebuff and felt this was not how a town councillor should behave and definitely not how a Deputy Town Mayor should behave. He kept saying, "Wales should be for the Welsh people and that outsiders have no business being councillors here." He expressed his disgust at incomers being dumped on Welsh communities and said loudly that we would never be welcome.

We both felt upset and insulted at this stage, Cllr Curry walked away towards Arfon Davies to start the meeting, who was in the dog park talking to the contractors. I stayed with Cllr Davies, who carried on about us not being welcome. As a gay Jewish person this brought extra upset as I have been told this in other environments and it made me sad. There were children playing in the park; I have significant concerns about them overhearing this and not feeling welcome in their community by a Deputy Mayor and ward town councillor. I decided to end the conversation, so I walked away. As I did, I heard him shout "F Off" as I am partially deaf for me to hear him so clearly, he must have shouted very loudly.

Mr Arfon Davies informed me that he hadn't invited Cllr Terry Davies and did not know why he was there. I told Arfon Davies of a few of the things that Cllr Terry Davies had said to me, including his language, at which he rolled his eyes. I did not elaborate as the meeting was starting with the contractor.

I believe this is conduct unbecoming of a councillor, and he brought the council into disrepute. He did this by:

- Expressing discriminatory words based on nationality when saying, "Wales is for the Welsh." While this was aimed at Cllr Curry and me as people born in England, it could also discriminate against many of our non UK constituents, who are protected under the Equality Act 2010;
- He was abusive, using the F word towards elected members.
- The behaviour amounts to bullying other elected members and is beyond the usual acceptable political criticisms;
- He repeated his "outsider" language in a Facebook post that evening where he said for the two outsiders he'd had a strong chat with today.' (screenshot attached).
- His repeated abuse is harassment by being a course of unwanted behaviour that neither I nor Cllr Curry welcome.

I have considered the Equality Act 2010 and how his language was discriminatory under its definition in support of this complaint.

The Equality Act says its discrimination if you're mistreated because of specific reasons. These reasons are called protected characteristics. The race is one of the protected characteristics under the Equality Act.

Race discrimination is when you're mistreated because of one of the following things:

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- colour
- nationality
- ethnic origin
- national origin.
- Sexuality
- Religious background

I believe Cllr Davies saying “Wales is only for the Welsh” discriminates against many groups, including myself as a British citizen. In this case, Cllr Davies made several comments based on my national origin as English and not Welsh. This language was in a public park and would have discriminated against any constituent of a different national origin who may have overheard (the park was full at the time and is regularly used by European and Syrian families).

I also believe his behaviour is a breach of the Councillors code of conduct, namely the failure to

- show due regard for the principle of equality;
- show respect and consideration for others;
- not use bullying behaviour or harass another person;

I ask that you investigate this behaviour and take action against Cllr Terry Davies to show that this discriminatory language and abusive behaviour is unacceptable. I request that this be sent to the standards committee and/or the Ombudsman.

Supporting Documents

Declaration

I wish for the Public Services Ombudsman for Wales to consider my complaint.

I understand that my complaint form and all material supplied with it (including my identity) may be disclosed in full to the member who I am making a complaint against and that this information may become public knowledge. This information will also usually be disclosed to the Monitoring Officer and Clerk (where applicable) of the appropriate Council.

I understand that I may be required to give spoken evidence in public in support of my complaint to the authority’s standards committee, or any case tribunal which may be appointed to consider any report which the Ombudsman may issue if he decides to investigate my complaint.

Privacy

When considering your complaint, the Public Services Ombudsman for Wales will process your personal information, which may include health or social services records if your complaint relates to one of these areas. Further information about how we

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process your personal information is available in the Privacy Notice for Complainants & Representatives here. A copy of this notice will also be attached to your confirmation email.

Privacy

Authorisation given



3 m ·

For the Two outsiders I had a strong chat with today. We need a genuine party that builds here in Llanelli, Tyisha has been through a traumatic 30 years in decline. You have no idea what people have suffered here because of bad social decisions. The promises made to us that ended up as lies for the vote. As for one A stating the people here were my customers. you lack the understanding of a Welsh community, How the businesses here are conducted, All my customers were personal friends and the business was all about the community and still is successfully operating that way. Wales communities, it's every standards are being eroded by people being decanted here to rid of their troubles and the problem is clear. communities are being fragmented by antisocial, by people who do not want to change their ways to be sociable. Housing is losing value because of it , setting up a chain reaction to more landlords portfolios and properties that welcome this association of people that give this community hell. NEXT TIME YOU WANT TO HAVE A GO AT ME. understand I have been through it with my family as a resident for 50 years, with a successful business that looked after the community here in Tyisha.



APPENDIX 2



LLANELLI TOWN COUNCIL

MEMBERS' CODE OF CONDUCT

As set out in the Schedule to The Local Authorities (Model Code of Conduct)(Wales)
Order 2008 as amended by the The Local Authorities (Model Code of
Conduct)(Wales)(Amendment) Order 2008 (No 2016/84) –effective from 1 April 2016

Adopted at the meeting of Llanelli Town Council held on 6th April 2016

LLANELLI TOWN COUNCIL
MEMBERS' CODE OF CONDUCT

PART 1

INTERPRETATION

1.—(1) In this code —

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

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

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

“meeting” (“cyfarfod”) means any meeting —

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990⁽¹⁾,

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

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

“registered society” means a society, other than a society registered as a credit union, which is —

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and provident Societies Act (Northern Ireland) 1969;

“register of members’ interests” (“corfrestr o fuddiannau’r aelodau”) means the register established and maintained under section 81 of the Local Government Act 2000;

“relevant authority” (“awdurdod perthnasol”) means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004⁽²⁾ or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995⁽³⁾;

⁽¹⁾ S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.

⁽²⁾ 2004 c.21

⁽³⁾ 1995 c. 25

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

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

(2) In relation to a community council –

- (a) “proper officer” (“swyddog priodol”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and
- (b) “standards committee” (Wpwyllgor safonau”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2

GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

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

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

- (a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

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

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

8. You must —

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
 - (i) the authority's head of paid service;
 - (ii) the authority's chief finance officer;
 - (iii) the authority's monitoring officer;
 - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

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

PART 3

INTERESTS

Personal Interests

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

- (i) any employment or business carried on by you;
- (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
- (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
- (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
- (vi) any land in which you have a beneficial interest and which is in the area of your authority;
- (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
- (viii) any body to which you have been elected, appointed or nominated by your authority;
- (ix) any —
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
 - (ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(b) a decision upon it might reasonably be regarded as affecting —

- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
- (ii) any employment or business carried on by persons as described in 10(2)(b)(i);
- (iii) any person who employs or has appointed such persons described in 10(2)(b)(i), any firm in which they are a partner, or any company of which they are directors;
- (iv) any corporate body in which persons as described in 10(2)(b)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(b)(i) hold a position of general control or management,

to a greater extent than the majority of—

- (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
- (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing —

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

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

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
- (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
- (iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

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

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

Participation in Relation to Disclosed Interests

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

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

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

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
- (b) you have the benefit of a dispensation provided that you —
 - (i) state at the meeting that you are relying on the dispensation; and
 - (ii) before or immediately after the close of the meeting give written notification to your authority containing —
 - (aa) details of the prejudicial interest;
 - (bb) details of the business to which the prejudicial interest relates;
 - (cc) details of, and the date on which, the dispensation was granted; and
 - (dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4

THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests and Memberships and Management Positions

15.—(1) Subject to sub-paragraph (3), you must, within 28 days of—

- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
- (b) your election or appointment to office (if that is later),

register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraph (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

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

//Company/My Documents/Councillors/Members' Code of Conduct 2008

APPENDIX 3

LLANELLI TOWN COUNCIL

CYNGOR TREF LLANELLI

DECLARATION OF ACCEPTANCE OF OFFICE

DATGANIAD DERBYN SWYDD

I/Yr wyf i, IRREY DAVID.....

having been elected to the office of Councillor for the Tyisha Ward of Llanelli Town Council

a minnau wedi fy ethol i swydd Cyngorwr dros Ward Tyisha o Gyngor Tref Llanelli

DECLARE that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

YN DATGAN fy mod yn cymryd arnaf fy hun y swydd honno, ac y byddaf yn cyflawni dyletswyddau'r swydd yn briodol ac yn ffyddlon hyd eithaf fy marn a'm gallu.

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

Yr wyf yn ymrwymo i barchu'r cod ymyddygiad a ddisgwylir oddi wrth aelodau Cyngor Tref Llanelli ac sy'n bodoli am y tro ac a allai gael ei adolygu o dro i dro.

Signed:

Llofnodwyd: IRREY DAVID.....

Date:

Dyddiad: 8th of 5th 2017.....

This declaration was made and signed before me,

Cafodd y datganiad hwn ei wneud a'i lofnodi ger fy mron,

David Jones.....

Town Clerk
Clerc y Dref

APPENDIX 4

Our ref: 202005902/SJ/DT

Ask for: Sarah Jones



01656 644238

Date: 14 April 2021



Sarah.Jones
@ombudsman-wales.org.uk

PERSONAL & CONFIDENTIAL

Councillor Terry Davies
87 Tyisha Road
LLANELLI
SA15 1RP

By email only
terrygas87@gmail.com

Dear Councillor Davies

Code of Conduct complaint made by Councillor Andre McPherson

The Ombudsman has now decided to investigate the complaint made against you by Councillor McPherson, of which you were informed on 17 March 2021.

I have been asked to carry out the investigation.

The investigation

The complaint will be investigated on the basis that there may have been a failure to comply with the following paragraphs of the Code:

- 4(a) – You must carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.
- 4(b) – You must show respect and consideration for others.
- 4(c) – You must not use bullying behaviour or harass another person.
- 6(1)(a) – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

You need not respond to this letter if you do not wish to. However, any comments made at this stage will be taken into consideration. You should bear in mind that your comments may also be disclosed to the complainant or used in any subsequent proceedings.

If my investigation finds that there is a case to answer, I will in due course put to you the evidence I have found, and you may be invited to interview to answer any questions which appear relevant in the light of it.

This letter is only being sent electronically. A hard copy will not be sent unless you ask for one.

I have written to notify the Monitoring Officer of Carmarthenshire County Council and to the Clerk to Llanelli Town Council of this investigation and have asked for any relevant information.

The Ombudsman's investigations are conducted in private. You are therefore asked not to contact or discuss the details of the complaint with any potential witnesses or persons who may be involved in the matter, whether directly or indirectly, to avoid any prejudice to the investigation. Conduct of this kind may amount to a breach of the Code.

If you consider that specific information should be considered, or witnesses should be contacted by the Ombudsman as part of this investigation please let me know and I will consider your request in light of the remit of the Ombudsman's investigation.

Action required from you

In your response to the Ombudsman dated 28 March 2021, you said that you were speaking to a constituent, Mr Stephen Green of Columbia Row, just prior to the events subject to this complaint. As Mr Green may have witnessed events, I would be grateful if you could provide his contact details by **28 April 2021** so that I can contact him during the course of the investigation.

Meeting your needs during our investigation

Please let us know if you need us to adapt the way we communicate with you. If anything makes it difficult for you to engage with us during the investigation, for example, if you have a disability, please contact us to explain how this affects you.

We will consider whether your request is reasonable and appropriate in the circumstances. This is because we need to use public money carefully.

Yours sincerely



Sarah Jones

Swyddog Ymchwilio/Investigation Officer

APPENDIX 5

From: Gary Jones
Sent: Thu, 15 Apr 2021 14:53:01 +0000
To: David Tremain;caseinfo;sarah.jones@omudsman-wales.org.uk
Subject: IN - Clerk - Requested Documents

Dear Sarah,

Further to your letter dated 14th April 2021 please find the attached documents as requested.
Our records show that Cllr. Davies attended a Code of Conduct training session on 17th March 2021.
There have been opportunities to attend annual courses provided by the County Council but I am unable to say if Cllr. Davies attended one.

Kind regards,

Gary

From: David.Tremain@ombudsman-wales.org.uk <David.Tremain@ombudsman-wales.org.uk>
Sent: 14 April 2021 11:26
To: Gary Jones <garyj@Llanellitowncouncil.gov.uk>
Subject: Complaint made to the Ombudsman - 202005902 [REF/JX/zY/ak/aO/]



PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

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Egress gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru.**

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Services Ombudsman for Wales**

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communicate securely.

Os yw Switch wedi'i osod, yn syml agorwch yr atodiad.

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Datganiad Cyfrinachedd: Mae'r e-bost ac unrhyw ffeiliau a drosglwyddir gydag ef yn gyfrinachol ac at ddefnydd yr unigolyn neu'r sefydliad y cyfeiriwyd hi ato. Os ydych chi wedi derbyn yr e-bost hwn trwy gamgymeriad, a wnewch chi roi gwybod i'r sawl a'i anfonodd.

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Ombwdsmon Gwasanaethau Cyhoeddus Cymru/ Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae


Pencoed

Pen-y-Bont ar Ogwr/ Bridgend/

CF35 5LJ

www.ombwdsmon-cymru.org.uk / www.ombudsman-wales.org.uk

<https://twitter.com/OmbudsmanWales>

Hybu  Gymraeg

Gallwch ysgrifennu atom yn Gymraeg a byddwn yn ymateb yn Gymraeg. Ni fydd hyn yn arwain at oedi cyn ymateb.

Welsh Language Promotion

You can write to us in Welsh and we will reply in Welsh. This will not lead to a delay in responding.

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

Mae Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data.

Mae ein [Hysbysiad Preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd.



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Bydd pob galwad yn cael ei recordio ar gyfer dibenion hyfforddi a chyfeirio

All calls are recorded for training and reference purposes

Ystyriwch yr amgylchedd  a oes wir angen i chi argraffu  neges e-bost hon?

Please consider the environment - do you really need to print this email?

From: Arfon Davies <arfond@llanellitowncouncil.gov.uk>
Sent: 24 August 2020 10:45
To: Arfon Davies <arfond@llanellitowncouncil.gov.uk>
Cc: Gary Jones <garyj@llanellitowncouncil.gov.uk>
Subject: FW: Code of Conduct Training 2020/Hyfforddiant Côt Ymddygiad 2020

Annwyl Cyngorydd / Dear Councillor

Please see attached for your information

Cofion gorau / Best wishes

Arfon

Arfon Davies MIWFM

Cyngor Tref Llanelli Town Council
The Old Vicarage
Town Hall Square
Llanelli
SA15 3DD

Ebost / Email: arfond@llanellitowncouncil.gov.uk
Ffon / Tel: 01554 779993
Wefan / Website: www.llanellitowncouncil.gov.uk

Yr wyf yn medru ateb eich neges yn Gymraeg neu Saesneg
I am able to answer your message in Welsh or English

From: Avril McAvoy <AYMcAvoy@carmarthenshire.gov.uk>
Sent: 24 August 2020 10:36
To: Subject: Code of Conduct Training 2020/Hyfforddiant Côt Ymddygiad 2020

Regards

A.Y. McAvoy
Legal Support Assistant
Cynorthwy-dd Cymorth Cyfreithiol

Ext/Yst. 4032
Telephone/Rhif ffon: 01267 224032

Gofynnwr am / Please ask for:
Robert Edgecombe

Llinell Uniongyrchol / Direct Line:
01267 224018

E-bost Uniongyrchol / Direct E-mail:
rjedgeco@carmarthenshire.gov.uk

Dyddiad / Date: August 24th, 2020

Eich cyf / Your ref:

Fy nghyf / My ref: DPSC-182/RJE

Ffacs / Fax:

DX:744630 Carmarthen 10

Dear Sir/Madam,

Re: Code of Conduct Training for Town and Community Councillors

You will be aware that for several years the Standards Committee of Carmarthenshire County Council has arranged and hosted annual code training sessions in County Hall, Carmarthen.

Unfortunately, due to the Coronavirus pandemic it has not been possible to hold such sessions in 2020. However, a revised power point presentation had been prepared in anticipation of such events taking place.

A copy of this presentation is enclosed for you to share with your members by way of a refresher.

Yours faithfully

Robert Edgecombe

**HYFFORDDIANT CÔD YMDDYGIAD AR
GYFER CYNGHORWYR TREF A
CHYMUNED
2020**

**CODE OF CONDUCT TRAINING FOR
TOWN AND COMMUNITY COUNCILLORS
2020**

RHAGLEN PROGRAMME

Cyflwyniad

Egwyddorion Nolan

Pryd mae'r côd yn gymwys

Dyletswyddau Cyffredinol

Buddiannau Personol

Buddiannau Rhagfarnol

Buddiannau Eithriedig

Gollyngiadau

Gorfodaeth

Ble gallwch gael cyngor

Casgliad

Cwestiynau

Introduction

The Nolan Principles

When the Code Applies

General Duties

Personal Interests

Prejudicial Interests

Exempt Interests

Dispensations

Enforcement

Where to seek advice

Conclusion

Questions

CYFLWYNIAD INTRODUCTION

**Mae'r Côd yn seiliedig ar
Egwyddorion Nolan ar
gyfer ymddygiad ym
mywyd cyhoeddus**

**Mae'n rhaid i bob Cyngor
fabwysiadu ei gôd ei hun
yn seiliedig ar fodel
Llywodraeth Cynulliad
Cymru. Diwygiwyd
diwethaf – Haf 2016**

**Pwyllgor Safonau – 9 aelod.
3 Cynghorydd Sir, 1
Cynghorydd Cymuned a
5 aelod annibynnol
cyfetholedig.**

**Code based upon the Nolan
Principles for conduct in
public life**

**Each Council must adopt
its own code based on
the WAG model. Last
revised – summer 2016**

**Standards Committee – 9
members. 3 County
Councillors, 1
Community Councillor
and 5 co-opted
independent members.**

Egwyddorion Nolan

The Nolan Principles

- Pwyllgor Safonau mewn Bywyd Cyhoeddus – 7 egwyddor
- **Anhunanoldeb**
- **Uniondeb**
- **Gwrthrychedd**
- **Atebolrwydd**
- **Bod yn agored**
- **Gonestrwydd**
- **Arweinyddiaeth**
- Committee on Standards in Public Life – 7 principles
- **Selflessness**
- **Integrity**
- **Objectivity**
- **Accountability**
- **Openness**
- **Honesty**
- **Leadership**

PRYD MAE'R CÔD YN GYMWYS WHEN THE CODE APPLIES

PRYD MAE'R CÔD YN GYMWYS WHEN THE CODE APPLIES

**Mewn unrhyw gyfarfod
swyddogol y cyngor**

**Mewn unrhyw gyfarfod gydag
aelodau neu swyddogion**

**Wrth weithredu fel
Cynrychiolydd y Cyngor neu
ymddangos eich bod yn
gwneud hynny**

**Wrth ymgymryd â busnes y
Cyngor**

**Wrth weithredu mewn unrhyw
rôl swyddogol arall**

**Wrth gynrychioli'r Cyngor ar
gorff arall**

AC

In any official council meeting

**In any meeting with members
or officers**

**When acting as a Council rep
or appearing to do so**

**If conducting Council
business**

**If acting in any other official
role**

**If a Council rep on another
body**

AND

PRYD MAE'R CÔD YN GYMWYS WHEN THE CODE APPLIES

**UNRHYW BRYD OS YW'R
CANLYNOL YN
BERTHNASOL:**

**Os yw eich ymddygiad yn
debygol o ddwyn anfri ar
eich swyddfa neu'r Cyngor**

**Os ydych yn defnyddio eich
swydd i ennill mantais i chi
eich hun neu rywun arall**

**Os ydych yn camddefnyddio
adnoddau'r Cyngor**

AT ANY TIME IF:

**Your conduct is likely to
bring your office or the
Council into disrepute**

**You use your position to
gain an advantage for
yourself or another**

**You misuse Council
resources**

ASTUDIAETH ACHOS UN

CASE STUDY ONE

- Ysgrifennodd Cyngorydd A at ddyfarnwr cystadleuaeth gyhoeddus yn ceisio cael effaith andwyol ar siawns ymgeisydd penodol i ennill. Llofnododd y llythyr fel 'Cyngorydd A'.
- Ydy'r côd yn berthnasol?
- Os yw'n berthnasol, a fu achos o fynd yn groes i'r Côd?

Cllr A wrote to the adjudicator of a public competition attempting to harm the chances of a particular entry winning. He signed the letter as 'Cllr A'.

Does the code apply?

If it does, has there been a breach of the Code?

ASTUDIAETH ACHOS DAU

CASE STUDY TWO

- Gwnaeth Cynghorydd B sylwadau difrifol yn gyhoeddus am unigolyn a lofruddiwyd. Cafodd y sylwadau eu gwneud yn rhinwedd bersonol yr aelod ac nid fel Cynghorydd.
- Ydy'r Côt yn berthnasol?
- Os yw'n berthnasol, a fu achos o fynd yn groes i'r Côt?

Cllr B publically made derogatory comments about a murder victim. The comments were made in the members personal capacity and not as a Cllr.

Does the Code apply?

If it does has there been a breach?

ASTUDIAETH ACHOS TRI

CASE STUDY THREE

- Cafodd Cynghorydd C ei gyhuddo o sefydlu tudalen ar y cyfryngau cymdeithasol yn targedu busnes penodol mewn modd annheg. Cafodd y dudalen ei sefydlu yn rhinwedd bersonol y Cynghorydd ac nid oedd yn gysylltiedig â'i rôl fel Cynghorydd.
- Ydy'r côd yn berthnasol?

Cllr C accused of setting up a social media page unfairly targeting a particular business. The page was set up in the Cllr's personal capacity and unconnected with his role as Cllr.

Does code apply?

DYLETSWYDDAU CYFFREDINOL

GENERAL DUTIES

Cynghorwyr yn
ymddiheuro i staff am
gynnig 'defod baganaidd'

Councillors apologise to
staff over 'pagan ritual'
offer

Dirprwy Arweinydd Cyngor yng
Nghymru yn ymddiswyddo dan
gwmwl oherwydd y gair 'N'

Welsh N-word council deputy
resigns in disgrace

Ymchwilio i Gynghorydd
oherwydd neges e-bost
dramgwyddus

Councillor investigated for
'offensive' email

Gwrandawriad naw awr
ynghylch cynghorydd oedd
wedi 'bod yn bigitian yn gas
ar y cynion'

Nine-hour hearing over
councillor who 'bitched from
the sidelines'

DYLETSWYDDAU CYFFREDINOL – RHAID ICHI GENERAL DUTIES – YOU MUST

- **Hyrwyddo Cydraddoldeb**
- **Dangos parch ac ystyriaeth i eraill**
- **Peidio â bwlio neu aflonyddu eraill**
- **Peidio â pheryglu diffyg tuedd y swyddogion**
- **Peidio â datgelu gwybodaeth gyfrinachol**
- **Peidio ag atal mynediad at wybodaeth**
- **Peidio â dwyn anfri ar eich swyddfa neu'ch cyngor**
- **Promote Equality**
- **Show respect & consideration to others**
- **Not harass or bully others**
- **Not compromise your officers impartiality**
- **Not disclose confidential information**
- **Not prevent access to information**
- **Not bring your office or council into disrepute**

DYLETSWYDDAU CYFFREDINOL – RHAID ICHI GENERAL DUTIES – YOU MUST

- **Rhoi gwybod am achosion o dorri'r côd**
- **Peidio â gwneud cwynion blinderus**
- **Cydweithio ag ymchwiliadau**
- **Peidio â defnyddio eich swydd yn amhriodol**
- **Peidio â chamddefnyddio adnoddau'r Cyngor**
- **Gwneud penderfyniadau yn wrthrychol**
- **Ceisio cyngor a rhoi rhesymau dros beidio â'i ddilyn**
- **Report code breaches**
- **Not make vexatious complaints**
- **Cooperate with investigations**
- **Not use your position improperly**
- **Not misuse Council resources**
- **Reach decisions objectively**
- **Consider advice and give reasons for not following it**

DYLETSWYDDAU CYFFREDINOL – RHAID ICHI GENERAL DUTIES – YOU MUST

- **Cydymffurfio â rheolau ynghylch treuliau**
- **Peidio â derbyn anrhegion neu letygarwch sy'n eich rhwymo neu'n ymddangos eu bod yn gwneud hynny**
- **Comply with rules on expenses**
- **Not accept gifts or hospitality that obligates you or appear to do so**

ASTUDIAETH ACHOS PEDWAR

CASE STUDY FOUR

- Cafodd Cynghorydd D ei gyhuddo o fwlio a bod yn amharchus tuag at glerc drwy godi mater o natur bersonol yn ystod cyfarfod cyhoeddus nad oedd yn gysylltiedig â'r modd roedd dyletswyddau'r clerc yn cael eu cyflawni. Ydy hyn yn groes i'r Côt?
- Cllr D accused of being disrespectful and bullying towards clerk by raising matters of a personal nature during a public meeting which were unconnected with the performance of the clerk's duties. Is this a breach of the Code?

ASTUDIAETH ACHOS PUMP

CASE STUDY FIVE

- Gwnaeth Cynghorydd E sylwadau homoffobig mewn nifer o negeseuon e-bost i swyddog y Cyngor, gan gymharu cyfunrhywiaeth â phedoffilia. Ni rannwyd y negeseuon e-bost yn gyhoeddus.
- Oedd hyn yn groes i'r Côt?

Cllr E made homophobic comments in a number of emails to a council officer, in which he likened homosexuality to paedophilia. The emails were not shared publicly. Was there a breach of the Code?

ASTUDIAETH ACHOS CHWECH

CASE STUDY SIX

- Gwnaeth Cyngorydd F sylwadau anghwrtais a dilornus am y ffordd roedd cyd-gynghorwyr yn cyflawni dyletswyddau'r cler, a hynny mewn cyfarfodydd ac ar y cyfryngau cymdeithasol.
 - Ydy Cyngorydd F wedi mynd yn groes i'r Côt?
- Cllr F made rude and disparaging comments about the way in which fellow Cllrs were performing the role of clerk, both in meetings and on social media.
- Has Cllr F breached the Code?

BUDDIANNAU PERSONOL PERSONAL INTERESTS

“Mae'n rhaid i'r cyhoedd deimlo'n hyderus bod Cynghorwyr yn gweithredu er budd y cyhoedd, nid er eu budd eu hunain, neu er budd eu teulu a'u ffrindiau.”

(Ombwdsmon Gwasanaethau Cyhoeddus Cymru)

“The public must have confidence that Councillors are acting in the public's best interests, not their own, or those of their family and friends.”

(Public Services Ombudsman for Wales)

BUDDIANNAU PERSONOL PERSONAL INTERESTS

- Mae'r Côt yn rhestru nifer o sefyllfaoedd lle y mae buddiant personol yn codi
- Os oes gennych fuddiant personol yn unrhyw fater sy'n berthnasol i'r Cyngor, mae'n rhaidd ichi ddatgan y buddiant hwnnw
- Os yw'r buddiant hwnnw hefyd yn rhagfarnol ni allwch gymryd rhan neu bleidleisio.
- Yn ddelfrydol, dylai POB agenda gynnwys eitem sefydlog ynghylch datgan buddiannau gan fod hyn yn helpu i atgoffa'r aelodau i roi ystyriaeth ddifrifol i'r mater
- The Code lists a number of situations where a personal interest arises.
- If you have a personal interest in any council business you must declare that interest
- If that interest is also prejudicial you cannot participate or vote.
- ALL agendas should ideally contain a standing item on declarations of interest as this helps remind members to give serious thought to this issue

BETH YW BUDDIANT PERSONOL?

WHAT IS A PERSONAL INTEREST?

Os yw mater yn ymwneud â, neu'n debygol o effeithio ar;

- 1.Eich cyflogaeth neu'ch busnes**
 - 2.Eich cyflogwr neu fusnes yr ydych yn bartner ynddo neu'n gyfarwyddwr iddo**
 - 3.Unrhyw un (heblaw'r cyngor) sy'n cyfrannu at eich treuliau o ran etholiadau neu dreuliau aelodau**
- Neu...**

Where a matter relates to or is likely to affect;

- 1. Your employment or business**
- 2. Your employer or a business in which you are a partner or director**
- 3. Anyone (other than your council) who contributes to your election or members expenses**

Or....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Parhad..

4. Cwmni sydd â lleoliad busnes neu dir yn eich ardal y mae gennych 1% o gyfrannau ynddo (neu gyfrannau gwerth mwy na £25k)

5. Contract am nwyddau/gwasanaethau/gwaith rhwng eich cyngor a busnes yr ydych yn gyfranddaliwr neu'n gyfarwyddwr iddo

Neu.....

Contd..

4. A company with a place of business/land in your area in which you hold 1% of shares (or shares worth more than £25k)

5. A contract for goods/services/works between your council and a business in which you are a director or a shareholder

Or.....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Parhad...

**6. Tir yr ydych yn berchen arno
(neu'n berchen yn rhannol arno) yn
yr ardal**

**7. Tir lle mae eich Cyngor yn
landlord ac rydych chi neu eich
busnes yn denant (yn cynnwys os
ydych yn gyfarwyddwr neu'n
gyfranddaliwr)**

**8. Unrhyw dir yn yr ardal lle mae
gennych drwydded alwedigaethol.**

Neu...

Contd...

**6. Land that you own (include part
own) in the area**

**7. Land where your Council is the
landlord and you or your business is
a tenant (includes where you are a
director or shareholder)**

**8. Any land in the area where you
hold an occupational licence.**

Or....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Parhad...

9. Pan ydych yn aelod neu pan fod gennych rôl rheoli yn y mathau canlynol o sefydliadau;

- (a) Awdurdod cyhoeddus/corff sy'n ymarfer swyddogaethau**
- (b) Cwmni, cymdeithas neu elusen**
- (c) Corff sy'n bod er mwyn dylanwadu ar farn gyhoeddus**

Neu....

Contd...

9. Where you are a member of or have a management role in the following types of organisation;

- (a) Public authority/body exercising public functions**
- (b) Company, society or charity**
- (c) Body which exists to influence public opinion**

Or....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST ?

9. Parhad...

**(d) Undeb Llafur neu
gymdeithas broffesiynol**

**(e) Clwb, cymdeithas neu
fudiad preifat sy'n
gweithredu yn yr ardal**

Neu.....

9. Contd...

**(d) Trade union of
professional association**

**(e) Private club, society or
association operating in
the area**

Or.....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

**Os ystyrir yn rhesymol bod y mater
yn effeithio ar;**

- 1. Eich llesiant neu'ch sefyllfa ariannol**
- 2. Llesiant neu sefyllfa ariannol person sy'n byw gyda chi**
- 3. Llesiant neu sefyllfa ariannol cyfaill agos personol**

Neu...

**Where the matter might reasonably
be regarded as affecting;**

- 1. Your well-being or financial position**
- 2. The well-being or financial position of a person you live with**
- 3. The well-being or financial position of a close personal associate**

Or...

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Parhad...

4. Unrhyw gyflogaeth neu fusnes sydd gennych chi, person sy'n byw gyda chi, neu gyfaill agos personol i chi.

5. Unrhyw berson sy'n cyflogi person sy'n byw gyda chi neu gyfaill agos personol neu unrhyw fusnes y maent yn bartner ynddo neu'n gyfarwyddwyr arno;

Neu...

Contd...

4. Any employment or business carried on by you, a person living with you, or a close personal associate of yours.

5. Any person who employs a person living with you or a close personal associate or any business in which they are a partner or director.

Or....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Parhad...

6. Unrhyw awdurdod cyhoeddus, cwmni, cymdeithas, elusen, undeb llafur, cymdeithas proffesiynol, clwb neu fudiad preifat y mae person sy'n byw gyda chi/cyfaill agos personol yn aelod neu'n dal swydd reoli.

Neu...

Contd...

6. Any public authority, company, society, charity, trade union, professional association, private club, or association in which a person living with you/close personal associate is a member or has a position of control or management.

Or....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Parhad...

7. Unrhyw gwmni y mae person sy'n byw gyda chi/cyfaill agos personol yn berchen ar gyfrannau gwerth mwy na £5,000.

OS OES GENNYCH FUDDIANT PERSONOL, MAE'N RHAID I CHI EI DDATGAN.

Contd...

7. Any company in which a person living with you/close personal associate owns shares worth more than £5,000.

IF YOU HAVE A PERSONAL INTEREST THEN YOU MUST DECLARE IT.

BUDDIANNAU RHAGFARNOL PREJUDICIAL INTERESTS

**Os oes gennych
Fuddiant Personol
mae'n RHAID i chi
wirio ai buddiant
rhagfarnol ydyw.**

COFIWCH

**Nid cwestiwn ydyw o ran a
ydych yn credu bod y
buddiant yn dylanwadu
arnoch, ond a ydych yn
credu y byddai aelod
tybiedig o'r cyhoedd yn
credu ei fod yn dylanwadu
arnoch.**

**If you have a Personal
interest you **MUST**
check whether that
interest is also
prejudicial.**

REMEMBER

**The test is not whether you
think the interest
influences you, but
whether you think a
hypothetical member of
the public would think it
does.**

BUDDIANNAU RHAGFARNOL PREJUDICAL INTERESTS

Os oes gennych Fuddiant Rhagfarnol mae'n RHAID i chi wneud y canlynol;

1. Datgelu'r buddiant hwnnw
2. Peidio â cheisio dylanwadu ar unrhyw benderfyniad
3. Gadael y cyfarfod tra bod y mater hwnnw yn cael ei drafod
4. Mae hyn yn golygu bod yn rhaid i chi adael yr ystafell!!

If you have a Prejudicial interest you MUST;

1. Disclose that interest
2. Not try to influence any decision
3. Withdraw from the meeting whilst that business is dealt with
4. This means you must leave the room !!

ASTUDIAETH ACHOS SAITH

CASE STUDY SEVEN

- Defnyddiodd Cynghorydd G ei rôl i ysgrifennu llythyron a chyflwyno sylwadau i geisio stopio prosiect lleol gan ei fod yn poeni y byddai'n cael effaith niweidiol ar ei fusnes.
- Ydy hyn yn groes i'r Côd?

Cllr G used his position to write letters and make representations to try and stop a local project as he was concerned it would adversely affect his business.

Is this a breach of the Code?

BUDDIANNAU EITHRIEDIG EXEMPTED INTERESTS

**Mae'r Côt yn rhestru rhai
buddiannau personol NAD
ydynt yn rhagfarnol, sef;**

- 1. Lle bo'r mater yn ymwneud
ag awdurdod arall yr ydych
yn aelod ohono;**
- 2. Lle bo'r mater yn ymwneud
ag awdurdod cyhoeddus
arall y mae gennych swydd
reoli gyffredinol ynddo**

Neu....

**The Code lists certain
personal interests which are
NOT prejudicial, namely;**

- 1. Where the business
relates to another
authority of which you are
a member**
- 2. Where the business
relates to another public
authority in which you
have a position of control
or management**

Or....

BUDDIANNAU EITHRIEDIG

EXEMPTED INTERESTS

Parhad..

3. Lle bo'r mater yn ymwneud â chorff y cawsoch eich penodi gan eich Cyngor iddo;

4. Eich rôl fel llywodraethwr ysgol (lle NA chawsoch eich penodi gan eich Cyngor) ONI BAI bod y mater yn ymwneud yn benodol â'r ysgol honno

Neu.....

Contd..

3. Where the business relates to a body to which you have been appointed by your Council

4. Your role as a school governor (where NOT appointed by your Council) UNLESS the business specifically relates to that school

Or.....

BUDDIANNAU EITHRIEDIG

EXEMPTED INTERESTS

Parhad...

- 5. Eich rôl ar y Bwrdd Iechyd Lleol lle NA chawsoch eich penodi gan eich Cyngor**
- 6. Yng nghyswllt grant/benthyciad ac ati a roddwyd gan eich Cyngor i fudiadau cymunedol neu wirfoddol hyd at uchafswm o £500.**

Contd...

- 5. Your role on the LHB when NOT appointed by your Council**
- 6. In relation to a grant/loan etc by your Council to a community or voluntary organisation up to a maximum of £500.**

ASTUDIAETH ACHOS WYTH

CASE STUDY EIGHT

- Mae Cynghorydd H yn Gadeirydd ar elusen leol sy'n cyflwyno cais i'r Cyngor am grant o £400.
- Oes gan y Cynghorydd fuddiant personol?
- Os oes, ydy hwn hefyd yn fuddiant rhagfarnol?
- Beth ddylai'r Cynghorydd ei wneud?

Cllr H is the Chair of a local charity which submits a request to the Council for a grant of £400.

Does the Cllr have a personal interest?

If he does is it also prejudicial?

What should the Cllr Do?

GOLLYNGIADAU DISPENSATIONS

GOLLYNGIADAU DISPENSATIONS

- **Gall Cynghorydd â buddiant rhagfarnol wneud cais i'r Pwyllgor Safonau am ganiatâd i gael ei gynnwys mewn trafodaeth ar fater.**
- **Mae'n rhaid cyflwyno ceisiadau mewn da bryd er mwyn cynnal cyfarfod yn unol â'r rheolau ynghylch cyhoeddi agendâu ac ati.**
- **A Cllr with a prejudicial interest may apply to the Standards Committee for permission to be involved in a matter**
- **Applications must be submitted in sufficient time for a meeting to be called in accordance with rules on publishing agendas etc.**

GOLLYNGIADAU DISPENSATIONS

- **Mae'n rhaid cyflwyno ceisiadau ar ffurflen safonol**
- **Gallant gael eu cyflwyno gan glerc ar ran 1 neu ragor o gynghorwyr.**
- **Mae'n rhaid bod y ceisiadau yn seiliedig ar un neu ragor o'r rhesymau canlynol;**
- **Applications must be submitted on a standard form**
- **They may be submitted by a clerk on behalf of 1 or more cllrs.**
- **They must be based on one or more of the following grounds;**

GOLLYNGIADAU DISPENSATIONS

- **Mae o leiaf 1/2 o'r cyd-gynghorwyr yn rhannu'r un buddiant**
- **Mae natur y budd yn golygu na fyddai'n niweidiol i'r hyder sydd gan y cyhoedd**
- **Mae gan y Cynghorydd arbenigedd penodol sy'n cyfiawnhau ei gyfranogiad parhaus**
- **Mae'r buddiant yn gyffredin i gyfran sylweddol o'r cyhoedd**
- **At least 1/2 of fellow cllrs share the same interest**
- **The nature of the interest is such that it would not damage public confidence**
- **The Cllr has a particular expertise which justifies their contd. involvement**
- **The interest is common to a significant proportion of the public**

GOLLYNGIADAU DISPENSATIONS

- **Mae'r mater yn ymwneud â sefydliad gwirfoddol ac mae'r Cynghorydd yn ymwneud â rôl rheoli ac nid oes ganddo unrhyw fuddiant personol yn y mater (*gall siarad yn unig, ni all bleidleisio dan yr opsiwn hwn*)**
- **Fel sy'n briodol o dan yr holl amgylchiadau fel arall**
- **(*Mae rhesymau eraill ond nid ydynt yn berthnasol i Gynghorwyr Cymuned*)**
- **The matter relates to a vol. organisation & the Cllr is involved in its management & has no other interest in the matter (*can only speak , not vote under this option*)**
- **Otherwise appropriate in all the circumstances**
- **(*There are other grounds available but they do not apply to Community Cllrs*)**

GOLLYNGIADAU DISPENSATIONS

**Rhoddir gollyngiadau fel arfer
am gyfnod penodedig**

**Mae'r rhan fwyaf o ollyngiadau
i siarad yn unig**

**Mae gollyngiadau yn fwyaf
tebygol o gael eu rhoi pan fo
buddiant cynghorydd yn
ymwneud â'i gysylltiad â
sefydliad gwirfoddol.**

**Mae gollyngiadau yn llai
tebygol o gael eu rhoi pan fo'r
buddiant yn ymwneud â
buddiannau eiddo neu fusnes
personol cynghorydd**

**Dispensations are usually
granted for a set period of
time**

**The majority of dispensations
are to speak only**

**Dispensations are most likely
to be granted where a
councillors interest relates to
involvement in a voluntary
organisation.**

**Dispensations are less likely
to be granted where they
relate to a cllrs personal
business or property interests**

GOLLYNGIADAU DISPENSATIONS

Yn 2018/2019 derbyniodd
y Pwyllgor Safonau 56 o
geisiadau am ollyngiad a
gwrthododd 3 yn unig

Dylai ceisiadau roi cymaint
o wybodaeth â phosibl am
fuddiant y Cynghorydd

In 2018/2019 the
Standards committee
received 56 dispensation
applications and refused
only 3

Applications should give
as much information as
possible about the
interest that the Cllr has

GORFODAETH ENFORCEMENT



GORFODAETH ENFORCEMENT

- **Dylai pob cwyn ynghylch torri'r côd gael ei gyfeirio at Ombwdsmon Gwasanaethau Cyhoeddus Cymru a fydd yn penderfynu ymchwilio ai peidio.**
- **Os yw Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn penderfynu ymchwilio i'r achos, gall wneud hynny ei hun neu gyfeirio'r achos at Swyddog Monitro Lleol i wneud hynny**
- **All complaints regarding breaches of the code should be referred to the PSOW who will decide whether or not to investigate.**
- **If the PSOW decides the case merits investigation, he may do so himself or refer the case to the local Monitoring Officer to do so**

GORFODAETH ENFORCEMENT

- **Os yw ymchwiliad yn datgelu tystiolaeth o dorri rheolau, gellir cyfeirio'r achos at y Pwyllgor Safonau neu Banel Dyfarnu Cymru i benderfynu arno.**
- **Gall y Pwyllgor Safonau wahardd Cynghorydd o'i swydd**
- **Gall y Panel Dyfarnu wahardd Cynghorydd o'i swydd**
- **Gall y ddau osod sancsiynau llai llym**
- **If an investigation finds evidence of a breach it may be referred to the local Standards Committee or the Adjudication Panel for Wales for determination.**
- **The Standards Committee can suspend a Cllr from office**
- **The Adjudication Panel can disqualify a Cllr from office**
- **Both can impose lesser sanctions**

BLE GALLWCH GAEL CYNGOR

WHERE TO SEEK ADVICE

Clercod

**Gallwch ofyn am gyngor y Swyddog
Monitro ynghylch y Côt**

Cynghorwyr

**Mae canllawiau'r Ombwdsmon yn
nodi'n glir y dylai Cynghorwyr ofyn
am gyngor gan y Clercod ynghylch
materion Côt a dim ond gofyn i'r
Swyddog Monitro os nad yw'r Clerc
ar gael**

Clerks

**May seek advice from the
Monitoring Officer in relation to the
Code**

Councillors

**Ombudsman's guidance makes it
clear that Councillors should seek
advice from their Clerks on Code
issues and only approach the
Monitoring Officer if the clerk is
unavailable**

CASGLIAD CONCLUSION

- **Cymerwch amser i ymglyfarwyddo â'r côd**
- **Sicrhewch fod gennych y côd pan ydych yn cyflawni gwaith y cyngor**
- **Defnyddiwch ollyngiadau i gyflawni eich rôl ddemocrataidd**
- **Os nad ydych yn siŵr - MYNNWCH GYNGOR**
- **Take time to familiarise yourself with the code**
- **Always have it with you when conducting council business**
- **Make use of dispensations to fulfil your democratic role**
- **If unsure – SEEK ADVICE**

CWESTIYNAU QUESTIONS



From: Arfon Davies
Sent: 31 July 2019 11:58
To: Arfon Davies <arfond@llanellitowncouncil.gov.uk>
Cc: Gary Jones <garyj@llanellitowncouncil.gov.uk>
Subject: Fw: Code of Conduct Training/Hyfforddiant Cod Ymddygiad

Annwyl Cyngorydd / Dear Councillor

Gweler yn amgaeedig er eich gwybodaeth / Please find attached for your information

Cofion gorau / Best wishes

Arfon

Arfon Davies MIWFM

Cyngor Tref Llanelli Town Council
The Old Vicarage
Town Hall Square
Llanelli
SA15 3DD

Ebost / Email: arfond@llanellitowncouncil.gov.uk
Ffon / Tel: 01554 779993
Symudol / Mobile: 07772254393
Wefan / Website: www.llanellitowncouncil.gov.uk

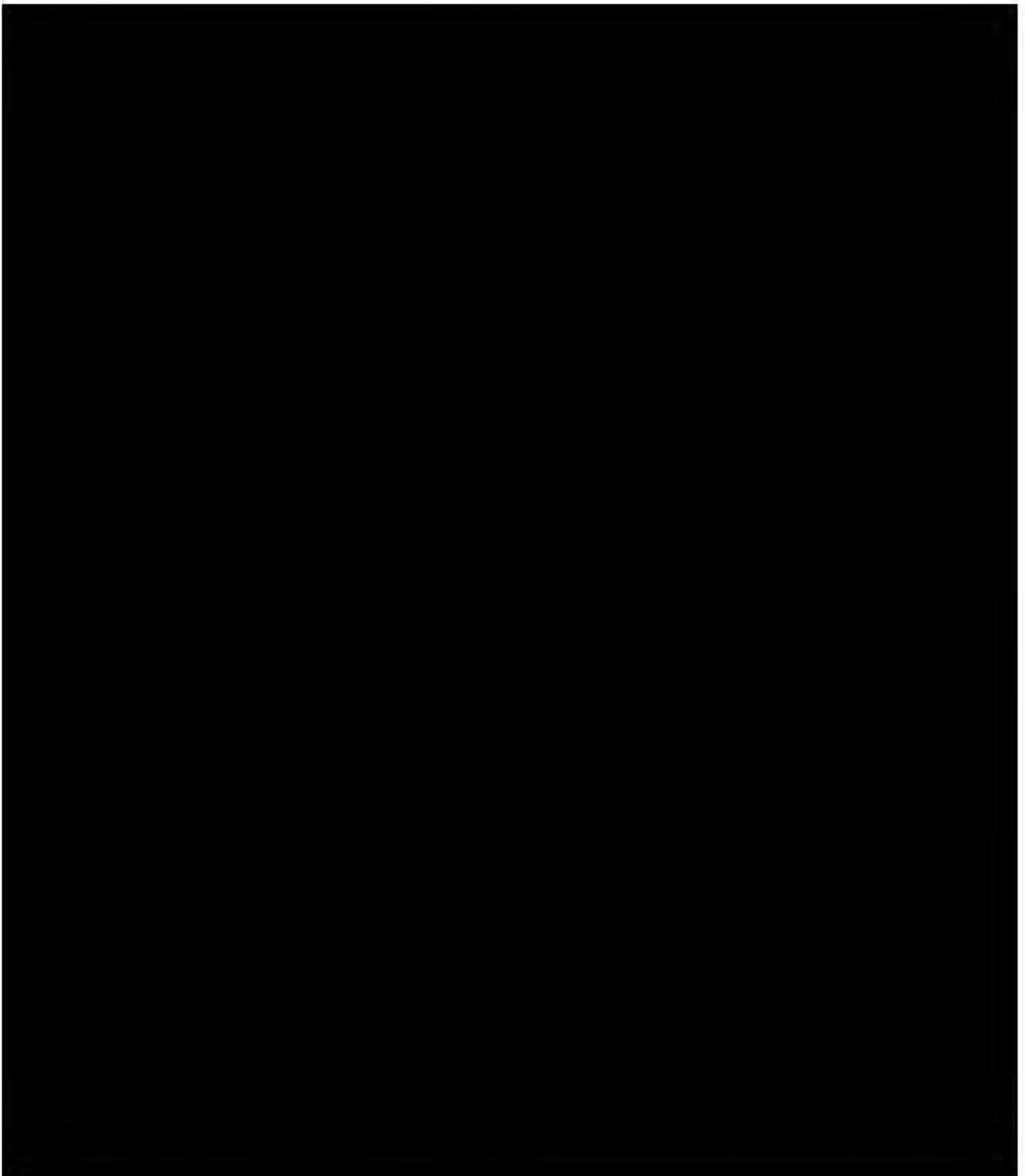
Yr wyf yn medru ateb eich neges yn Gymraeg neu Saesneg
I am able to answer your message in Welsh or English

From: Avril McAvoy <AYMcAvoy@carmarthenshire.gov.uk>
Sent: 31 July 2019 11:00
To: clerk@llangynogcc.org <clerk@llangynogcc.org>; clerc@llangeler.org.uk <clerc@llangeler.org.uk>; alun@carmarthentowncouncil.gov.uk <alun@carmarthentowncouncil.gov.uk>; clerk@llanwiniocommunitycouncil.com <clerk@llanwiniocommunitycouncil.com>; Arfon Davies <arfond@llanellitowncouncil.gov.uk>; clerk@llangunnor-cc.org.uk <clerk@llangunnor-cc.org.uk>; joywaters@hotmail.co.uk <joywaters@hotmail.co.uk>; clerccllanfynydd@btinternet.com <clerccllanfynydd@btinternet.com>; info@pembreyburryport-tc.gov.uk <info@pembreyburryport-tc.gov.uk>
Subject: Code of Conduct Training/Hyfforddiant Cod Ymddygiad

Regards

A.Y. McAvoy
Legal Support Assistant
Cynorthwy-dd Cymorth Cyfreithiol

Ext/Yst. 4032
Telephone/Rhif ffon: 01267 224032



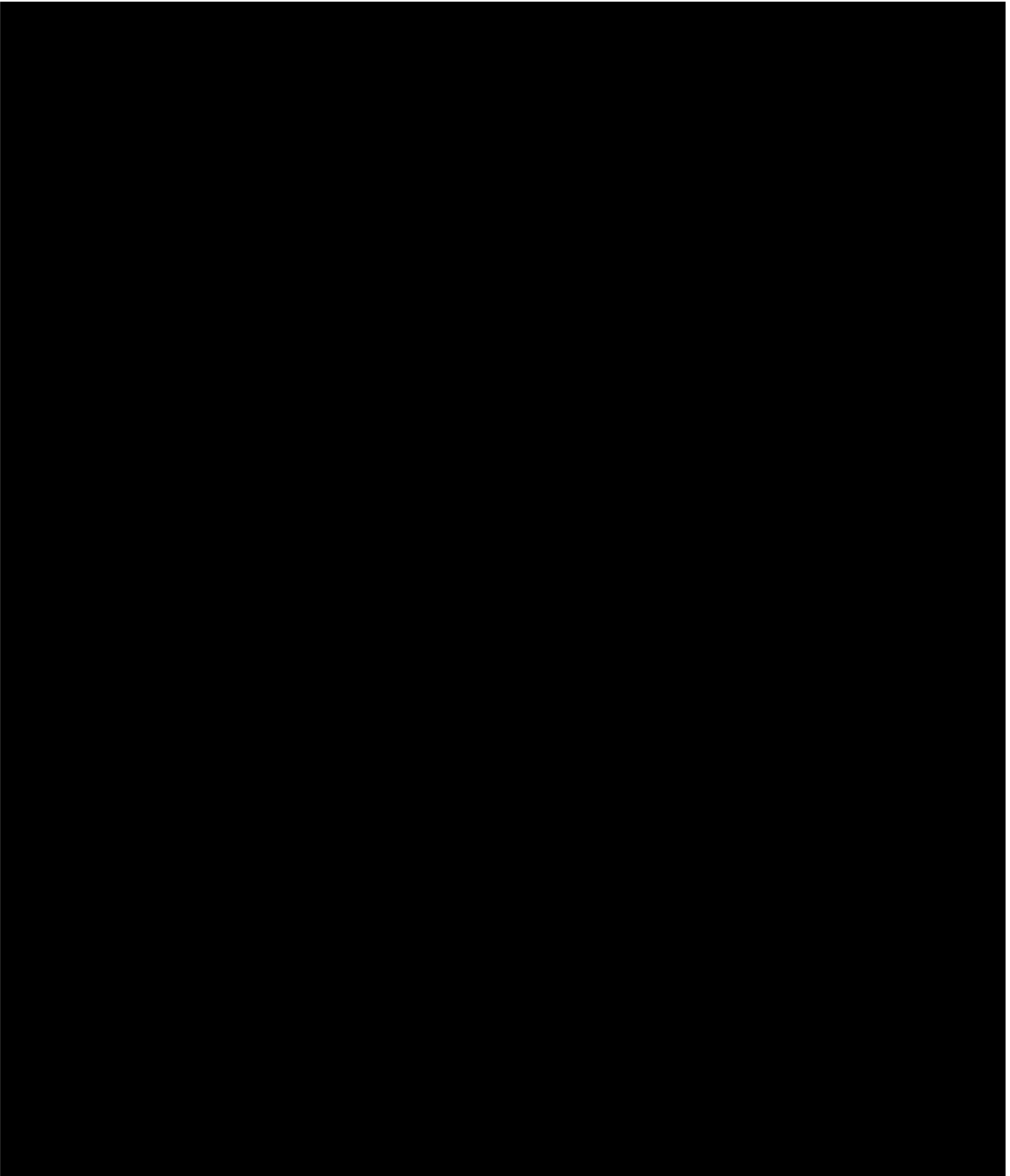
20. CODE OF CONDUCT TRAINING

The Town Clerk reported the receipt of a letter dated 2nd May 2019, received from the Head of Administration and Law, Carmarthenshire County Council regarding Training for Town and Community Councillors on Code of Conduct Compliance (copies having been previously circulated to members).

Tudalen 114

The County Council were organising two training sessions for Town and Community Councillors and Clerks one in Llanelli Town Hall on 10th June 2019 and the other in the Council Chamber, County Hall, Carmarthen on 16th July 2019.

RESOLVED – that any member wishing to attend be asked to inform the Town Clerk as soon as possible.



44. MATTERS FOR INFORMATION

RESOLVED – that the undermentioned matters be noted (copies of which having previously been circulated to members):

- (1) Llanelli Litter Task Force – Minutes of meeting held on 5th April 2019;
- (2) Llanelli Fairtrade – Minutes of meeting held on 20th May 2019;
- (3) Ty Bryngwyn Hospice Trust Fundraising Committee – Minutes of Meeting held on 9th July 2019;
- (4) Ymlaen Llanelli – Minutes of Meeting held on 11th June 2019;
- (5) Eluned Morgan AM – Newsletter

FURTHER RESOLVED - that the undermentioned matters be noted (copies of which having previously been circulated by email):

- (1) One Voice Wales News Bulletin – July and August 2019;
- (2) Llanelli Post Office branch closure consultation;
- (3) Hywel Dda Community Health Council – Visit Report, Ward 7, Withybush Hospital;
- (4) Hywel Dda Community Health Council – Visit Report, Bronglais Hospital;
- (5) Police and Crime Panel News – Carmarthenshire Edition July 2019;
- (6) Dyfed Powys Police and Crime Panel Annual Report 2018-19;
- (7) Police and Crime Commissioner – Consultation Survey;
- (8) Code of Conduct Training Materials;
- (9) Older People's Commissioner for Wales – Impact and Reach 2018-19;
- (10) Older People's Commissioner for Wales – Summer 2019 Newsletter

Gofynnwr am / Please ask for:
Robert Edgecombe

Llinell Uniongyrchol / Direct Line:
01267 224018

E-bost Uniongyrchol / Direct E-mail:
rjedgeco@carmarthenshire.gov.uk

Dyddiad / Date: 31st July, 2019

Eich cyf / Your ref:

Fy nghyf / My ref: DPSC-169/RJE

Ffacs / Fax:

DX744630 Carmarthen 10

Clerk to the Council


Dear Sir/Madam,

Re: Code of Conduct training

Further to the Code of Conduct training held in Carmarthen on the 10th and 16th of July, please find enclosed copies of the training materials used.

Please could you distribute these to your members and arrange for them to be discussed at your next meeting. Please ensure this is formally recorded in the minutes as this can then be referred to in the event of a code investigation by the Ombudsman.

Yours faithfully


Linda Rees-Jones
Monitoring Officer

HYFFORDDIANT CÔD YMDDYGIAD 2019

CODE OF CONDUCT TRAINING 2019

RHAGLEN PROGRAMME

Rhagarweiniad

Egwyddorion Nolan

Pryd mae'r côd yn Gymwys

Dyletswyddau Cyffredinol

Buddiannau Personol

Buddiannau Rhagfarnol

Buddiannau Eithriedig

Gollyngiadau

Gorfodaeth

Ble gallwch gael cyngor

Casgliad

Cwestiynau

Introduction

The Nolan Principles

When the Code Applies

General Duties

Personal Interests

Prejudicial Interests

Exempt Interests

Dispensations

Enforcement

Where to seek advice

Conclusion

Questions

RHAGARWEINIAD INTRODUCTION

**Mae'r Côt yn seiliedig ar
Egwyddorion Nolan ar
gyfer ymddygiad ym
mywyd cyhoeddus**

**Mae'n rhaidd i bob Cyngor
fabwysiadu ei gôt ei hun
yn seiliedig ar fodel
Llywodraeth Cynulliad
Cymru. Diwygiwyd
diwethaf - Haf 2016**

**Pwyllgor Safonau - 9 aelod.
3 Cynghorydd Sir, 1
Cynghorydd Cymuned a
5 aelod annibynnol
cyfetholedig.**

**Code based upon the Nolan
Principles for conduct in
public life**

**Each Council must adopt
its own code based on
the WAG model. Last
revised – summer 2016**

**Standards Committee – 9
members. 3 County
Councillors, 1
Community Councillor
and 5 co-opted
independent members.**

The Nolan Principles

- Pwyllgor Safonau mewn Bywyd
Cyhoeddus - 7 egwyddor
- **Anhunanoldeb**
- **Uniondeb**
- **Gwrthrychedd**
- **Atebolrwydd**
- **Bod yn agored**
- **Gonestrwydd**
- **Arweinyddiaeth**
- Committee on Standards in Public
Life – 7 principles
- **Selflessness**
- **Integrity**
- **Objectivity**
- **Accountability**
- **Openness**
- **Honesty**
- **Leadership**

**PRYD MAE'R CÔD YN GYMWYS
WHEN THE CODE APPLIES**

PRYD MAE'R CÔD YN GYMWYS WHEN THE CODE APPLIES

**Mewn unrhyw gyfarfod
swyddogol y cyngor**

**Mewn unrhyw gyfarfod gydag
aelodau neu swyddogion**

**Wrth weithredu fel
Cynrychiolydd y Cyngor neu
ymddangos eich bod yn
gwneud hynny**

**Wrth ymgymryd â busnes y
Cyngor**

**Wrth weithredu mewn unrhyw
rôl swyddogol arall**

**Wrth gynrychioli'r Cyngor ar
gorff arall**

AC

In any official council meeting

**In any meeting with members
or officers**

**When acting as a Council rep
or appearing to do so**

**If conducting Council
business**

**If acting in any other official
role**

**If a Council rep on another
body**

AND

PRYD MAE'R CÔD YN GYMWYS WHEN THE CODE APPLIES

**UNRHYW BRYD OS YW'R
CANLYNOL YN
BERTHNASOL:**

**Os yw eich ymddygiad yn
debygol o ddwyn anfri ar
eich swyddfa neu'r Cyngor**

**Os ydych yn defnyddio eich
swydd i ennill mantais i chi
eich hun neu rywun arall**

**Os ydych yn camddefnyddio
adnoddau'r Cyngor**

AT ANY TIME IF:

**Your conduct is likely to
bring your office or the
Council into disrepute**

**You use your position to
gain an advantage for
yourself or another**

**You misuse Council
resources**

DYLETSWYDDAU CYFFREDINOL

GENERAL DUTIES

DYLETSWYDDAU CYFFREDINOL – RHAID ICHI GENERAL DUTIES – YOU MUST

- **Hyrwyddo Cydraddoldeb**
- **Dangos parch ac ystyriaeth i eraill**
- **Peidio â bwlio neu aflonyddu eraill**
- **Peidio â pheryglu diffyg tuedd y swyddogion**
- **Peidio â datgelu gwybodaeth gyfrinachol**
- **Peidio ag atal mynediad at wybodaeth**
- **Peidio â dwyn anfri ar eich swyddfa neu'ch cyngor**
- **Promote Equality**
- **Show respect & consideration to others**
- **Not harass or bully others**
- **Not compromise your officers impartiality**
- **Not disclose confidential information**
- **Not prevent access to information**
- **Not bring your office or council into disrepute**

DYLETSWYDDAU CYFFREDINOL – RHAID ICHI GENERAL DUTIES – YOU MUST

- **Rhoi gwybod am achosion o dorri'r côd**
- **Peidio â gwneud cwynion blinderus**
- **Cydweithio ag ymchwiliadau**
- **Peidio â defnyddio eich swydd yn amhriodol**
- **Peidio â chamddefnyddio adnoddau'r Cyngor**
- **Gwneud penderfyniadau yn wrthrychol**
- **Ceisio cyngor a rhoi rhesymau dros beidio â'i ddilyn**
- **Report code breaches**
- **Not make vexatious complaints**
- **Cooperate with investigations**
- **Not use your position improperly**
- **Not misuse Council resources**
- **Reach decisions objectively**
- **Consider advice and give reasons for not following it**

DYLETSWYDDAU CYFFREDINOL – RHAID ICHI GENERAL DUTIES – YOU MUST

- **Cydymffurfio â rheolau ynghylch treuliau**
- **Peidio â derbyn anrhegion neu letygarwch sy'n eich rhwymo neu'n ymddangos eu bod yn gwneud hynny**
- **Comply with rules on expenses**
- **Not accept gifts or hospitality that obligates you or appear to do so**

BUDDIANNAU PERSONOL PERSONAL INTERESTS

“Mae'n rhaid i'r cyhoedd deimlo'n hyderus bod Cynghorwyr yn gweithredu er budd y cyhoedd, nid er eu budd eu hunain, neu er budd eu teulu a'u ffrindiau.”

(Ombwdsmon Gwasanaethau Cyhoeddus Cymru)

“The public must have confidence that Councillors are acting in the public's best interests, not their own, or those of their family and friends.”

(Public Services Ombudsman for Wales)

BUDDIANNAU PERSONOL PERSONAL INTERESTS

- Mae'r Côt yn rhestru nifer o sefyllfaoedd lle y mae buddiant personol yn codi
- Os oes gennych fuddiant personol yn unrhyw fater sy'n berthnasol i'r Cyngor, mae'n rhaidd ichi ddatgan y buddiant hwnnw
- Os yw'r buddiant hwnnw hefyd yn rhagfarnol ni allwch gymryd rhan neu bleidleisio.
- Yn ddelfrydol, dylai POB agenda gynnwys eitem sefydlog ynghylch datgan buddiannau gan fod hyn yn helpu i atgoffa'r aelodau i roi ystyriaeth ddifrifol i'r mater
- The Code lists a number of situations where a personal interest arises.
- If you have a personal interest in any council business you must declare that interest
- If that interest is also prejudicial you cannot participate or vote.
- ALL agendas should ideally contain a standing item on declarations of interest as this helps remind members to give serious thought to this issue

BETH YW BUDDIANT PERSONOL?

WHAT IS A PERSONAL INTEREST?

Os yw mater yn ymwneud â, neu'n debygol o effeithio ar;

- 1.Eich cyflogaeth neu'ch busnes**
 - 2.Eich cyflogwr neu fusnes yr ydych yn bartner ynddo neu'n gyfarwyddwr iddo**
 - 3.Unrhyw un (heblaw'r cyngor) sy'n cyfrannu at eich treuliau o ran etholiadau neu dreuliau aelodau**
- Neu...**

Where a matter relates to or is likely to affect;

- 1. Your employment or business**
- 2. Your employer or a business in which you are a partner or director**
- 3. Anyone (other than your council) who contributes to your election or members expenses**

Or....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Parhad..

4. Cwmni sydd â lleoliad busnes neu dir yn eich ardal y mae gennych 1% o gyfrannau ynddo (neu gyfrannau gwerth mwy na £25k)

5. Contract am nwyddau/gwasanaethau/gwaith rhwng eich cyngor a busnes yr ydych yn gyfranddaliwr neu'n gyfarwyddwr iddo

Neu.....

Contd..

4. A company with a place of business/land in your area in which you hold 1% of shares (or shares worth more than £25k)

5. A contract for goods/services/works between your council and a business in which you are a director or a shareholder

Or.....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Parhad...

**6. Tir yr ydych yn berchen arno
(neu'n berchen yn rhannol arno) yn
yr ardal**

**7. Tir lle mae eich Cyngor yn
landlord ac rydych chi neu eich
busnes yn denant (yn cynnwys os
ydych yn gyfarwyddwr neu'n
gyfranddaliwr)**

**8. Unrhyw dir yn yr ardal lle mae
gennych drwydded alwedigaethol.**

Neu...

Contd...

**6. Land that you own (include part
own) in the area**

**7. Land where your Council is the
landlord and you or your business is
a tenant (includes where you are a
director or shareholder)**

**8. Any land in the area where you
hold an occupational licence.**

Or....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Parhad...

9. Pan ydych yn aelod neu pan fod gennych rôl rheoli yn y mathau canlynol o sefydliadau;

- (a) Awdurdod cyhoeddus/corff sy'n ymarfer swyddogaethau**
- (b) Cwmni, cymdeithas neu elusen**
- (c) Corff sy'n bod er mwyn dylanwadu ar farn gyhoeddus**

Neu....

Contd...

9. Where you are a member of or have a management role in the following types of organisation;

- (a) Public authority/body exercising public functions**
- (b) Company, society or charity**
- (c) Body which exists to influence public opinion**

Or....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST ?

9. Parhad...

**(d) Undeb Llafur neu
gymdeithas broffesiynol**

**(e) Clwb, cymdeithas neu
fudiad preifat sy'n
gweithredu yn yr ardal**

Neu.....

9. Contd...

**(d) Trade union of
professional association**

**(e) Private club, society or
association operating in
the area**

Or.....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

**Os ystyrir yn rhesymol bod y mater
yn effeithio ar;**

- 1. Eich llesiant neu'ch sefyllfa
ariannol**
- 2. Llesiant neu sefyllfa ariannol
person sy'n byw gyda chi**
- 3. Llesiant neu sefyllfa ariannol
cyfaill agos personol**

Neu...

**Where the matter might reasonably
be regarded as affecting;**

- 1. Your well-being or financial
position**
- 2. The well-being or financial
position of a person you live
with**
- 3. The well-being or financial
position of a close personal
associate**

Or...

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Parhad...

4. Unrhyw gyflogaeth neu fusnes sydd gennych chi, person sy'n byw gyda chi, neu gyfaill agos personol i chi.

5. Unrhyw berson sy'n cyflogi person sy'n byw gyda chi neu gyfaill agos personol neu unrhyw fusnes y maent yn bartner ynddo neu'n gyfarwyddwyr arno;

Neu...

Contd...

4. Any employment or business carried on by you, a person living with you, or a close personal associate of yours.

5. Any person who employs a person living with you or a close personal associate or any business in which they are a partner or director.

Or....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Parhad...

6. Unrhyw awdurdod cyhoeddus, cwmni, cymdeithas, elusen, undeb llafur, cymdeithas proffesiynol, clwb neu fudiad preifat y mae person sy'n byw gyda chi/cyfaill agos personol yn aelod neu'n dal swydd reoli.

Neu...

Contd...

6. Any public authority, company, society, charity, trade union, professional association, private club, or association in which a person living with you/close personal associate is a member or has a position of control or management.

Or....

BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Parhad...

7. Unrhyw gwmni y mae person sy'n byw gyda chi/cyfaill agos personol yn berchen ar gyfrannau gwerth mwy na £5,000.

OS OES GENNYCH FUDDIANT PERSONOL, MAE'N RHAID I CHI EI DDATGAN.

Contd...

7. Any company in which a person living with you/close personal associate owns shares worth more than £5,000.

IF YOU HAVE A PERSONAL INTEREST THEN YOU MUST DECLARE IT.

BUDDIANNAU RHAGFARNOL PREJUDICIAL INTERESTS

**Os oes gennych
Fuddiant Personol
mae'n RHAID i chi
wirio ai buddiant
rhagfarnol ydyw.**

COFIWCH

**Nid cwestiwn ydyw o ran a
ydych yn credu bod y
buddiant yn dylanwadu
arnoch, ond a ydych yn
credu y byddai aelod
tybiedig o'r cyhoedd yn
credu ei fod yn dylanwadu
arnoch.**

**If you have a Personal
interest you **MUST**
check whether that
interest is also
prejudicial.**

REMEMBER

**The test is not whether you
think the interest
influences you, but
whether you think a
hypothetical member of
the public would think it
does.**

BUDDIANNAU RHAGFARNOL PREJUDICAL INTERESTS

Os oes gennych Fuddiant
Rhagfarnol mae'n RHAID i chi
wneud y canlynol;

1. Datgelu'r buddiant hwnnw
2. Peidio â cheisio dylanwadu ar unrhyw benderfyniad
3. Gadael y cyfarfod tra bod y mater hwnnw yn cael ei drafod
4. Mae hyn yn golygu bod yn rhaid i chi adael yr ystafell!!

If you have a Prejudicial
interest you MUST;

1. Disclose that interest
2. Not try to influence any decision
3. Withdraw from the meeting whilst that business is dealt with
4. This means you must leave the room !!

BUDDIANNAU EITHRIEDIG EXEMPTED INTERESTS

**Mae'r Côt yn rhestri rhai
buddiannau personol NAD
ydynt yn rhagfarnol, sef;**

- 1. Lle bo'r mater yn ymwneud
ag awdurdod arall yr ydych
yn aelod ohono;**
- 2. Lle bo'r mater yn ymwneud
ag awdurdod cyhoeddus
arall y mae gennych swydd
reoli gyffredinol ynddo**

Neu....

**The Code lists certain
personal interests which are
NOT prejudicial, namely;**

- 1. Where the business
relates to another
authority of which you are
a member**
- 2. Where the business
relates to another public
authority in which you
have a position of control
or management**

Or....

BUDDIANNAU EITHRIEDIG

EXEMPTED INTERESTS

Parhad..

- 3. Lle bo'r mater yn ymwneud â chorff y cawsoch eich penodi gan eich Cyngor iddo;**
- 4. Eich rôl fel llywodraethwr ysgol (lle NA chawsoch eich penodi gan eich Cyngor) ONI BAI bod y mater yn ymwneud yn benodol â'r ysgol honno**

Neu.....

Contd..

- 3. Where the business relates to a body to which you have been appointed by your Council**
 - 4. Your role as a school governor (where NOT appointed by your Council) UNLESS the business specifically relates to that school**
- Or.....**

BUDDIANNAU EITHRIEDIG

EXEMPTED INTERESTS

Parhad...

- 5. Eich rôl ar y Bwrdd Iechyd Lleol lle NA chawsoch eich penodi gan eich Cyngor**
- 6. Yng nghyswllt grant/benthyciad ac ati a roddwyd gan eich Cyngor i fudiadau cymunedol neu wirfoddol hyd at uchafswm o £500.**

Contd...

- 5. Your role on the LHB when NOT appointed by your Council**
- 6. In relation to a grant/loan etc by your Council to a community or voluntary organisation up to a maximum of £500.**

ASTUDIAETHAU ACHOS CASE STUDIES

ASTUDIAETH ACHOS UN CASE STUDY ONE

ASTUDIAETH ACHOS DAU CASE STUDY TWO

ASTUDIAETH ACHOS TRI CASE STUDY THREE

ASTUDIAETH ACHOS
PEDWAR CASE STUDY FOUR

GOLLYNGIADAU DISPENSATIONS

GOLLYNGIADAU DISPENSATIONS

- **Gall Cynghorydd â buddiant rhagfarnol wneud cais i'r Pwyllgor Safonau am ganiatâd i gael ei gynnwys mewn trafodaeth ar fater.**
- **Mae'n rhaid cyflwyno ceisiadau mewn da bryd er mwyn cynnal cyfarfod yn unol â'r rheolau ynghylch cyhoeddi agendâu ac ati.**
- **A Cllr with a prejudicial interest may apply to the Standards Committee for permission to be involved in a matter**
- **Applications must be submitted in sufficient time for a meeting to be called in accordance with rules on publishing agendas etc.**

GOLLYNGIADAU DISPENSATIONS

- **Mae'n rhaid cyflwyno ceisiadau ar ffurflen safonol**
- **Gallant gael eu cyflwyno gan glerc ar ran 1 neu ragor o gynghorwyr.**
- **Mae'n rhaid bod y ceisiadau yn seiliedig ar un neu ragor o'r rhesymau canlynol;**
- **Applications must be submitted on a standard form**
- **They may be submitted by a clerk on behalf of 1 or more cllrs.**
- **They must be based on one or more of the following grounds;**

GOLLYNGIADAU DISPENSATIONS

- **Mae o leiaf $\frac{1}{2}$ o'r cyd-gynghorwyr yn rhannu'r un buddiant**
- **Mae natur y budd yn golygu na fyddai'n niweidiol i'r hyder sydd gan y cyhoedd**
- **Mae gan y Cynghorydd arbenigedd penodol sy'n cyfiawnhau ei gyfranogiad parhaus**
- **Mae'r buddiant yn gyffredin i gyfran sylweddol o'r cyhoedd**
- **At least $\frac{1}{2}$ of fellow cllrs share the same interest**
- **The nature of the interest is such that it would not damage public confidence**
- **The Cllr has a particular expertise which justifies their contd. involvement**
- **The interest is common to a significant proportion of the public**

GOLLYNGIADAU DISPENSATIONS

- **Mae'r mater yn ymwneud â sefydliad gwirfoddol ac mae'r Cyngorydd yn ymwneud â rôl rheoli ac nid oes ganddo unrhyw fuddiant personol yn y mater *(gall siarad yn unig, ni all bleidleisio dan yr opsiwn hwn)***
- **Fel sy'n briodol o dan yr holl amgylchiadau fel arall**
- ***(Mae rhesymau eraill ond nid ydynt yn berthnasol i Gynghorwyr Cymuned)***
- **The matter relates to a vol. organisation & the Cllr is involved in its management & has no other interest in the matter *(can only speak , not vote under this option)***
- **Otherwise appropriate in all the circumstances**
- ***(There are other grounds available but they do not apply to Community Cllrs)***

GOLLYNGIADAU DISPENSATIONS

**Rhoddir gollyngiadau fel arfer
am gyfnod penodedig**

**Mae'r rhan fwyaf o ollyngiadau
i siarad yn unig**

**Mae gollyngiadau yn fwyaf
tebygol o gael eu rhoi pan fo
buddiant cynghorydd yn
ymwneud â'i gysylltiad â
sefydliad gwirfoddol.**

**Mae gollyngiadau yn llai
tebygol o gael eu rhoi pan fo'r
buddiant yn ymwneud â
buddiannau eiddo neu fusnes
personol cynghorydd**

**Dispensations are usually
granted for a set period of
time**

**The majority of dispensations
are to speak only**

**Dispensations are most likely
to be granted where a
councillors interest relates to
involvement in a voluntary
organisation.**

**Dispensations are less likely
to be granted where they
relate to a cllrs personal
business or property interests**

GOLLYNGIADAU DISPENSATIONS

Yn 2018/2019 derbyniodd
y Pwyllgor Safonau 56 o
geisiadau am ollyngiad a
gwrthododd 3 yn unig
Dylai ceisiadau roi cymaint
o wybodaeth â phosibl am
fuddiant y Cynghorydd

In 2018/2019 the
Standards committee
received 56 dispensation
applications and refused
only 3
Applications should give
as much information as
possible about the
interest that the Cllr has

GORFODAETH ENFORCEMENT



GORFODAETH ENFORCEMENT

- **Dylai pob cwyn ynghylch torri'r côd gael ei gyfeirio at Ombwdsmon Gwasanaethau Cyhoeddus Cymru a fydd yn penderfynu ymchwilio ai peidio.**
- **Os yw Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn penderfynu ymchwilio i'r achos, gall wneud hynny ei hun neu gyfeirio'r achos at Swyddog Monitro Lleol i wneud hynny**
- **All complaints regarding breaches of the code should be referred to the PSOW who will decide whether or not to investigate.**
- **If the PSOW decides the case merits investigation, he may do so himself or refer the case to the local Monitoring Officer to do so**

GORFODAETH ENFORCEMENT

- **Os yw ymchwiliad yn datgelu tystiolaeth o dorri rheolau, gellir cyfeirio'r achos at y Pwyllgor Safonau neu Banel Dyfarnu Cymru i benderfynu arno.**
- **Gall y Pwyllgor Safonau wahardd Cynghorydd o'i swydd**
- **Gall y Panel Dyfarnu wahardd Cynghorydd o'i swydd**
- **Gall y ddau osod sancsiynau llai llym**
- **If an investigation finds evidence of a breach it may be referred to the local Standards Committee or the Adjudication Panel for Wales for determination.**
- **The Standards Committee can suspend a Cllr from office**
- **The Adjudication Panel can disqualify a Cllr from office**
- **Both can impose lesser sanctions**

BLE GALLWCH GAEL CYNGOR

WHERE TO SEEK ADVICE

Clercod

**Gallwch ofyn am gyngor y Swyddog
Monitro ynghylch y Côt**

Cynghorwyr

**Mae canllawiau'r Ombwdsmon yn
nodi'n glir y dylai Cynghorwyr ofyn
am gyngor gan y Clercod ynghylch
materion Côt a dim ond gofyn i'r
Swyddog Monitro os nad yw'r Clerc
ar gael**

Clerks

**May seek advice from the
Monitoring Officer in relation to the
Code**

Councillors

**Ombudsman's guidance makes it
clear that Councillors should seek
advice from their Clerks on Code
issues and only approach the
Monitoring Officer if the clerk is
unavailable**

CASGLIAD CONCLUSION

- **Cymerwch amser i ymgysfarwyddo â'r côd**
- **Sicrhewch bod gennych y côd pan ydych yn cyflawni gwaith y cyngor**
- **Defnyddiwch ollyngiadau i gyflawni eich rôl ddemocrataidd**
- **Os nad ydych yn siŵr - MYNNWCH GYNGOR**
- **Take time to familiarise yourself with the code**
- **Always have it with you when conducting council business**
- **Make use of dispensations to fulfil your democratic role**
- **If unsure – SEEK ADVICE**

CWESTIYNAU QUESTIONS



Declarations of Interest April 2020 – March 2021

(LTC = Llanelli Town Council, B&F = Building and Finance, PLC = Planning, Licensing and Consultation)


COUNCILLOR	DATE	MEETING	ITEM	NATURE OF INTEREST

[illegible]

COUNCILLOR	DATE	MEETING	ITEM	NATURE OF INTEREST
<div></div>				

Declarations of Interest April 2019 – March 2020

(LTC = Llanelli Town Council, B&F = Building and Finance, PLC = Planning, Licensing and Consultation)

COUNCILLOR	DATE	MEETING	ITEM	NATURE OF INTEREST
				

COUNCILLOR	DATE	MEETING	ITEM	NATURE OF INTEREST
Terry Davies	17 Feb	PLC	License Application – Tinworks Brewing Company, Unit 20.1, Trostre Ind. Park	Applicant is a friend.

COUNCILLOR	DATE	MEETING	ITEM	NATURE OF INTEREST

Declarations of Interest April 2018 – March 2019

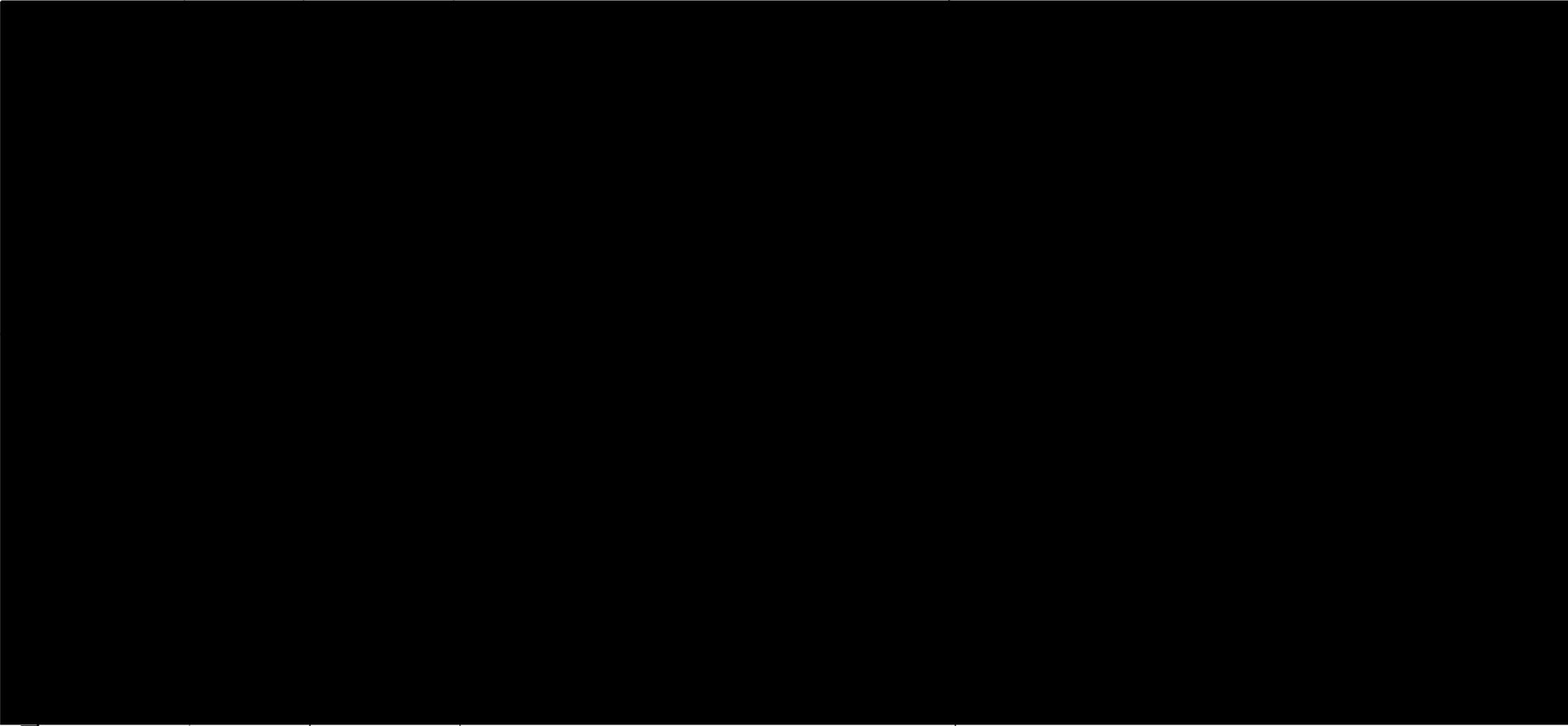
(LTC = Llanelli Town Council, B&F = Building and Finance, PLC = Planning, Licensing and Consultation)

COUNCILLOR	DATE	MEETING	ITEM	NATURE OF INTEREST
[REDACTED]				

COUNCILLOR	DATE	MEETING	ITEM	NATURE OF INTEREST

Declarations of Interest April 2017 – March 2018

(LTC = Llanelli Town Council, B&F = Building and Finance, PLC = Planning, Licensing and Consultation)

COUNCILLOR	DATE	MEETING	ITEM	NATURE OF INTEREST
				

COUNCILLOR	DATE	MEETING	ITEM	NATURE OF INTEREST
[REDACTED]				
Terry Davies	19 June	PLCC	Planning App. S/35640	Agent known to him personally
[REDACTED]				

COUNCILLOR	DATE	MEETING	ITEM	NATURE OF INTEREST
				

COUNCILLOR	DATE	MEETING	ITEM	NATURE OF INTEREST
<div></div>				

Gary Jones

From: johnprosser [REDACTED]
Sent: 10 February 2021 15:14
To: Gary Jones
Subject: Re: Matter of concern

Thanks Gary

On Wednesday, 10 February 2021, 15:03:03 GMT, Gary Jones <garyj@llanellitowncouncil.gov.uk> wrote:

Hi John,

Arfon was making his way to the park when he spotted an exchange.

I will look into the incident.

Kind regards,

Gary

From: johnprosser [REDACTED]
Sent: 10 February 2021 14:59
To: Gary Jones <garyj@llanellitowncouncil.gov.uk>
Subject: Matter of concern

Dear Gary,

I need to bring to your attention an incident that took place yesterday next to the new park in Ann Street, Llanelli. I was absolutely appalled to witness a Town Councillor who is the Deputy Mayor of Llanelli, Cllr Terry Davies shouting the "F word" at someone walking away from him at the top of his voice. I was sitting in a car but could still clearly hear the expletive as did all the children who were in the park and their parents.

This type of behaviour is inexcusable anywhere but in front of children is abhorrent and not the behaviour I would expect from an elected official and there is no excuse.

Previous to this Cllr Terry Davies had been having a "stern word" to quote his most recent Facebook post telling Cllr Curry and Cllr Mcpherson they were outsiders and should not represent Tyisha as they were not Welsh, I did not hear all of the conversation but to say it was racist would be an understatement and I have suggested to Cllr Curry and Cllr Mcpherson that they should consider raising this with the police as a racist crime.

If you read his Facebook page it is littered with racist comments not worthy of a councillor.

John

Gary Jones

From: andre mcpherson [REDACTED]
Sent: 10 March 2021 08:44
To: Gary Jones
Subject: Re: Formal Complaint against Cllr Terry Davies, Dept Town Mayor

From: Cllr. Andre McPherson
Sent: 10 March 2021 08:39
To: gary@llanellitowncouncil.gov.uk; Linda Rees Jones <LRJones@carmarthenshire.gov.uk>; ask@ombudsman.wales
Cc: Democratic Services Unit <DemocraticServices@carmarthenshire.gov.uk>
Subject: Formal Complaint against Cllr Terry Davies, Dept Town Mayor

Dear Gary and County Council Standards committee,

I feel I have no choice but to make a formal complaint about Cllr Terry Davies, Deputy Town Mayor and his behaviour towards myself and my fellow elected member Cllr Curry.

This is an outline of what took place on 9th February at 14.05:

Both Cllr Curry and I received a WhatsApp invite from Arfon Davies (Deputy Town Clerk) as the park contractor for the new park in Tyisha to go over the snagging list we had highlighted. I messaged back to say that I would attend, as did Cllr Curry; we were both close to the park at the time.

As Cllr Curry and I arrived simultaneously in separate cars, we noticed that Town Councillor Terry Davies was standing by the side of the new children's play park, near the road and seemed to want to speak to both of us.

As we got out of our cars, Cllr Davies said: "he didn't know if we had bothered to speak to the clerk or the deputy clerk about the new park, but he wasn't happy with several issues." Cllr Curry informed him that we are both in constant contact with the officers about the park, were fully aware of the snagging issues and were dealing with it. I have to say I was a little taken aback to see him at the park as he had not been optimistic about the project from the start, even hostile to the project. This was in contrast to myself and Cllr Curry, who had been campaigning for the money to build the new park and getting the community involved.

Cllr Davies said to both of us, "we knew nothing" as we were foreigners and outsiders and not from around here", he repeated this several times. I was taken aback by this as I have lived in the Llanelli area for over 22 years and live within walking distance of the park. Cllr Curry also informed him of the same information around herself and how long she had lived here.

Calling us English outsiders, to say the least, is upsetting as I took this as racist rebuff and felt this was not how a town councillor should behave and definitely not how a Deputy Town Mayor should behave. He kept saying, "Wales should be for the Welsh people and that outsiders have no business being councillors here." He expressed his disgust at

incomers being dumped on Welsh communities and said loudly that we would never be welcome.

We both felt upset and insulted at this stage, Cllr Curry walked away towards Arfon Davies to start the meeting, who was in the dog park talking to the contractors. I stayed with Cllr Davies, who carried on about us not being welcome. As a gay Jewish person this brought extra upset as I have been told this in other environments and it made me sad. There were children playing in the park; I have significant concerns about them overhearing this and not feeling welcome in their community by a Deputy Mayor and ward town councillor. I decided to end the conversation, so I walked away. As I did, I heard him shout "F Off" as I am partially deaf for me to hear him so clearly, he must have shouted very loudly.

Mr Arfon Davies informed me that he hadn't invited Cllr Terry Davies and did not know why he was there. I told Arfon Davies of a few of the things that Cllr Terry Davies had said to me, including his language, at which he rolled his eyes. I did not elaborate as the meeting was starting with the contractor.

I believe this is conduct unbecoming of a councillor, and he brought the council into disrepute. He did this by:

- Expressing discriminatory words based on nationality when saying, "Wales is for the Welsh." While this was aimed at Cllr Curry and me as people born in England, it could also discriminate against many of our non-UK constituents, who are protected under the Equality Act 2010;
- He was abusive, using the F-word towards elected members.
- The behaviour amounts to bullying other elected members and is beyond the usual acceptable political criticisms;
- He repeated his "outsider" language in a Facebook post that evening where he said for the two outsiders he'd had a strong chat with today.' (screenshot attached).
- His repeated abuse is harassment by being a course of unwanted behaviour that neither I nor Cllr Curry welcome.

I have considered the Equality Act 2010 and how his language was discriminatory under its definition in support of this complaint.

The Equality Act says its discrimination if you're mistreated because of specific reasons. These reasons are called **protected characteristics**. The race is one of the protected characteristics under the Equality Act.

Race discrimination is when you're mistreated because of one of the following things:

- colour
- nationality
- ethnic origin
- **national origin.**
- **Sexuality**
- **Religious background**

I believe Cllr Davies saying "Wales is only for the Welsh" discriminates against many groups, including myself as a British citizen. In this case, Cllr Davies made several comments based on my national origin as English and not Welsh. This language was in a public park and would have discriminated against any constituent of a different national origin who may have overheard (the park was full at the time and is regularly used by European and Syrian families).

I also believe his behaviour is a breach of the Councillors code of conduct, namely the failure to

- show due regard for the principle of equality;

- show respect and consideration for others;
- not use bullying behaviour or harass another person;

I ask that you investigate this behaviour and take action against Cllr Terry Davies to show that this discriminatory language and abusive behaviour is unacceptable. I request that this be sent to the standards committee and/or the Ombudsman.

Yours sincerely,

Cllr Andre McPherson

Gary Jones

From: Gary Jones
Sent: 17 February 2021 09:07
To: suzycurry [REDACTED]
Cc: andre mcpherson
Subject: RE: Complaint against Cllr Terry Davies, Deputy Town Mayor

Dear Councillor Curry,

I have had an opportunity to speak to the Deputy Mayor following the complaint I received from Cllr. Prosser. He denies swearing and although he agrees there was a heated exchange he feels he was reacting to you calling him 'a vile person'.

I have reminded him about his behaviour and his social platform posting in relation to the Code of Conduct.

If you wish to take the matter further you will need to contact the Monitoring Officer of Carmarthenshire County Council as I have no authority to investigate this matter.

Kind regards,

Gary

From: Suzy Curry [REDACTED]
Sent: 16 February 2021 21:11
To: Gary Jones <garyj@llanellitowncouncil.gov.uk>
Cc: andre mcpherson [REDACTED]
Subject: Complaint against Cllr Terry Davies, Deputy Town Mayor

Dear Gary,

I'd like to formally make a complaint about Cllr Terry Davies, Deputy Town Mayor and his behaviour towards myself and my fellow elected member Cllr Andre McPherson.

Description of what happened:

Cllr McPherson and I received a WhatsApp message from Arfon Davies, Deputy Town Clerk on 9th February at 14.05pm to say that the park contractor was at the new park and he was going to head over to see them and was letting us know so that we could attend if we wanted to. I immediately messaged back to say that I would attend as did Cllr McPherson as we were both in close proximity to the park at the time.

As Cllr McPherson and I arrived we noticed that Town Councillor Terry Davies was standing by the side of the new children's play park, near the road and seemed to be waiting to speak to us.

As we approached, Cllr Davies said the following words: he didn't know if we had bothered to speak to the clerk or the deputy clerk about the new park, but he wasn't happy with a number of issues. I informed him that Cllr McPherson and I were in constant contact with the officers about the park, were fully aware of the snagging issues and were dealing with it. I said I was surprised to see him at the park as he hadn't taken an interest thus far, quite the opposite, when Cllr McPherson and I had been campaigning for the money to build the new park he had been negative in his comments, saying there was no point as it would be over-run with druggies and anti-social behaviour in no time, he never offered any help at any stage.

Rather quickly Cllr Davies informed us that 'we knew nothing' as we were foreigners and outsiders and not from around here, he repeated this several times. I informed him that I'd lived here for 18 years and could walk to the new park from my house more quickly than he could from his house but he dismissed this information, calling us English outsiders, he said more than once that Wales should be for the Welsh and that we had no business being councillors here. He ranted about incomers being dumped on Welsh communities and we would never be welcome.

At this stage I felt upset and insulted and walked away towards Arfon Davies who was in the dog park talking to the contractors. As soon as I approached, Mr Arfon Davies informed me that he hadn't invited Cllr Terry Davies and he didn't know how he was here. I informed Mr Davies briefly of a few of the things that Cllr Terry Davies had said to me at which he rolled his eyes. I didn't say too much as I didn't want the contractor to hear.

I understand that after I walked away Cllr Terry Davies continued to harass Cllr McPherson which culminated in Cllr McPherson walking away and Cllr Terry Davies yelling after him to F-off. This happened next to the children's play park which at the time was full of parents and children. I understand that several turned their heads towards Cllr Terry Davies after the expletive language (there is an independent witness to this who has complained).

I believe that in this incident, Cllr Davies displayed conduct unbecoming of a councillor bringing the council into disrepute. He did this by:

- Expressing words that were discriminatory on the basis of nationality when saying "Wales is for the Welsh." While this was aimed at me and Cllr McPherson as people born in England, it could also discriminate against many of our non-UK constituents, who are protected under the Equality Act 2010;
- He was abusive, using the F-word towards elected members.
- The behaviour amounts to bullying other elected members and is beyond the usual acceptable political criticisms;
- He repeated his "outsider" language in a Facebook post that evening where he said 'for the two outsiders he'd had a strong chat with today.' (screenshot attached).
- His repeated abuse is clearly harassment by being a course of unwanted behaviour that neither I nor Cllr McPherson welcome.

In support of this complaint, I have considered the Equality Act 2010 and how his language was discriminatory under its definition.

The Equality Act says its discrimination if you're treated unfairly because of certain reasons. These reasons are called **protected characteristics**. Race is one of the protected characteristics under the Equality Act.

Race discrimination is when you're treated unfairly because of one of the following things:

- colour
- nationality
- ethnic origin
- **national origin.**

I believe Cllr Davies saying "Wales is only for the Welsh" discriminates against many groups, including myself as a British citizen. In this case Cllr Davies made several comments based on my national origin as English and not Welsh. This language was in a public park and would have discriminated against any

constituent of a different national origin who may have overheard (the park was full at the time and is regularly used by European and Syrian families).

I also believe his behaviour is a breach of the Councillors code of conduct, namely the failure to

- show due regard for the principle of equality;
- show respect and consideration for others;
- not use bullying behaviour or harass another person;

I ask that you investigate this behaviour and take action against Cllr Terry Davies to show that this discriminatory language and abusive behaviour is unacceptable. I request that this be sent to standards committee and/or the Ombudsman.

Yours sincerely,

Cllr Suzy Curry

Sent from myMail for iOS

Members' Code of Conduct Development Sessions - Scenarios.

1. Councillors Andrews and Young are members of the same Council. Councillor Young has submitted an application to build a swimming pool on his property. Councillor Andrews is a member of the Council's Planning Committee. Other than being members of the Council, Councillors Andrews and Young do not sit on the same Council committees, and have no contact outside of meetings of the Council.

Can Councillor Andrews take part in the meeting of the Planning Committee?

2. Councillor Leyland is employed as a school bus driver. Councillor Leyland's Community Council is to hold interviews to employ a new clerk. The children of one of the candidates for interview travel on Councillor Leyland's bus every day to school. Councillor Leyland has no contact with the children's mother (the applicant) at all or the children other than when collecting them and dropping them off as part of their school journey. Councillor Leyland used to play on the same football team as the children's father, but that ended three years ago.

Can Councillor Leyland take part in the interviews for the clerk?


3. Councillor Arrowsmith loves to play darts. Unfortunately there is only one darts team locally based in a pub in a neighbouring village. There is no other darts team in the area. A member of the darts team in which Councillor Arrowsmith plays for on a Friday night has applied for planning permission for a house. There is no contact between Councillor Arrowsmith and the applicant between darts matches. There is rota of players so Councillor Arrowsmith and the applicant do not see each other every week. Councillor Arrowsmith is a member of the Council's Planning Committee.

Can Councillor Arrowsmith take part in the meeting of the Planning Committee when the planning application is considered?

4. A Council is holding a public meeting to hear a presentation from a wind turbine developer about proposals to erect wind turbines in the area. Members of the Council have been invited to attend the meeting as well as the public. Councillor Evans already has a wind turbine on her land provided by the same wind turbine developer.

Can Councillor Evans participate in the public meeting?

5. Councillor Eddie Kate is a governor of a school not appointed by the Community Council. The Community Council comprises a single area i.e. no wards. The Councillor's two children attend the school, and his wife is Chair of the Friends of the school. The County Council as the Local Education Authority (LEA) is making changes to the school transport policy that



could mean that Councillor Kate's youngest child may have to attend another school as this would be the closest school. As a concerned parent Councillor Kate attended a meeting held by the LEA and intends to report back to the next meeting of the Community Council on the outcome of the meeting.

Can Councillor Kate take part in the meeting of the Community Council?

6. Councillor Howells's son works at a local public house, owned by Mr Beer who is a personal friend of Councillor Howells and his family. Councillor Howells' and Mr Beer's family regularly eat out together and spend much time together during the year. The Council is encouraging the development of an industrial estate the access for which will mean the Mr Beer's public house will lose some of its car park, which cannot be replaced due to the proximity of other properties. Mr Beer's pub, due to its location on a main road, is frequented by "passing trade" which will be affected by the proposals.

Councillor Howells wants to write to the Council supporting his friend. Can he do so?

7. Councillor Iorwerth and his family are on holiday in their caravan at a caravan park in Caernarfon when he meets one of his constituents who is also staying in the same caravan park. The constituent starts a heated discussion with Councillor Iorwerth about the Council's policy relating to the introduction of traffic calming measures in the village where he lives. The constituent thinks it is not necessary. Councillor Iorwerth lives elsewhere in the electoral division and is not affected by the traffic calming measures. Councillor Iorwerth politely advises the constituent that he and his family are on holiday and that he should come and speak to him when they are both back from holiday. Despite repeated attempts to advise the constituent that Councillor Iorwerth is on holiday, the constituent persists. Councillor Iorwerth eventually walks away from the constituent who is very unhappy about being "ignored".

Councillor Iorwerth on his return is concerned that he may have breached the Code of Conduct. What is your advice?

8. Councillor Bull has asked an officer of the Council to undertake pothole repair work in his ward. However after a week of waiting, failing to make contact with the officer despite repeated attempts and then learning that the work has not yet been programmed, Councillor Bull is understandably angry with the officer. When Councillor Bull next visits the Council office, he visits the officer at his office and is overheard to say to the officer "You are a complete waste of space, completely useless, and incompetent. I'm going to make sure that you get the sack and that no-one else in this area will employ you". Subsequently it transpires that the work was insignificant. The officer reports this as an incident to the Monitoring Officer.

What issues would the Monitoring Officer wish to discuss with the Councillor?

9. Councillor Smith has a heated exchange with Councillor Weston at a Council meeting in respect of the Council's awarding of a grant. Later that evening in his local pub Councillor Weston makes comments to his friends that "Councillor Smith is a dodderly old duffer who could not take a decision to save his life. He has no idea and really should give up being a councillor". Councillor Weston's comments are overheard by friends of Councillor Smith who report what they have heard to Councillor Smith.

Councillor Smith has sought your advice as to whether to make a complaint to the Public Services Ombudsman. What is your advice?

10. Councillor Ball is a Community Councillor. He is also the Chair of the Local Football Club. He has not been appointed to the Football Club by the Community Council. The Football Club has asked the Community Council for financial assistance of £480 towards purchasing a new scoreboard. The Football Club has also asked Councillor Ball if he will advise the Community Council of the home fixtures which the club is playing to encourage as many people as possible to come and support the team.


Can he take part in the meeting of the Community Council for these two purposes?

11. Councillor North's brother-in-law is the director of a company, operating in his ward, which makes heating equipment. Councillor North is Chair of the local sports centre management committee appointed by the Council. The sports centre is in need of refurbishment. Councillor North's brother-in-law company is one of the companies that has tendered for the replacement heating equipment. Councillor North has decided that he has a personal and prejudicial interest in relation to the provision of the heating equipment, but wants to support his brother-in-law's company.

Can he support his brother-in-law's company?

12. Councillor Owen is a member of a Council committee which received a confidential report giving details of tenders received by the Council for grass cutting work which included details of those who tendered and the prices submitted. Members were advised that the tender would not be formally let until the following week. However on the evening of the meeting Councillor Owen is overheard at the local pub speaking to friends and telling them who has won the grass cutting tender and the price that was submitted. When challenged by a member of the public Councillor Owen argues that the information was in the public interest as it relates to sites in his area.

The member of the public who overheard Councillor Owen has complained to the Council. What issues would need to be raised with the Councillor?

- 
13. Councillor Pugh is stopped by an off duty policeman having driven through a traffic control which was red. When stopped Councillor Pugh told the policeman “I’m a councillor, traffic signals do not apply to me”. The Councillor is reported to the Council’s Monitoring Officer.

What issues would the Monitoring Officer discuss with the Councillor?

14. Councillor Quick is a trustee of a wildlife sanctuary appointed by the Council. The wildlife sanctuary is applying for a grant from the Council for £50,000 for work to improve the visitor centre.

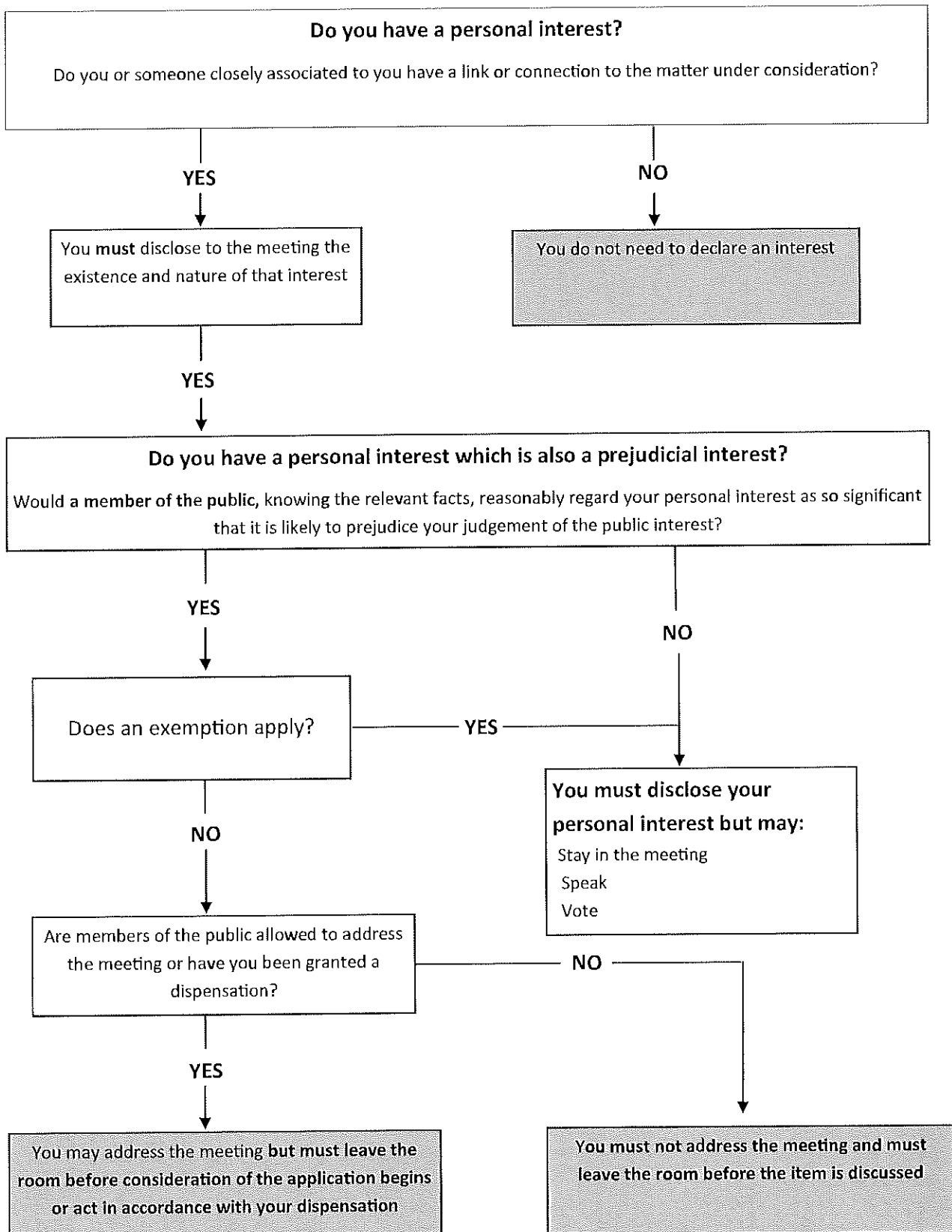
Can Councillor Quick take part in the meeting which discusses the grant application?

15. Councillor Righteous is a Deacon of the local parish church and Secretary of the parish church council. The wall of the churchyard is in a state of disrepair and the parish church council is applying for a grant from the Council to assist with those repairs. The work to repair the church wall is so significant that it will also require a planning application to be submitted to the Council’s Planning Committee. Councillor Righteous is a member of both the Council’s Grants Committee and the Planning Committee.

Can Councillor Righteous take part in both the Grants and Planning Committee meetings?

Declaration of personal and prejudicial interests

Questions to ask yourself. If in doubt you should ask your Clerk or your Monitoring Officer.



Code of Conduct Principles

1. The Local Government Act empowered the National Assembly to issue principles to which you must have regard in undertaking your role as a member. The Code is based on these principles which are designed to promote the highest possible standards. These principles draw on the 7 Principles of Public Life which were set out in the Nolan Report "Standards of Conduct in Local Government in England, Scotland and Wales". Three more were added to these: a duty to uphold the law, proper stewardship of the Council's resources and equality and respect for others.
2. Members elected to local authorities give generously of their time and commitment for the benefit of their communities. The principles provide a framework for channeling your commitment in a way which will reflect well on you and your council, and which will give your communities confidence in the way that your council is governed.
3. The individual sections of the Code are designed to support the implementation of the Principles. For example, the Selflessness principle is covered by Section 7 of the Code – Selflessness and Stewardship.

The current principles were set out in a statutory instrument¹ and are detailed below.

A) Selflessness

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

B) Honesty

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

C) Integrity and Propriety

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

D) Duty to Uphold the Law

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

E) Stewardship

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



APPENDIX 6

WITNESS STATEMENT

Statement of: Andrew Wood

Address:

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation/Position: Contract Manager, Sunshine Playgrounds



1. I, Andrew Wood, make this statement in connection with a complaint made to the Public Services Ombudsman for Wales that Councillor Terry Davies of Llanelli Town Council has breached the Code of Conduct for elected members by acting inappropriately towards other Councillors. The facts in this statement come from my personal knowledge.
2. I am a Contract Manager for Sunshine Playgrounds which was responsible for installing a playground on land adjacent to Ann Street, Llanelli.
3. Earlier this year I had a meeting planned with our client, Mr Arfon Davies, the Deputy Clerk of Llanelli Town Council, at the playground in relation to questions raised about the standard of work. I had not really met Mr Davies before.
4. When I first arrived at the playground, I started dealing with some minor snagging issues that I had already seen photos of. As I was doing this a gentleman came over. He was aged 60+ and was wearing a big high vis coat, a face mask and a plastic visor over his face. I initially thought that this was Mr Davies.
5. This gentleman was quite agitated and blunt about a few things that he thought were not right with the playground and questioned the quality of the surfacing in the park. He was very blunt, and I figured out that he didn't really know what he was talking about.
6. Sunshine Playgrounds has a lot of experience of surfacing in playgrounds and this gentleman asked me what was below the artificial grass surface of the playground. There was a mixture of rubber safety surfacing and fine stone dust under the artificial grass. The rubber safety surfacing has to be put around the play equipment. This is called the critical floorspace. The

areas outside the critical floorspace is made up with a fine stone dust to give a nice level finish. The artificial grass goes on top of it all.

7. I explained this to the gentleman who approached me, and I also explained that this was why there was a slight difference between where the stone was underneath and where the rubber safety surfacing was. The gentleman was then quite blunt about the fact that this was a ridiculous detail and a ridiculous design. I told him that it was quite standard in playground construction and in line with the specification. The gentleman questioned why the whole area wasn't rubber and I explained that this came down to price. I told him that the areas around the play equipment, the critical floorspace, must have the rubber, which they did, and the areas outside of the critical floorspace, which are still inside the park, are made up with 6mm of stone dust which is quite a standard detail. The gentleman ranted and told me that it was ridiculous.
8. He chewed my ear off a bit, and I put him in his place as he was saying our work was ridiculous. What he was questioning was quite a standard detail.
9. A resident then came over to us, I was kind of saved. The resident, who obviously knew who this gentleman, started giving him a hard time about anti-social behaviour by some of the youngsters in the area. I took this as my point to escape and I carried on doing the work I was doing. I think there was more of an issue after. My contact with this gentleman only lasted a couple of minutes. It later transpired that this gentleman was not the person I was due to meet from the Council but was the Deputy Mayor.
10. Shortly after this, Mr Davies came on to site. When I saw him, I realised that I had met him once before, some months previously. Mr Davies seemed to suggest that it wasn't good that this other gentleman there. I told Mr Davies that the gentleman had just chewed my ear off about the surfacing and I had been saved slightly by the resident who was now giving him a hard time about anti-social behaviour by the youngsters in the area. There was a couple of other ladies that joined Mr Davies and he explained to them that I was doing some of the snagging that had been raised. Someone raised the question of what this other gentleman was doing there, and it was commented that it was "purely by chance" and "that's the last thing we need" or something like that.
11. Mr Davies basically told me not to worry about what the gentleman had said to me. There was a meeting held – Mr Davies met with a couple of other people that he had arranged to meet.
12. Mr Davies then came to have a chat with me about some of the things that we needed to talk about. He had a few questions about certain things on the playground. I had already been doing some snagging around the playground which related to some of the questions that Mr Davies had. As far as I was concerned, that was the end of my input. I wasn't really involved in the rest of the meeting.
13. I know very little about the events complained about. I kept my distance and wasn't really involved. I was very much on the periphery. This gentleman

who approached me was voicing his opinion quite loudly with the other Councillors that were there from Carmarthenshire County Council. I was not involved in the conversation between the gentleman and the other Councillors. There was raised voices between them, but I didn't hear any particular words. I was approximately 15 metres away from them at this time.

14. I understand that the gentleman who gave me a hard time is regularly a bit of a nightmare. Those are the words that were used to describe him. I have learnt since, that this gentleman did not have anything to do with the specification of the playground. It was made clear to me by Mr Davies that the gentleman causes a lot of friction.

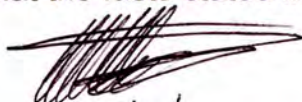
15. I got the impression that the gentleman who approached me wasn't invited to the meeting and shouldn't have been there as he was not involved but was making it his own business to be there. He, by chance, turned up, or he got wind of the fact that there was going to be a meeting.

Statement of truth:

I believe that the facts stated in this witness statement are true.

Signed:

Dated:


20/6/21

WITNESS STATEMENT

Statement of: Mr Arfon Davies

Address:

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation/Position: Deputy Town Clerk, Llanelli Town Council

-
1. I, Mr Arfon Davies, make this statement in connection with a complaint made to the Public Services Ombudsman for Wales that Councillor Terry Davies of Llanelli Town Council has breached the Code of Conduct for elected members on 9 February 2021. The facts in this statement come from my personal knowledge.
 2. We have developed a new play area within the community. The Town Council Ward that this play area sits in has 3 Councillors; 2 of which, Councillor Andre McPherson and Councillor Suzy Curry are County Councillors and Town Councillors and one, Councillor Davies, is an elected Town Councillor.
 3. The park project was a County Council project and the County Council developed with County Council and Dŵr Cymru funding. The intention is, in the fullness of time, to asset transfer that to the Town Council. Until it is handed over to the Town Council the park remains a County Council park.
 4. Councillor McPherson and Councillor Curry were involved in the creation of the park and the whole process.
 5. Following completion of the park, Councillor Davies raised concerns about some of the workmanship. I had, therefore, arranged to meet with the contractors on Wednesday 17 February 2021, at 10:30, to make sure that all the elected members for the Ward had a chance to raise their concerns. Councillor Davies, our deputy Council Leader, Councillor John Jenkins, Councillor McPherson and Councillor Curry, Neil Pigdon, the area manager for the park contractor, and another contractor representative, were invited to, and attended, this meeting.
 6. Prior to the meeting on 17 February, I had also arranged, on very short notice, a meeting with the contractor to confirm the snagging issues with the

park following the completion of the works. This meeting was at about 14:15 on 9 February 2021.

7. I invited the 2 County Councillors, Councillor McPherson and Councillor Curry, to attend this meeting with the contractor's representative to quickly clarify a couple of issues that they had before we had the full formal meeting the week after. It was also an opportunity for them to raise anything specific before the more open formal meeting on 17 February.
8. Councillor Davies was invited to the full formal meeting on 17 February, but not the meeting I had arranged with Councillor McPherson and Councillor Curry on 9 February. He was not invited to the meeting on 9 February 2021 simply because the park is a County Council area up until the park is transferred to the Town Council.
9. When I arrived at the park, I could see that Councillor Davies was there. I raised a hand or said good afternoon, something like that, and walked over to the contractor and introduced myself. The contractor said something such as "Oh God, I thought you were that other gentleman". I explained to him that the other gentleman referred to was Councillor Davies, one of our Town Councillors.
10. The contractor told me that Councillor Davies had been talking to him about the park. I said something such as "Ok, no problem". The contractor told me that Councillor Davies had raised some concerns about the condition of the park and was asking him questions about how the work was completed. I told the contractor that it was fine, and that the whole point of the meeting scheduled for the following week was to clarify these issues. The contractor said that he was concerned that he had done something wrong as he had thought that Councillor Davies was me. The Contractor said that he had been talking to Councillor Davies perhaps more openly than he would have to a Councillor. I told the Contractor not to worry and that I was slightly taken aback also as I had not expected Councillor Davies to be there myself. It appeared to be a coincidence that Councillor Davies was there. I later understood that he had been asked to visit the park by a resident and he therefore coincidentally was at the site at that time.
11. At this point, Councillor McPherson and Councillor Curry arrived. I believe that they arrived in different vehicles. I don't know whether they arrived at the same time, but I remember seeing Councillor Curry's car. Another County and Town Councillor, Councillor John Prosser, was with Councillor Curry in her car. I believe Councillor Prosser stayed in Councillor Curry's car throughout.
12. I continued talking to the contractor's representative. I did look up a couple of times when I was talking to the contractor and could see that Councillor Davies, Councillor McPherson and Councillor Curry were having a discussion. I did not hear anything of the content of the discussion. I can not even comment on the volume of the conversation as I did not hear anything. I did not notice any gesticulating. I could not tell from my distance whether it was a perfectly nice conversation or a not. I guessed that it was unlikely to

be a good conversation simply because of the situation. There was not a great distance between where I was and where they were, maybe a little less than 100 metres, but I didn't hear any of the conversation.

13. A short while went by and Councillor Curry walked towards me. It's difficult to say exactly how long it was before Councillor Curry came over as I was just chatting to the contractor. Councillor Curry was seemingly under the impression that I had invited Councillor Davies to the meeting. I said something such as "I wasn't expecting Councillor Davies to be here". I explained that I had not invited Councillor Davies and had only invited Councillor McPherson and Councillor Curry because we were looking to arrange a pre-meeting with them before we had the formal meeting the week after with the 3 Councillors due to be present.
14. Councillor Curry said that there had been a bit of an argument. I can't remember exactly what Councillor Curry said about the argument.
15. A few minutes later, Councillor McPherson walked across. He was also concerned that Councillor Davies had been invited to the meeting. I again said "No" and that it was a terrible coincidence.
16. I was really concerned that there had obviously been a disagreement or a disagreement between the Councillors. I felt, in some way, that I could be the cause of that with possible negative repercussions within the Council by having Councillor McPherson and Councillor Curry invited to the pre-meeting where Councillor Davies was invited to the next meeting and that there had been some arguments and misunderstanding. I explained to Councillor McPherson that Councillor Davies had not been invited to the meeting but was invited with them to the full meeting with other Councillors and the contractor the following week.
17. Councillor McPherson and Councillor Curry explained that there had been cross words. I hadn't heard any of what had been said between the 3 of them or what Councillor Prosser might have heard.
18. I don't recall exactly who said what, but Councillor McPherson and Councillor Curry explained that Councillor Davies had said they should not be there, they should not be representing the Tyisha Ward as Councillors for the area because they did not live in, or were not from, the area. This was how the discussion was explained to me, as if it was an issue of you don't live in the area, you don't understand the area, you shouldn't be a Councillor for the area. I may not have the words exactly how it was explained to me but that is the impression they gave me of what the argument had been about.
19. I did not speak to Councillor Davies at all during this time other than the pleasantries of "Good afternoon" which I am likely to have said to him. Councillor Davies went pretty quickly once Councillor McPherson and Councillor Curry came across to me. I believe that Councillor Davies had his van with him, and he drove off in his van. I did see him drive away. From memory, he drove away how you would expect somebody in a works van to

drive away. There was nothing about the way Councillor Davies drove away that caused me any concerns.


20. I know that there were people in the park at this time, but I would be guessing if I were to give a specific number in attendance. I did not know anybody in the park and there was nobody else in the area that I knew.
21. There is a small grass area between the path, where the Councillors were talking, and the park. The Councillors, I'm guessing, were between 30 and 40 metres away from the middle of the park when they were talking to each other.
22. I did not have any concerns about anything I specifically saw but, obviously, I had concerns about the situation that had arisen and what Councillor McPherson and Councillor Curry described to me as having happened. I was worried that I might have caused the argument by the very fact of having Councillor McPherson and Councillor Curry there for the meeting which resulted in them having the interaction with Councillor Davies. I felt badly about it.
23. The Councillors and I then continued with the meeting with the Contractor Representative.
24. On returning to the office, I reported the incident to the Town Clerk. I believe that Councillors Curry, Prosser and McPherson also raised the issue with the Town Clerk and raised a complaint which was then sent to the Ombudsman. The Town Clerk spoke to Councillor Davies after the next Council meeting in my presence and discussed the issues that arose. The Town Clerk and Councillor Davies discussed the incident, the Code of Conduct and what was expected from a Town Councillor. Councillor Davies took all this on board.

Statement of truth:

I believe that the facts stated in this witness statement are true.

Signed:

Dated:


17/5/21



WITNESS STATEMENT

Statement of: Mr Steven Lewis

Address:

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation/Position: Retired

-
1. I, Mr Steven Lewis make this statement in connection with a complaint made to the Public Services Ombudsman for Wales that Councillor Terry Davies of Llanelli Town Council has breached the Code of Conduct for elected members on 9 February 2021. The facts in this statement come from my personal knowledge.
 2. Please explain where you were while you were speaking with Councillor Davies on 9 February 2021.

Ann Street field.

3. Please explain the proximity of the new park to your location at that time.

Stood outside the parks Fencing.

4. During your conversation with Councillor Davies, who did you see arrive in the vicinity?

4 Saw Suzie Currie and a male.

5. Were they known to you?

I know Suzie Currie, as a Councillor

6. If you did see people arrive in the vicinity, how far away were they from you?

Approximately 3 metres away.

7. Again, if you did see people arrive in the vicinity, what were they doing while you were speaking to Councillor Davies?

They Stood there

8. How long did your conversation with Councillor Davies continue for?

Approximately 5 minutes

9. What did you see once you had finished your conversation with Councillor Davies?

Nothing, turned around and walked home.

10. What did you hear of any conversation between Councillor Davies and others after you had stopped speaking to Councillor Davies?

Didn't hear any conversation as I am Deaf.

11. If you did hear any conversation between Councillor Davies and others, please describe the volume of the conversation.

Nothing heard.

12. Please describe the positioning of Councillor Davies and any other people at this time.

Whilst talking to Councillor Davies we were all at least 3 metres apart. As I left the field I did not look back / look at them.

13. Please describe the demeanour of, or any movements or gestures made by Councillor Davies at this time.

Whilst talking to Councillor Davies, he was polite and friendly.

14. How far away from Councillor Davies were you at this point?

At least 3 metres.

15. Did you have any concerns about anything you saw and/or heard after you had finished speaking to Councillor Davies?

No, I did not see or hear anything after I left the field.

16. Was there anyone else present with you during this time?

I was talking to Councillor Davies by myself, there were a few children in the Park itself.

17. Please describe how busy the park was at this time.

Approximately 20 people.

18. Is there anything else you wish to add that you consider to be relevant to this investigation?

No.

Statement of truth:

I believe that the facts stated in this witness statement are true.

Signed: *S. E. Nelson*

Dated: 6/5/2021.

WITNESS STATEMENT

Statement of: Councillor Suzy Curry

Address: [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation/Position: Office Manager

-
1. I, Councillor Suzy Curry, make this statement in connection with a complaint made to the Public Services Ombudsman for Wales that Councillor Terry Davies of Llanelli Town Council has breached the Code of Conduct for elected members. The facts in this statement come from my personal knowledge of an incident with Councillor Davies on 9 February 2021.
 2. On 9 February 2021 I was in work and I received a WhatsApp message from Arfon Davies the Deputy Town Clerk. We are in a WhatsApp group and the group includes Mr Davies, me, Councillor Andre McPherson and Council Officers. Mr Davies' message said that the Contractor who had built the new park in Tyisha Ward had just messaged him to say that he was at the park. Mrs Davies said that he was going over to the park and asked whether either me or Councillor McPherson, or both of us, were free to join him. I am very fortunate in that I work very close to the park and can leave work whenever I want to, so I messaged back straight away to say that I would be over straight away. I could see that Councillor McPherson had messaged as well to say that he was attending too.
 3. It was early afternoon, possibly around 2 o'clock. I got in my car and headed over to the new park. Councillor John Prosser was with me in the car; he was sat in the passenger seat. It was a couple of minutes' drive and when I pulled up, I could see Councillor Davies' van parked half on the road and half on the pavement directly in front of the park. I parked directly behind Councillor Davies' van.
 4. Councillor Davies looked like he was waiting for us and I wasn't sure, at that time, whether Mr Davies had also invited Councillor Davies to the meeting. I was surprised to see him because there is a little bit of history.
 5. Tyisha is a very deprived area and we are doing our best to campaign to bring money to Tyisha and to bring parks to Tyisha. Tyisha had no parks

whatsoever. It is a densely populated area with hugely deprived children and no parks. Neighbouring Wards have 4 or 5 parks.

6. Councillor McPherson and I are not only Town Councillors but ~~he~~ are also County Councillors. We campaigned to raise a £110,000 to build the park in Tyisha and Councillor Davies could have got involved if he had wanted to. All the while we were doing this, Councillor Davies was just barking in the background, raising issues about a park would be full of "druggies". Councillor Davies has also used this terminology in Council.
7. When Councillor McPherson and me started campaigning for the park, Councillor Davies was very, very negative, he didn't have a good word to say, he didn't help and used terminology that I did not approve of. He would say things like "There's no point building a park as it will be full of druggies", "There's no point, it is just going to attract trouble" and "What are you building a park for, it's no good". It was like a constant barrage of these types of comments. So when I pulled up and saw Councillor Davies, I thought to myself "What's he doing here?". It is for this reason that I hesitated before getting out of the car.
8. Councillor Davies was standing outside of his van on the path alone and as I was sitting there looking at him, Councillor McPherson pulled up directly behind me. I must admit, I felt a little bit relieved as I didn't fancy speaking to Councillor Davies on my own if I'm honest. I deliberately waited for Councillor McPherson to get out of his car first before I got out of my car. Councillor Prosser remained in my car throughout.
9. I waited for Councillor McPherson to walk up to the side of me and then we walked in the direction of the park, which was where we were meeting Mr Davies but also the same direction as Councillor Davies was standing.
10. As soon as we approached Councillor Davies, about 3 feet away from him, his opening comments were almost animated straight away. He launched into shouting at us and his arms were moving a lot. He said, "Have you two bothered to talk to the Clerk?", "Have you two bothered to talk to anybody?", "There's so many problems with this park, I'm not happy with it".
11. Councillor McPherson and I were taken aback; I told Councillor Davies to wait a minute and that we were fully aware that there were snagging issues. I didn't call him Councillor Davies, I called him Terry. I said "Come on now Terry, we are fully aware that there are snagging issues with the park, but we are taking care of it. Look over there, you can see Arfon in the dog park, the Contractor is here, that's what we're here for and we are going over to meet them now, we're discussing the snagging issues". I also said, "Give us a chance to sort it out, the park's only just opened, it's not even officially open". The park may have been open to the public, but it was not officially open at that stage. I told Councillor Davies not to worry about it.
12. I then told Councillor Davies that I was kind of surprised that he was interested because as he had not been interested all the way along when we had been campaigning for the park and going out of our way to raise the

money for the park. I told him that he had not contributed in any way and asked him, "What are you doing here now?"

13. Councillor Davies just blew his top. He got very animated and angry with his arms waving about. He launched into saying, "You're not from around here", "You're English outsiders, you're not from around here, you'll never understand the people around here, you'll never understand the issues around here. I was like "Woah! Wait a second now Terry, come on now, you shouldn't be saying things like that". I said, "I have lived here for 18 years and brought my family up here, worked hard in the community and you shouldn't be saying things like that". I also told Councillor Davies that I could walk to the park from my house quicker than he could. I did this because he had said we were outsiders.
14. Councillor Davies was very dismissive and carried on. He was shouting and addressing his comments at both of us, that we were English outsiders, that the length of time we had lived in the area did not count for anything, Wales should be for the Welsh (which he said more than once), that we, which I assumed he was referring to English people, were being brought in and dumped on communities.
15. Councillor Davies said so much, if I'm honest, that I can't remember every word. He appeared to be angry and was border-line aggressive in his nature. I did not feel threatened that I was going to be violently attacked, but the way he conducts himself, he seems to be permanently angry.
16. Councillor McPherson and I remained calm, talking at a normal level. I tried to reason with him to start off with.
17. He said more along the same vein and that is when I got really upset as I did not like what Councillor Davies was saying to me at all. I could feel myself getting upset. I can be quite emotional, and I did not want to cry in front of Councillor Davies, so I walked away after about 5 minutes. I am not sure of the exact time, but it was definitely no more than 5 minutes.
18. As I walked away Councillor McPherson was still trying to talk to Councillor Davies. Councillor McPherson is very reasonable; he is a clinical psychologist by profession, so is very calm and very reasonable. I could hear him as I walked away trying to reason with Councillor Davies. The last thing that I heard was Councillor McPherson telling him how long he had lived in the area as he has lived in the area for even longer than I have, 20 odd years.
19. I walked past the children's park, which had mothers and young children in it. I did not count how many people were in the park. It wasn't packed but there were quite a few people in the park, maybe half a dozen parents and one or two children per parent. The conversation with Councillor Davies happened directly in front of the park, so anybody in that park would have heard every single word that Councillor Davies said to us. I did not know any of the people in the park. Tyisha has a large population of Polish and Romanian families and a few Syrian families. They use the park a lot.

20. I then walked into the dog park, where Mr Davies and the Contractor were. The Contractor was over the other side of the dog park so I whispered to Mr Davies, "You wouldn't believe what he has just said to me". Mr Davies sort of rolled his eyes. I didn't want to say too much as I didn't want the Contractor to hear what Councillor Davies had just said to us. I did whisper a few things to Mr Davies as discretely as I could, and Mr Davies just shook his head. Mr Davies volunteered an apology and said, "I really do apologise". I told Mr Davies that he had nothing to apologise for. Mr Davies said, "You need to understand that I did not invite him" and that Councillor Davies had not been invited to the arranged meeting and that he did not know why Councillor Davies was there. I must stress that Mr Davies was not asked for this information, he volunteered the information to assure me that he had not invited Councillor Davies to the meeting.
21. As I was talking to Mr Davies, I could see from looking across the children's park that there was an animated argument going on. I couldn't hear Councillor Davies so I couldn't make out exactly what he was saying, but Councillor Davies was so animated with his arms waving about. Councillor Davies was shouting but I couldn't quite hear what Councillor Davies was saying at that stage. That went on for maybe another 5 minutes and then Councillor Davies got in his van and drove off. He left in an aggressive manner by jumping in the van, slamming the door and taking off at speed. He drove in the same manner that he had been talking to us.
22. Councillor McPherson then came to join me and Mr Davies in the dog park. Councillor McPherson whispered to me, "You'll never believe what he just said to me". I asked Councillor McPherson what Councillor Davies had said, and Councillor McPherson whispered that Councillor Davies had told him to either "F-off" or "Fuck off", I can't quite remember which one, and I was like "Oh my God!". The contractor was walking towards us and we were both trying our best to be discreet.
23. We then had the meeting with the Contractor as arranged to discuss the few snagging issues, as expected with a new park.
24. After the meeting, Councillor McPherson told me that he had done his best to reason with Councillor Davies. He said that he had also told Councillor Davies how long he had lived in the area and no matter what we said to Councillor Davies, it didn't count for anything.
25. Other than the people in the children's park, I am not aware of there being anyone else present who may have heard what Councillor Davies said to us. The people in the children's park would have heard what he said but the people in the dog park would probably have been too far away to hear what was said. They probably heard the raised voices but not heard what was actually said as when I was in the dog park I could make out it was going on but I couldn't make out what was being said as it was just that little bit too far away.
26. I was shook up after this incident; confrontation isn't nice. It really shook me up, especially when someone says the things that Councillor Davies said to

me. I have lived in this community for 18 years, I'm a Councillor and work hard in the community. To have someone tell you that basically everything you do counts for nothing because I wasn't born here is just nasty and racist and he should not have been saying it to us, or anybody else either.

27. That night, Councillor Davies put a Facebook post up. I am, not surprisingly, not friends with Councillor Davies on Facebook but somebody messaged me to say, "Have you seen Terry's Facebook?" and I said that I had not. They told me to have a look at what Councillor Davies had put up on Facebook and saw that he had posted that he had had a strong word with the outsiders. I just thought "Wow! He's still angry". Several hours had passed and you would have thought that he would have calmed down and when sitting at home he would use calm language. That's my impression of Councillor Davies and why I did not want to see him on my own, he comes across as being permanently angry and negative. I find it quite hard to deal with as it's upsetting and he's un-nerving. I would not have liked to have gone through that confrontation on my own.

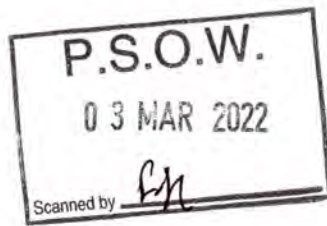
Statement of truth:

I believe that the facts stated in this witness statement are true.

Signed:

Dated:

Ruby A. Cunniff
10-8-21



ADDITIONAL WITNESS STATEMENT

Statement of: Councillor Suzy Curry

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation/Position: Office Manager

-
1. I, Councillor Suzy Curry, make this statement in connection with a complaint made to the Public Services Ombudsman for Wales that Councillor Terry Davies of Llanelli Town Council has breached the Code of Conduct for elected members. The facts in this statement come from my personal knowledge.
 2. This is an additional statement and should be read with my previous witness statement dated 10 August 2021.
 3. On 7 February 2022, I was asked by the Investigation Officer, Sarah Jones, to provide some clarification regarding the incident with Councillor Davies. I said previously that Councillor Davies immediately confronted me and Councillor McPherson. Councillor Davies did instigate the conversation. At no point during the exchange did I call Councillor Davies an evil and vile man.

Statement of truth:

I believe that the facts stated in this witness statement are true.

Signed:

Dated:

Our ref: 202005902/SJ/EH

Ask for: Sarah Jones



01656 644238

Date: 16 February 2022



Sarah.Jones
@ombudsman-wales.org.uk

PERSONAL & CONFIDENTIAL

Councillor Suzy Curry
72 Alban Road
LLANELLI
SA15 1EW

Dear Councillor Curry

**Code of Conduct complaint made against Councillor Terry Davies of
Llanelli Town Council**

Further to our telephone conversation on 7 February 2022, I sent to you, by email on 8 February, a completed draft version of your additional witness statement which included the information we discussed on the telephone. I asked you to check the statement for accuracy and to notify me of any amendments that you wished to make. I also asked that, if you were content with the content of the statements as it was drafted, for you to sign where indicated and return the signed copy to me at your earliest convenience. To date, I have not received your signed additional statement and have been unable to contact you by telephone.

I therefore enclose a further copy of the draft additional statement and a stamped addressed envelope. I would be grateful if you could review the statement and return a signed copy to me (either by post or by emailing a scanned copy to me) by **Tuesday 22 February 2022** so that the investigation can be progressed.

Please be aware the statement bears a 'statement of truth' and by signing this statement you are confirming your belief that the contents of it are true and accurate.

I must remind you of your obligation under paragraph 6(2) of the Code of Conduct that you must comply with any request of the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers. Failure to do so could amount to a breach of the Code.

Please bear in mind that your statement may be included in the evidence that is disclosed to Councillor Davies during this investigation. Ultimately, your evidence may be attached to any report on the investigation which the Ombudsman may refer to the Authority's Standards Committee, or to the President of the Adjudication Panel for Wales.

I therefore request that you do not discuss your evidence with any persons who may be involved in the investigation. The information contained in your statement should also be held in strictest confidence.

The information provided to you in advance of the interview and contained within the witness statement attached has been disclosed to you for the purposes of the Ombudsman's investigation in accordance with the Local Government Act 2000 and should be held in strictest confidence. Further disclosure may amount to a breach of the Code.

In addition you should not discuss the evidence contained within any witness statement or document provided with persons who may be involved in the investigation, whether directly or indirectly, as such contact may prejudice the Ombudsman's investigation and be construed as a similar breach of the Code.

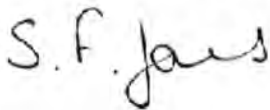
Meeting your needs

Please let us know if you need us to adapt the way in which we seek your agreement to the enclosed statement. If anything makes it difficult for you to do so in the way we ask, for example, if you have a disability you have not told us about, please contact us to explain how this affects you.

We will consider whether your request is reasonable and appropriate in the circumstances. This is because we need to use public money carefully.

Please feel free to contact me if you have any queries.

Yours sincerely



Sarah Jones

Swyddog Ymchwilio/Investigation Officer

Enc: Draft additional witness statement

WITNESS STATEMENT

Statement of: Councillor John Prosser

Address:

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation/Position: County Councillor

I Councillor Prosser make this statement in connection with a complaint made to the Public Services Ombudsman for Wales that Councillor Terry Davies of Llanelli Town Council has breached the Code of Conduct for elected members.

The facts in this statement come from my personal knowledge of the events complained about. It is all to the best of my memory – I should have written it down in my diary after it happened.

2. At approximately 11:00 on 9 February 2021, I was a passenger in Councillor Suzy Curry's car. We attended at the new park by Ann Street, Llanelli. The park was opened at the end of January / start of February 2021.

3. Councillor Curry had a meeting arranged with Mr Arfon Davies, the Deputy Clerk of Llanelli Town Council, the park contractor, and Councillor Andre McPherson.

4. Councillor Curry parked her car directly behind Councillor Davies' van which was already parked in the street. Councillor McPherson pulled up at almost the same time behind us. Councillor Davies was by his van and talking to a member of the public when we arrived.

5. I should explain that both Councillor Curry and Councillor McPherson are County Councillors and were involved in securing funding for the new park. The new park had not been handed over to the Town Council at the time and the meeting at the park was to discuss matters relating to the maintenance of the park.

6. Councillor Davies had not been invited to the meeting at the park and Councillor Curry was surprised to see him there.

7. Councillor McPherson and Councillor Curry got out of their cars at the same time. I remained in the car sat in the passenger seat on the side closest to the park. I was looking at my phone and the radio was not on. I did not get out as the meeting at the park did not concern me.

8. As soon as Councillor McPherson and Councillor Curry walked past Councillor Davies, Councillor Davies just went for them. All Councillor McPherson and Councillor Curry had done was nod their heads in acknowledgement of Councillor Davies. Councillor Davies had obviously lost his temper and he was loud enough that I could hear him with the windows of the car closed. Councillor Davies was really upset that they were having dealings about the park and he had not been invited, but as I said it was a County Council matter not a Town Council matter.

9. I did not get out of the car during the altercation as I thought it would inflame the situation more than if I just sat in the car and listened. I am not even sure whether Councillor Davies realised I was in the car.

10. I did not hear all of the initial conversation, but I heard Councillor Davies shout about Councillor McPherson and Councillor Curry being English, and that they knew nothing about Wales. Due to the way the conversation was going, I opened the car window so I could hear it better because I couldn't believe what I was hearing. It was not a quiet conversation; Councillor Davies was shouting at them. He also said that English people should never be Councillors in Wales, he had lived there for 50 years, they would never understand how the Welsh people think and that they needed to be born here to understand. Councillor Davies made a big thing of the need to be born in the area to be a Councillor. He used a word, but I can't think what it was, something like the Welsh psychology. Councillor Davies also said that Wales should be for Welsh people and outsiders have no business here. He said something along the lines of outsiders being dumped in the area, that there were loads of druggies, homeless people and people being dumped out of prison in the area.

11. Councillor Davies then made comments about the fact that Councillor McPherson and Councillor Curry were English. When I started to hear the racist comments, I looked up and thought "Wow". Councillor Curry tried to explain that she lived closer to the park than Councillor Davies and that she could walk to it in 2 minutes. Councillor Davies then started to make all these comments about the fact that they were English, that they would never understand, only Welsh people could be there and that only people that were born in Tyisha Ward should be Councillors. Councillor Davies went off on an absolute tirade of comments against them. I deemed the comments to be racist and I actually told Councillor McPherson and Councillor Curry that they should ring the police and make a complaint. I regret that I did not do so myself at the time.

12. The park was full of parents and small children at the time. There was about 10 or 15 people in the park with at least 4 adults and the rest were little kids. I can't remember seeing any older children there.

13. One of the things that we pride ourselves on is that we have quite a big Polish community, Syrians, and people from England, and all over, who come and use the brand-new park. But then a Town Councillor stood outside the park behaved this way, saying that Wales is for the Welsh, people who were born in England shouldn't be here, outsiders have no business being Councillors, and that he was disgusted because people were being dumped here from other places. Councillor Davies told Councillor McPherson and Councillor Curry that they would never be welcome.

14. After about 2 to 3 minutes, Councillor Curry just walked away and said words to the effect of "I'm not listening to this". She went to talk to Mr Arfon Davies and the contractor who were next to the dog park. The dog park is directly behind the new park. They were probably 70 or 80 yards away from where the confrontation was taking place. I estimated that the people in the park were between 7 and 10 feet from where the confrontation was taking place – they were very close, and people were looking. It was not as if it was a quiet conversation and that they were having a chat. I have since measured the distance between the road, where Councillor Davies' van was parked, to the seating area in the park and it is 23 feet.

15. Councillor Davies was screaming at Councillor McPherson. Councillor McPherson was trying to calm Councillor Davies down and asked him, "What do you want us to do?" and "I've lived here for 22 years". Councillor Davies replied, "You could live here for a 122 years, but you would never understand how the Welsh live". Councillor McPherson also said to Councillor Davies, "You've said that you've lived here for 50 years what difference are you doing?" and "What difference do you make?". Councillor Davies is a plumber, or a gas person, and he replied that he always helped his customers and that he only dealt with Welsh people and did not deal with English people. I find this hard to believe and remember chuckling to myself after he said it.

16. Eventually, Councillor McPherson said that it was pointless arguing with him. Not once did Councillor McPherson raise his voice or shout at Councillor Davies. Councillor McPherson, in my personal opinion, doesn't like conflict like that and is quite a sensitive guy. He has had plenty of issues over his time and a lifetime of people abusing him. Councillor Davies kept going on to him. Councillor Davies did not make slights against him for being gay, but he certainly said that Councillor McPherson was not welcome here. I should add that Councillor McPherson is Jewish.

17. Then, at the top of his voice, Councillor Davies shouted at Councillor McPherson, "Fuck off Andre". This was said loud enough for everyone in the park to hear and the parents were looking around.

18. I am one of the trustees of the new park and one of the park monitor volunteers. The aim of the park monitors is to ensure that the park does not get overrun by older children. We have zero-tolerance in the park about people swearing. If people swear, we warn them once, and then the second time we call the police. The police can confirm that we will regularly ring the police for kids swearing and get them thrown out of the park. We don't want the park to have a reputation that it is an unsafe or an unfriendly place to go. We have a very mixed-race population here and I am proud of the fact that we have Polish, Syrian, Welsh, and English children speaking 3 or 4 different languages. It's great to see children switching languages as they speak to different people. I feel quite proud that different nationalities feel safe to come to the park. The people in the park know that if they swear, they are out. Then we have Councillor Davies, the Deputy Mayor, outside the park swearing and behaving like an idiot. The behaviour was something you may expect outside a pub on a Saturday night not from an elected official that thought it was acceptable.

19. Again, everybody in the park turned their heads in response to the confrontation. Everybody heard it. As a park monitor you do get to know people who attend the park, but I could not be certain who was there at the time of this incident. I wish, in hindsight, that I had got some of their names and addresses so they could verify what was said. I also wish I had apologised to them for the behaviour of Councillor Davies.

20. Councillor Davies then got in his van and sped off down Ann Street towards Inkerman at a rate of knots. I could tell that he was really angry and wound up about it by the way that he drove off. Councillor McPherson just shrugged his shoulders towards me and walked over to the meeting which was about 60 yards away. I could then see Councillor McPherson, Councillor Curry, Mr Arfon Davies, and the contractor all pointing over in my general direction, but I don't know what that conversation was about.

21. The whole incident lasted no more than 5 minutes, probably somewhere between 3 and 5 minutes. It was not a long conversation. Neither Councillor McPherson nor Councillor Curry raised their voices. Councillor Davies had obviously lost his temper. I don't know if this was down to the fact that he had not been invited to the meeting at the park but the park had not been handed over to the Town Council at the time so it was not a Town Council matter.

22. I was tempted to phone the police after this happened but, because Councillor Davies is the Deputy Mayor, I wrote to the Clerk of the Town Council to make a complaint about him. I thought if Councillor Davies apologised to Councillor McPherson and Councillor Curry then that could have been an end to it. The Clerk told me that he was not allowed to take action. I had expected Councillor Davies to apologise but Councillor Davies denied that he had had the conversation. I did not receive an official response from the Clerk; I only heard through a third party that Councillor Davies denied the conversation. I advised both Councillor McPherson and Councillor Curry that they needed to make their own complaints. Once I knew that Councillor McPherson was making a complaint it was pointless for me to also make a complaint.

23. The following day I was at the food bank, for which I am a trustee, and one of the other members at the food bank said that Councillor Davies had put a post on his Facebook page on the evening after his confrontation with Councillor McPherson to say that he had sorted out the English people. Not only did he think it was acceptable to say these things outside a park full of multi-race parents and children, but he thought it was ok to abuse 2 fellow Councillors. I believe that Councillor McPherson has screenshots of what Councillor Davies posted on Facebook.

24. Councillor McPherson was visibly shaking after the confrontation, and it really upset him. He would not want to make a fuss, but I had to tell him that it needed to be reported and Councillor Davies should not get away with his views. I respect the fact that he has views, but he can't have racist views or be shouting out his racist views, or making people feel uncomfortable in a public place, especially in front of children. To then publish the same things on Facebook the same night, and be proud of that, is shameful. It is not the behaviour expected of a Councillor and it is awful.

25. Councillor Davies has always been an opponent of the park. He was never keen on it going there. I understand that Councillor Davies does not like our politics, as he is from a different party, and I fully accept that. I sit on enough committees and I respect most people and we are always courteous. I may not respect what they say but I respect them as a person, and I am always cordial to them and they are always cordial to me.

26. The Syrian people have certainly not been dumped here. The Syrians have come here for obvious reasons. My experience of the Polish people around here is that they are really hardworking and have all come voluntarily, not dumped here, because there is work here. It is such a silly statement by Councillor Davies. It is the type of statements that somebody with very closed views would make, almost ignorant that someone would hold those views. It is not what I would expect from a Councillor in the area.

27. Members' nationalities is of no relevance whatsoever and the same applies to their sexuality, sex, and religious beliefs. I find it very offensive that Councillor Davies could think that it was a normal conversation. If Councillor Davies was that upset, it would have been better if he had walked away. Often, if you have nothing nice to say it is often best to say nothing at all. As an elected member you have to be very careful what you say and where you say it. Councillor Davies may hold those views, and I accept that, but it's not appropriate to share those views, particularly in public.

28. I have taken 4 photographs of the park to give context and I produce these as:
JP/1 – Photograph of park (1 of 4)

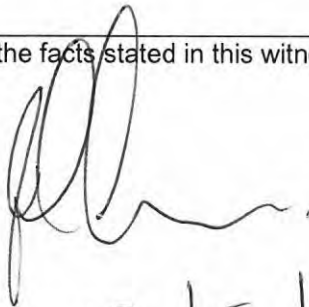
JP/2 – Photograph of park (2 of 4)

JP/3 – Photograph of park (3 of 4)

JP/4 – Photograph of park (4 of 4)

I believe that the facts stated in this witness statement are true. Statement of truth:

Signed:



Dated:

13 / 5 / 2021

sp/1 flm.



JP/2 *[signature]*



JP/3

fl h



JP/4 gfh



APPENDIX 7

Dear Alana,
Reference JUY9NMKM
Date. 28th March 2021

Before I go into the facts surrounding the information supplied by Cllr. McPherson and possibly others namely Cllrs. Curry and Prosser, it is important to show and understand the historical nature of attacks carried out by these people on myself and others.

Cllrs. McPherson and Curry are town and county councillors for the Tyisha ward where I am a town councillor and a member of Plaid Cymru. Cllr. Curry's husband Cllr. Prosser is a town and county councillor for the Glanymor ward and all three are Labour councillors and Cllr. McPherson is a very good friend of theirs as well as a political ally.

I want to show how politicised and fabricated this accusation appear to be against me by showing the historical attacks made by Cllrs McPherson, Curry and Prosser against myself and other members of Llanelli Town Council. The most recent being was at the last town council meeting where Cllr. McPherson accused the Mayor Cllr. Chris Griffiths and me of being corrupt! All members present can substantiate this fact and I was totally shocked by that accusation.

Another fact that can be supported with evidence is when Conservative Cllr. Chris Griffiths was elected Mayor of Llanelli. Cllr. Curry was scathing in her attacks on Cllr. Griffiths both politically and personally and posted these on social media as well as mainstream.

They made an unprecedented action by abstaining when voting in the Mayor Cllr. Griffiths and I as deputy and repeated that action when in the current year an Independent councillor and deputy was voted in as Mayor and deputy elect for 2021. This was for no other reason than political in my opinion.

I am continually active in my ward and have been for many years, 50 years plus and more than I have been a councillor. We have a very severe drug and crime problem here and I have been working with the police and local groups to try and improve the situation. I have made comments about 'outsiders' where the reference has been to 'county lines. This is a term referred to as drug gangs from outside our area mainly from England but also other parts of the UK, this information was provided by the police.

I attend many residents' meetings where I can provide witnesses of several verbal attacks made against myself by the said councillors if so required. Going back to when I first started as a councillor.

On the day referred to by Cllr. McPherson, I had arranged to meet a constituent Mr Stephen Green of Columbia row. outside his house, on the green that happened to be near the park. He was quite upset about anti-social behaviour and threats being made and being a pensioner felt especially vulnerable. During our conversation I noticed two vehicles come to park behind my van, one was occupied by Cllrs. Curry and her husband Councillor Prosser and the other Cllr. McPherson. My conversation with my constituent continued for some time whilst the three remained in their vehicles, with the window down listening to my conversation. I need to point out here that there was ample parking much nearer to the

park as I later discovered that they were due to meet at the park some 60 or 70 metres further down the road.

When my meeting came to an end I went to step back into my van, then councillor Curry and McPherson got out of their vehicles and approached me. Their attitude was very confrontational and asked me what did I think I was doing there, I courteously replied but felt rather intimidated by this questioning. Cllr. Curry stated that the park was their project and that I had nothing to do with it along with a personal attack on myself including that I was a horrible man and evil. There was an exchange of words between us with myself having to defend the work that I carry out in the ward, and where I was had nothing to do with their meeting at the park. I did say things along the line that I live very near and don't need them to tell me where or not to go. after Councillor Curry left, Councillor McPherson continued, and he said I have never done any work in the ward and I have only taken money from the ward with my business. They know I am a Welsh speaking Welsh person but am not a racist or prejudiced, merely working for the betterment of my ward. I did not expect to see these people and especially did not expect to see them wait for me to return to my van before getting out of their cars and approach me.

I can provide well documented evidence of my welcoming non-Welsh people, including those from England to the area if so required.

Regarding the accusation of swearing, I did not swear, as I do not use that type of language in public or private.

In summary I believe the only reason for this accusation made against me is politically motivated, there is far more I could have written but I do wonder, if there was a meeting arranged at the park for Tyisha councillors then why was Cllr. Curry's husband also there? Why wait in their cars till my meeting was over with a constituent and why park behind my van when they could have parked a lot nearer to the park?

I will be happy to assist you in any way further,

Your sincerely

Terry Davies
Terrygas87@gmail.com
Mobile 07966 228946

Case Ref: 202005902

Created by Sarah Jones **on** 20/04/2021 15:17:00

Title: IN - AM - To discuss complaint

Activity Date: 20/04/2021

Body:

14:44 - T/C received from Cllr Davies. He said that in relation to the park, he objected to the Town Council adopting the park as he was not satisfied with the build quality and was concerned that the Town Council would be liable for any additional costs to rectify matters if it was not resolved before adoption. He said that he was speaking to Steven Lewis some distance from the park when the other 3 councillors turned up and parked behind his van and listened to his conversation with Mr Lewis.

Cllr Davies said that Mr Lewis is hard of hearing and he was having difficulty explaining everything to him. He said that Mr Lewis had started speaking to him about anti-social behaviour in the area.

Cllr Davies said that once he had finished speaking to Mr Lewis, Cllr Curry approached him and asked him what he was doing there. he said that he told them that he was not against the building of the park but it had to be done right as the Town Council did not need to be spending money on it.

Cllr Davies said that Cllr Curry told him that he was an evil, nasty man after what he had put on Facebook. Cllr Davies said "What have I put on Facebook?" and was told he would have to find out for himself.

Cllr Davies said that the 3 Councillors are trouble and it has been difficult at meetings especially after he has been called a racist. Cllr Davies said that he has since found the Facebook post that they referred to and has deleted it as he didn't want anyone else to form the same view of him.

Cllr Davies said that he is not racist and explained that he has worked in England, was a UK rep at the Atlanta Olympics, he has employed gay people, his neighbours are Brazilian and he has Syrian neighbours and plenty of Polish people. He said that his worry is ex-offenders being housed in the community and there should be a selective housing policy. He said that he is a gas inspector and goes to these houses and sees what is going on - drug dealing and anti-social behaviour.

Cllr Davies said that Cllr Prosser is really bad and objected to him representing another Councillor at an even in another Ward and had had a go at him for a few other small things.

Cllr Davies said that if it is determined that he had done wrong he will hold his hand up.

Cllr Davies said that Mr Lewis is willing to provide an account to assist the investigation. He said that he is not sure what Mr Lewis would have seen as he had his back to the other Councillors' cars.

Cllr Davies said that Cllrs McPherson and Curry have now started a rota for patrolling the community following concerns about drug dealing and ASB.

I explained to Cllr Davies that I have received the information requested from the Clerk and the MO and the next step will be to arrange taking witness statements. I said that I would keep him updated but if he has any concerns or questions then he can give me a call.

Case Ref: 202005902

Created by Sarah Jones **on** 08/07/2021 14:53:20

Title: IN - AM - Concerns about behaviour of Cllrs - advised to make complaint

Activity Date: 08/07/2021

Body:

Telephone discussion note

14:25 - T/C received from Cllr Davies - he said that he was not great and has had a belly full of the 3 councillors, Curry, Prosser and McPherson in that they are bullying him. He explained that the other night he was asked to attend a meeting with 4 residents near the park (Ann Street) to discuss anti-social behaviour. He was told that Cllr Curry and McPherson were also asked to attend but Cllr Curry said that she would not attend if he was attending.

He said he attended at 6pm and had the meeting with 4 residents. He said that Cllr Curry and Cllr McPherson then turned up and Cllr Curry told the 4 residents that he should not attend the meeting as he was under investigation by the Ombudsman. he said that he did not bite and stayed quiet.

He was then asked why he had been reported to the Ombudsman and told the residents that he could not disclose as the matter was confidential. He said that Cllr Curry then disclosed the details of the allegations to one resident.

Cllr Davies said that he does a lot of work in the community for free, 40 hours a week and has had a lot of success over the years. He said he has lived in the community for 55 years.

Cllr Davies said that he was considering not standing again but people keep asking him to.

I explained to Cllr Davies that if he felt that the Cllrs had breached the code then he could submit a complaint to the Ombudsman. I agreed to email him a copy of the form or email a link to the form to him. I confirmed his email address as that we have on the system already/

I then gave Cllr Davies an update on the case against him. I said that I was still gathering evidence and would be in touch with him if there was a need to interview him.

Cllr Davies then explained that he was at the park speaking to a deaf man when the incident happened. He said that Cllr Curry and Cllr McPherson have done a good job with the park but he could see that there were issues with it as he is an engineer. he then said it had been going on for years and had started with Cllr Prosser when he

attended a meeting on behalf of Cllr Winston Evans in Glanymor ward. Cllr Prosser lost his temper and wouldn't let Cllr Davies speak. Cllr Davies said that he had lived in the community for 60 years and knows lots of people and helps them.

Cllr Davies said that Cllr McPherson has alleged that he was racist, "Maybe I was". He said that he had said that the problem was people from England being put in Tyisah with a history of crime and drugs, hardened criminals.

I stopped Cllr Davies and explained that he would have the opportunity to provide his version of events if/when he is interviewed and I did not want him to say anything without having seen the file of evidence. He said that he would put his hand up and apologise if he has done anything wrong.

I again said that I would send the complaint form to him and he said he would discuss the matter with Cllr Roberts, who is a County Councillor, to decide whether to make a counter complaint.

From: terry@serenityimage.co.uk
To: [Sarah Jones](#)
Subject: Your Ref 202005902/SJ/LS
Date: 10 September 2021 12:41:14

Hi Sarah,
Thank you for the information yesterday
I did try and call, but there was no answer.

Unfortunately due to the added information and the accusations made against me, I can no longer dismiss this. It is well planned attack on me.
Given the evidence I have no alternative to go back in history on the bullying I have received from members here and to present this to you with representation.

I would not bother in many ways as to school yard squabbles and given my background in corporate management business and I have never experienced such attack or in this case orchestrated collaborative attempt to oust me out of being a councillor.
I will need support on this and it is clear that given the content of the document there are major discrepancy in the information gathered against me. Conflicting with what Arfon has said and lies saying that I slammed my van door and sped off. Conflicting as to distance from the park to make it look as if I was close to the park and the collaborative statement with Suzy Curries park contractor.
I think you will find Arfon saying the truth. My behaviour within the council chambers should reflect my support to being fair and I have always given time to these councillors in chamber. Sadly this is not the reverse, where me and the Mayor has been constantly been a target.

My solicitor has advised me accordingly and to have representation and character references as to the pincer attack with Suzy Curry and her husband John Prosser and Andre McPherson. Three people who work close as a team. Working for the MP.
To bring facts to the table and to present documented statements as to the bullying I have received from them in this term. Time to Present witness statements to the bullying that is going on by these three.

As for confidentiality as to this investigation, that has gone out of the window with Cllr Andre McPherson and Cllr Suzy Curry informing people within my ward that I am under investigation with the OMBUSDMAN you. Refusing to answer why I am under investigation to people that has enquired just saying that it is serious. Adding that I cannot attend any meetings if the County Councillors are present. This is underhanded bullying by stealth. Them in the privileged position and freedom to do it while I am sworn to confidentiality.

These months have imposed a lot of stress and anxiety on my wife health dealing with this vindictiveness and now seeing this document she has again broken down a cried on reading the document and lies and it could not have come at a worse time for her.

My father in law who is 92 and is under full time care with us, he has just gone through a very invasive cancer operation and it's all hands on deck 24/7 at the moment to look after him.
I won't be able to get representation within this time period and to go through the defence with anyone until my father in law is on the mend.
Given the work in my ward, my ward comes before me and is a priority. I am managing

councillor work and some meetings however time is very limited to prepare to enable me to vindicate myself.

Further to that the person that the solicitor has advised me for representation. I have spoken to is also unavailable for at least three weeks.

So I am in your hands as to procedure and time on such matters.

Yours sincerely

Terry Davies

07966 228946

Dear Sarah Jones.

Your reference 202005902/SJ/LS

Date 20th of October 2021

Without prejudice.

I am happy to go along any enquiry that needs to be done to bring this complaint to a conclusion.

By written questions or face to face interview preferably the latter, In defence to the allegation, you sent me and statements I would like to point out some facts and colluded lies made in those statements.

If I can draw your attention to facts in Appendix 4 regarding the day. And the Ariel image that I sent by attachment for clarity.

Statement with Mr Steven Lewis Item 7 to collaborate that Cllr Curry and Cllr McPherson came over to me and were with me for 5 minutes or so. Item 12 They were with me 3 meters apart, Item 13, I was polite and friendly, Item 16 we were by ourselves away from the park at distance before the other three Councillors arrived and parked behind me. Not further down by the park as suggested.

Arfon Davies statement

If you look at the evidence that in item 5 of his statement, I had brought about a concern on the park's constriction, based on my engineering background and qualification being Chair of Buildings and finance and the future in adopting this park on an asset transfer. For the record, I am not against the park in any way or form, never have been. I had serious concerns as to the position of the park from the off, knowing the history of the last one and the problems that surrounded the removal of the old park due to vandalism and drug associated activity there. My concerns and knowledge have been proven correct and with dialogue at an early stage much of this controversy and antisocial could have been prevented.

The facts are. By coincidence on the day to the meeting, I was working for the community, the reasons why the aggrieved Councillors approached me prior to going to their meeting at the park that is now a fact a distance of over 90 yards away. Given Mr Lewis statement It is evident I was there for the resident only. Residents living adjacent to the park with the problems of antisocial behaviour.

Fact by admission that Cllr Curry waited for me to finish the conversation with Mr Lewis before getting out of the car is evident that she wanted to confront me, waited for Cllr McPherson to arrive to do so. The opening comment to Cllr Curry to me when she got out of the car and approached me (The car was so close to the rear of my new van I would not have been able to open the back doors) that I was evil and nasty? With a barrage of support with Cllr McPherson in tow. I did say that I was not happy about the park and its construction, in reference to the park in Pwll and the quality there at a much lower price. Cllr Curry is friends with the contractor and that is evident.

Item 12 with Arfon. We were at such a distance that Arfon could not hear our conversation and by addition to the fact on distance we were just less than 100meters away, contradicting the two County councillors' statements in distance. It is obvious that in this statement the two councillors were concerned in me being there and drawing the conclusion they did not want me there and that

is why they approached me, they parked their cars close behind me to listen to my conversation with Mr Lewis and confronted me aggressively when Mr Lewis left.

Item 19 with Arfon that is, a statement that I was driving in a respectable manner, did not slam the door as Cllr Curry stated said in her statement and Councillor Prosser, in his statement, that I drove off in a temper This is elaborated lies with Cllr Curry and her husband's statement in a collusion to bear on this case.

Item 21. In Arfon Davies, statement he stated he could not hear the conversation with me and Cllr Curry, stating I was not shouting. Mr Lewis although hard of hearing would also would have heard any shouting as he was able to understand me with a raised volume when I was speaking to him and with basic sign language. Cllr Curry states I left in an aggressive manner by jumping into the van. I at that time was very slow, recovering from a spinal discectomy operation on L5 and 6 and in no way able to jump into any vehicle. I did not slam the door to my relatively new van (CV69 DZN) for I have too much respect to the investment, and I certainly don't drive at speed and respect the community. (I have a clean licence) I am disappointed to see Cllr Curry lying and colluding with her husband Cllr Prosser in this way on a statement to try and bring about this enforcement. By fact that the Clerk and Mr Lewis is honest in their statement and is impartial you may draw conclusions in this case.

Councillor Curry's husbands' statement, Cllr Prosser is incorrect in the fact that Cllr Curry and Cllr McPherson approached me and not them just walking past me to go to the park. You don't park 100 meters away when there are people waiting for you and there is ample parking right next to the park. They were approximately just short of 100 meters away from the park and with parking available down directly opposite the park, yet they decided to park inches away from my vehicle. I was parked half on the pavement on the park side of Ann Street facing the park. In other words, on the wrong side of the road. The car window with Cllr Curry driver side was open as they lowered the window when I was talking to Mr Lewis. With Cllr Prosser in his admission being in the passenger seat, and parked so close, he was not in view of my driver's door of the van as in his statement in item 8 with a vindictive comment stating Quote "As soon as Councillor McPherson and Councillor Curry walked past Councillor Davies, Councillor Davies just went for them. Again, this is a fabrication of lies. The fact is that he could not see me as my driver van door was ajar and I was ready to step into the van.

Item 14 in Councillor Prosser statement that he estimated that we were people between 7 and 10 feet away from where the confrontation took place. This is a blatant lie to infuse the complaint and stating that he went back to measure the distance and its 23 feet away from the park, this contradicts the truth with the Clerk Arfon Davies. There were no other people between me and the park. Given Cllr Processors position in the car he would not have been able to see the park.

Item 15 in Councillor Prosser statement states that I said I only worked with Welsh people, this blatant lie is directing to cause harm and upsetting that this person to stoop so low being a councillor is wicked. With a successful career as an engineer with success in many fields as to being working up from aprentiship to senior manager in British gas and being a director of sport for Wales and a coach in the discipline of advanced kayaking, teaching internationally. Building my own company GSN Ltd to success of a small to medium enterprise, winning the training company of the year in 2004 UK and training 11 people form my own investment, people from all background and nationality to be technicians and to help them set up their businesses is a proud foundation that I stand on. In helping whoever needed help in my community is the reason I handed the business over to my employees and for me to stand as a councillor to help people. Facts that can be checked.

Item 17 as a statement again another lie by councillor Prosser in his statement and by facts in this enquiry has established that I was not shouting and said that I was so loud that everyone in the park could hear us. Again, a statement to bring about a successful conviction adding fuel to the fire

Item 19 with Cllr Prosser states that everyone in the park turned their heads. In defence of this statement. By his own admission of him stating he was in the passenger seat of the car and did not move from there. The car was parked at the rear of my van. He was not able to see the park from the passenger seat of the car. It is evident he has lied in this statement. Together with item 20 that I sped off down Ann Street at the rate of knots. By the fact in admission after I drove off that Councillor Prosser then could see the park. Quote "I could then see Councillor McPherson and Councillor Curry and the contractor all pointing over to me.

Item 24 Councillor McPherson was visibly shaking supposedly after the confrontation. This statement is a fabrication. In one instant saying that Cllr McPherson shrugged his shoulders walking off and then to state he could see him physically shaking is again a fabrication to discredit me and again a bullying tactic by him to bring about results to their favour.

Fact that Disclosure and restrictions note LGA2000 informing confidential information to third parties has been breached with Cllr Curry as well as Cllr McPherson by informing the residents (public) of the complaint made against me by Cllr McPherson.

My position in the community has now been compromised with residents being told that I am under serious investigation by you and that I am smeared as being a racist. This is an ugly political campaign to oust me out from being a productive councillor in the ward and to stand at the next election in opposition.

I am not the only councillor to be targeted by these three in their quest to oust out the opposition by looking to smear or bring about derogatory information on that individual to public attention.

I must draw your attention to several facts and background information that pertains to a vindictive and in my opinion a political attack on individuals in opposition that this group has been targeting. I feel it is not only me that is in their sights to discredit.

I can also ask for a statement by a respectable media journalist, Darren Harris that confided in me on Cllr McPherson phoning him up asking him if he could gather dirt on Cllr Griffiths when he was elected as Mayor for the town last term. Cllr Chris Griffiths was the first conservative mayor in the history of the town and was targeted by these three and other for being elected. He has admitted to me that he was bullied so much in the labour party by these three and another and that was the reason that he left the Labour party with several other members and went to being conservative. Darren Harries has informed me that he has informed Cllr Griffiths on this matter.

I am happy to gather statements but need time, If you need me to. do so.

One witness Cllr Louvain Roberts has suffered a tragic loss with her husband passing suddenly a week ago. From leaked information she has stated that she is willing to support the facts with a statement. Cllr Louvain was present at a community meeting when Cllr Curry and Cllr McPherson said to residents in my meeting that I was under investigation.

I can also meet up with Amanda Carter who has witnessed the bullying from Councillor Prosser on me at a previous community meeting and to see if she would support my facts with you.

I can ask for a statement from the residents that witnessed Cllr Curry and Cllr McPherson disclosing confidential information to residents.

Once I have those statements, I can send a copy via email and their details for supporting this investigation. Or I can ask if you can contact them directly. As I mentioned in our conversation that I am appalled with this school yard bullying behaviour and on the point of taking it to litigation. Much against my principals to do so, but defamation of character is painful especially in a close community that I live in.

In conclusion. The lie's in their statements is a testament to their actions and collusion to discredit and paramount to bullying me, given the political climate and the complaints by other councillors that have been targeted by them it is a political attempt to oust opposition.

Personally, because to personal loss in the family for the 4th time with covid plus and the 6th time with loss of close friends in a very short time. Currently It's hard to get my head around many things and I am also as a carer attending to my father-in-law (92) seriously ill in hospital.

This is in a way of apology in being slow in return and priority.

Yours sincerely

Cllr Terry Davies

P>S

From the recording evidence I confirm that this is accurate bar for one item

It was Councillor Winston Lemon Not Councillor Winston Evans.

As for making a counter complaint, Personally, it's not my nature to run to the teacher policy and I usually discuss matters through, no matter how controversial, but when it comes to collusion and vindictiveness and bullying then that must be addressed.

I will take advice on this before making a counter complaint. If it benefits others and the community and stops this behaviour Yes. But if it damages the role of being a councillor and is negative for the community No. The other factor is the use of productive time in delivering the communities wishes and making things better. My community comes first before any party, including my own.

On a good note the residents around the park have now had Ring cameras installed with Carmarthenshire County Council, this has helped to reduce the antisocial and they are now members of Safer Communities Action group (SCAG) with the direct dialogue with the NPT police, regular patrols have reduced the antisocial in the area. The two new County Council wardens have set up a community watch in a nearby street and hope to expand this to the Ann Street area.

The Park.

From my complaint and successive meetings an extended guarantee has been placed by the contractor on the park and they have addressed the issues that I brought up. For that reason, I am happy that I made the complaint.

Attached Ariel Image to support my defence and assess the statement details and facts.

I await your instructions.

Cllr Terry Davies



From: terry@serenityimage.co.uk
To: [Sarah Jones](#)
Subject: RE: Complaint made to the Ombudsman - 202005902 [REF/JX/zY/ak/aO/]
Date: 01 November 2021 21:30:38

Hi Sarah,

I am not in the position to travel at the moment, Sue and I are under orders by track and trace. My father-in-law who we care for is in hospital with Covid. (Roy Blewitt is 92 years old and is in Ward 3 PPH Llanelli) We are back and fore to attend to his requirements as per hospital instruction.

We have to be retested on the 2nd. Novemeber so I can't give a commitment to a date at the moment. I would be reluctant to undertake unproductive time to travel to Pencoed for this interview.

I have just attended two funerals a family members and a friend and after a succession of losses in the last year, time is not good within the family. Having lost my brother to covid this time last year and three close family members since then and 6 friends the stress of this is starting to take its toll.

Winston Lemon my colleague Councillor for Glan Y Mor and close friend suffered a stroke yesterday and is seriously ill in ICU PPHospital and I am in close touch with the family for help, I will be taking on his responsibilities in the Glan Y Mor ward for him. This enquiry could not be at a worse time.

It is not that I am avoiding anything, but the stress is heavy at the moment and I have a lot on my plate as well as the 2 Ward problems for which I am committed to as well.

If you want me to appoint a solicitor to represent me and look at the case then I will do so. From the evidence presented against me and history then there is a point of argument to look at and defamation of character, they have disclosed to the community that I am under investigation and blighted my chances at the next election by discrediting me before any judgement. I will ask Cllr Louvain Roberts to present a statement to you for that breach of regulations, A statement from Amanda carter on the previous bullying.

If you think best for me to start litigation and defend my character then I will appoint a legal representative to investigate the case

I am in your hands as to direction.

Yours sincerely

Terry Davies

From: Sarah.Jones@ombudsman-wales.org.uk <Sarah.Jones@ombudsman-wales.org.uk>
Sent: 01 November 2021 13:28
To: terrygas87@gmail.com
Subject: Complaint made to the Ombudsman - 202005902 [REF/JX/zY/ak/aO/]

Dear Councillor Davies,

I write in response to your email dated 21 October 2021 to which there was an attached letter dated 20 October 2021 and an aerial map of the area.

Firstly I note your preference to have a face to face interview - this can be facilitated. Given the current and ongoing situation with the Covid-19 pandemic I must carefully consider the risks to those in attendance and take steps to minimise them. Although the majority of the Ombudsman's staff are working at home, I can make arrangements to conduct a face to face interview at the Ombudsman's office in Pencoed (1 Ffordd yr Hen Gae, Pencoed CF35 5LJ) where the necessary precautions can be taken.

Please be advised that the interview will concentrate on the matters complained about - your conduct towards Councillors McPherson and Councillor Curry on 9 February 2021.

I would be grateful if you could let me know by **Friday 5 November 2021** when it would be convenient for you, before 22 November 2021, to attend the Ombudsman's office for interview.

I note you have identified areas within the file of evidence that you consider to be untrue and inconsistent, and you have highlighted contradictions in the witness accounts - please be assured that the evidence will be fully considered once you have provided your account of the events on 9 February 2021 at interview.

I also wish to acknowledge that you are willing to gather witness statements. It is my understanding that I have already gathered witness statements from all those that can be identified as witness to the conduct complained about, i.e. those who were able to see and/or hear the events complained about. If I am mistaken, and you consider there to be others, who witnessed the contact between you and Councillors McPherson and Curry on 9 February 2021, who have not been already been interviewed, please let me know.

If you intend to gather witness statements to outline the behaviour of Councillors McPherson, Curry and Prosser towards you, both prior to and after the events complained about, you will need to make a Code of Conduct complaint against each of those members, as you have previously been advised. The Ombudsman

will then be able to consider whether an investigation into their conduct is warranted.

If you intend to gather statements from character witnesses, you will be afforded the opportunity to do so should the Ombudsman find that there is a case to answer and that he makes a referral to the Standards Committee or the Adjudication Panel for Wales.

I look forward to hearing from you by Friday 5 November 2021 to enable the progression of the investigation.

Yours sincerely

Sarah Jones

Swyddog Ymchwilio/Investigation Officer

Ffôn/Tel: 01656 644238

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Ombwdsmon Gwasanaethau Cyhoeddus Cymru/ Public Services Ombudsman for Wales
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Hybur Gymraeg

Gallwch ysgrifennu atom yn Gymraeg a byddwn yn ymateb yn Gymraeg. Ni fydd hyn yn arwain at oedi cyn ymateb.

Welsh Language Promotion

You can write to us in Welsh and we will reply in Welsh. This will not lead to a delay in responding.

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Ombwdsmon Gwasanaethau Cyhoeddus Cymru. Mae Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Mae ein [Hysbysiad Preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd.

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All calls are recorded for training and reference purposes

Ystyriwch yr amgylchedd a oes wir angen i chi argraffur neges e-bost hon?
Please consider the environment - do you really need to print this email?

APPENDIX 8

To Sarah Jones

RE: Complaint made to the Ombudsman - 202005902 [REF/JX/zY/ak/aO/]

To enter a plea to the following accused breaches.

4A From history and letters of support I am not In Breach.

I do carry out my duties and responsibilities 24 x 7 to all, in respect of race, gender, disability, sexual orientation and especially faith and religion.

4B Not In breach

In my upbringing respect is earned and the whole reason I decided on being a councillor is to help others. I have the utmost consideration for others my customers and their difficulties in the most deprived ward in Carmarthenshire with the highest crime and antisocial figures. If I am guilty of anything it is because I have no respect for Drug Dealers, antisocial people's behaviour towards my family and neighbours especially those two drug dealers who attacked me and my wife, physically and verbally in the town.

4C Not in breach, and in my defence, the following statement.

As for 4C, Bullying is the result of being targeted with intent to gain higher ground and demoralise the opponent for personal ego and power and strategically gain. In understanding if you are the recipient of bullying then the best form of defence as in all military training is attack to neutralise, but in the case of bullying not for gain.

6 (1 a) Not in breach for the following.

In my humble opinion I have no authority I am just a facilitator for others. In this case we were all away from others and I without defence, being under strategic attack through opportunity, by three others in private open space, I had no room for manoeuvre and to get away from such virulent verbal barrage towards me. Given that we were away from all others in private and I was under personal attack from these two Councillors, with one other in cohesion and with collaboration with this complaint, as it was private, being three against one, with no means of defence, in no way I have brought my office or authority into disrepute.

Yours faithfully

Cllr Terry Davies

15th November 2021

APPENDIX 9

Public Services Ombudsman Wales
Interview Record

Date: 15.11.2021 Venue: Remote

Interviewing Officer(s): Sarah Jones
 Louise Morland

Others Present: Terry Davies

SJ: Okay. So I think the recording has now started. Um, so the date is the 15th of November 2021, and the time is 12:58. Um, this is an interview in relation to a complaint made by Councillor Andre McPherson against Councillor Terry Davies which alleged breaches of the Code of Conduct for members of Llanelli Town Council. So I'm Sarah Jones, an Investigation Officer for the Public Services Ombudsman for Wales, and being interviewed is?

TD: Councillor Terry Davies.

SJ: Lovely, thank you. And I'm being supported by my colleague?

LM: Er, I'm Louise Morland, I'm an Investigator for the Public Services Ombudsman for Wales as well.

SJ: Lovely. Um, so you were offered the option to have a friend or legal representative with you at the interview today, but you've chosen to attend alone. Um, can I just confirm for the record that you're happy for the interview to take place without a friend or legal representative with you today?

TD: Yes, I'm happy.

SJ: Lovely. Um, so I must make it clear, Terry, that the answers to my questions must be yours as we move onto the questions shortly. Um, so you agreed to proceed with an interview on Microsoft Teams as it's the most practical way of being interviewed given the current circumstances with COVID and your personal circumstances as well. Um, can you confirm that you're happy to proceed with the interview on Microsoft Teams?

TD: Yes, happy to proceed.

SJ: Lovely. Um, so this interview is being recorded, just for you to know, and before making his final recommendations, the Ombudsman will provide you with a written transcript of the interview. Um, if you have any other legal representative or friend acting for you who requires a copy of the recording, it can be provided but there may be a charge for providing the additional copy. Um, so requests for an additional copy should be made to the Ombudsman's Information Governance Manager. The interview is listed to last a maximum of sixty minutes, and can you confirm that you've allowed sufficient time for the interview today?

TD: Yes.

SJ: Lovely. Um, and could you also confirm that you're feeling well enough to continue and answer my questions today?

TD: Yes, but you'll have to forgive me for being a bit emotional at some point, but we're going through a bit of a rough time, so I'll do my best, thank you.

SJ: Okay, lovely. Um, if we do need, if you do need a break at any time then, just let me know and we can pause the interview and we can reconvene again.

TD: Yeah.

SJ: Okay.

TD: Just to let you know, my father-in-law's passed away.

SJ: Oh, I'm very, very sorry to hear that, Terry. Um, are you still, you know, are you feeling well enough, or ...

TD: Yeah. Yeah, there's enough stress on this at the moment and I just want this out of the way.

SJ: Yeah, yeah. Hopefully it'll provide some relief to you once you've had an opportunity to provide an account and address the allegations, because usually, after a member has been interviewed, that usually brings to a conclusion the sort of lines of enquiry that we need to follow unless something comes up during the interview that means that some additional enquiries need to be made, okay?

TD: Okay. Okay, thank you.

SJ: Lovely. Um, can you confirm that you've got everything that you might need during the course of the interview at sort of ... I can see you're wearing your glasses, any medication or anything else that ...

Councillors Name: Cllr Terry Davies

TD: Yeah, I've got everything, yeah.

SJ: Lovely. Er, and can I ask that any mobile phones or other electronic devices which might interrupt are either switched off or turned to silent. Um, obviously, if there's any reason that you do need to keep them on just let me know and we can, we can do that.

TD: Yeah. I do need to, yeah, I do need to keep the phone on.

SJ: Okay.

TD: I've got a couple of issues on, a couple of issues on the ward that I'm concerned about, and I may be needed, so that's the only reason, and family members obviously of course.

SJ: Yeah. Yeah, absolutely.

TD: My wife is in the other room.

SJ: Okay.

TD: Actually, if it's family matters, I will probably call Sue.

SJ: Okay. Lovely, that's brilliant, that's fine. Um, so, as I said earlier, if you do need a break at any time just let me know and we can, we can pause the interview. Um, could you confirm that you received the file of evidence sent to you on the 8th of September?

TD: [Shows file] Yes.

SJ: Yeah, you've got it there, brilliant. Um, and then I also sent you a separate document which was a record of our telephone conversation on the 8th of July. Do you have that as well?

TD: I may not have that at hand, but, yeah, I have had it, yeah.

SJ: Okay, lovely. And have you had sufficient time to familiarise yourself with the contents of that file of evidence?

TD: Yes, it's in memory.

SJ: Lovely. Um, okay. Um, so, I'm going to tell you a little bit about the allegations which are made against you, and then I'll pose a series of questions relating to them. I'll ask you to listen to my questions carefully and answer them as fully as you can. My questions are my opportunity to cover the issues that I need to, and your answers are obviously your opportunity to respond to the allegations made and provide the Ombudsman

Case Reference:

Councillors Name: Cllr Terry Davies

with the information that will assist him in reaching his conclusions. Um, as I said just before we started the recording, Louise may also ask questions during the interview.

TD: Yes, that's fine.

SJ: So please be aware that any information or evidence that you give me today is likely to be detailed in, or appended to any report that the Ombudsman may produce on his findings.

TD: Yeah.

SJ: Any such report, depending on the finding made by the Ombudsman, may be shared with the Standards Committee of Carmarthenshire County Council or the Adjudication Panel for Wales who may hold a hearing in public and may also publish the report and appendices in the public domain.

So, you've been asked to attend an interview today because of an all... because an allegation has been made that you may have breached the Code of Conduct for members. Um, it's been alleged that you behaved inappropriately during an interaction with Councillor McPherson and Councillor Suzy Curry on the 9th of February 2021. Um, and the allegation was that you used discriminatory language and swore at Councillor McPherson. It was further alleged that you posted about the matter on Facebook and referred to outsiders in that Facebook post. Do you understand the allegations as they've been made?

TD: Yes, I do.

SJ: Okay. Um, so the Ombudsman is therefore investigating whether the conduct breached the Code in respect of the following paragraph. The first one is 4(a):

You must carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion.

And then 4(b):

You must show respect and consideration for others.

4(c):

You must not use bullying behaviour or harass another person.

And 6(1)(a):

Case Reference:

Councillors Name: Cllr Terry Davies

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

TD: Yes.

SJ: Um, so I'm now going to move on to the questions for the interview. So there's some general questions to start with. Um, could you confirm on Page 14 in Appendix 3, there's a declaration of acceptance of office, an undertaking to observe the Code in relation to Carmarthenshire Coun... Carmarthenshire County Council. Can you confirm that that's correct?

TD: Yes, it's ... for me becoming a Councillor.

SJ: Yes, exactly.

TD: Yes, that's correct, yeah.

SJ: Yeah. And on what date did you become a member of Llanelli Town Council?

TD: Off the top of my head ... you can refer to that date that you've got. Um, it's five years ago.

SJ: Okay. And you weren't a councillor before that?

TD: Er, no, I wasn't a councillor before that, no.

SJ: Okay, lovely. Um, and were you elected or co-opted onto the council?

TD: Elected.

SJ: Okay. Um, and have you had any training on the Code of Conduct, either from Llanelli Town Council or Carmarthenshire County Council?

TD: Yes, I have.

SJ: Yeah. Okay. And can you remember who provided the training and when it took place?

TD: Oh, that's too long ago to be honest, off the top of my head. Yeah.

SJ: Okay.

TD: But I have had the training.

SJ: Okay, lovely.

Case Reference:

Councillors Name: Cllr Terry Davies

TD: And we've had a recent update on it as well.

SJ: Okay, thank you. Um and then, have you received any training on Equality, Diversity and Inclusion at all?

TD: Er, outside the council work, yes, I have.

SJ: Okay.

TD: With corporate training.

SJ: Okay. But not provided by the Council at all?

TD: Um, off the top of my head I may have but I'm not hundred per cent.

SJ: Okay, that's fine. Um, and then, the next part, I just want you to explain your understanding of each of the paragraphs of the Code of Conduct that are being considered during this investigation. So the first one ... sorry, my cat is meowing, I'm sorry if you can hear it.

LM: Can't hear it.

SJ: Okay. Um, so the first one is 4(a):

You must carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion.

Can you explain what that means to you?

TD: Right, it's fairly straightforward, is that you mustn't be prejudiced in any form or way to anyone. Um, I've employed gay people for quite a number of years, and ethnic people who have been training, people of ethnic backgrounds. Um, I've sat on the Energy and Utilities and Sector Skill Councils as to employing, and representing all people from all backgrounds, race and religion, and countries. So I'm more than familiar on what that means.

SJ: Okay, lovely. And then, the next one then, 4(b):

You must show respect and consideration for others?

What does that mean to you?

TD: It is, respect, as I said in the statement, respect is earned and through the community I've the upmost respect and for the Councillors in ... that behave themselves as respect is earned. As for people who have disrespect for the

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Councillors Name: Cllr Terry Davies

community and flout the law and I do not have much respect, and if, you know, if through correction basis then they mend their ways and so I give my full respect, especially those who were – how can I say, trained to get out of a drug situation or rehabilitation, anything like that, I would help ...

SJ: Okay.

TD: ... and then further my respect to those who need it and will accept it.

SJ: Okay.

TD: Yeah, so that's, that's my position on respect.

SJ: Okay, lovely. And then, the next one is:

You must not use bullying behaviour or harass any other person.

Can you under... explain your understanding of that to me, please?

TD: Well, bullying, which I have been subject to, and bullying is to demoralise a person to gain a position, higher position than the person for power or to demoralise the person that you are bullying. Um, and yes, I do understand what bullying means, being subjectable, yes, I do.

SJ: Okay, lovely. And then, the last one then is 6(1)(a):

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

What, what is your understanding of that section of the Code?

TD: Well, showing disregard to your position and what you are doing. I see myself as a facilitator for the ward and, and, as I said, the customers that I had, and I don't think I've been in breach of that. Bringing somebody into disre... you know, bringing the office into disrepute is not in favour of what the council is all about, and we need to protect that. Um if it's in private then I expect it to be in private if we have any disagreements, but we don't take it out from, we don't take it out from that private agreement or our private position that you're in, either closed doors or open spaces. If we have a dis... if we've got dis... disrespect in that, then it may be a different matter.

SJ: Okay.

TD: Um, it can be a difficult situation to be in when you are pincer moved on.

SJ: Okay. Um, Louise, did you want to ask anything at that point?

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LM: [No audible reply]

TD: Oh ...

LM: Sorry, I just put myself on mute, as ever. No, that's all fine.

SJ: Okay, lovely, thank you. Um, so we're moving on now just to a little bit of background sort of leading up to the events that have been complained about. So, when you were at the park on the 9th of February, were you acting in your role as an elected member at the time?

TD: I'd spoken to a resident, John, John Lewis, I think it is. I'd spoken to John Lewis at the park, away from the park, and John has difficulty in hearing as I have myself because I suffer from tinnitus. So, it was a discussion at the park as, as a Councillor, yes.

SJ: Okay, lovely. Um, and then, can you explain to me how you felt about the new park on Ann Street?

TD: Well, the new park is a suc... you know, it is successful, and we have had issues with agreement where the park should be. We've had issues in the respect of building a park that is vandal proof, and we had issues in respect that residents have requested full knowledge and we engaged with as to the park – that hasn't happened. And, in hindsight, we have had vandalism at the park which is disappointing. Most of it now is ... we've had discussions on how to handle that with residents, and the park is a success. Never been against the park but I have suggested for the park to be ... in the beginning I suggested the park to be placed in a different position and I was ignored on that, and unfortunately it has come to fruition now that I was right.

SJ: Okay.

TD: But, you know, at the moment we're managing that with NPT, the local policing team, and with two new wardens and by putting ring cameras on the residents doors and we are getting over that challenge. But I've never been against the park. I've ... when the park was built, I kept an eye on the building. Given my background into ... as an engineer, in construction and everything, I had reservations on the quality of it and that we was to adopt the park and we're still looking to take the asset transfers from Carmarthenshire County Council. And I did bring up serious issues within the building of the park, and that was put to the council, and we had the - how can I say, the barrage complaints against me at the ... on the day of complaint, but I did play to their attention which they didn't like. Since then we've had a meeting with the contractor to put those issues to right, and we've had an extended guarantee on the park. But I still have issues on the quality of the park and to date, now that the park has been damaged, the fencing has been damaged, although I don't say that's as a result of quality,

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but the ground, the ground is part of quality and I do have issues with concern as to the dog park as well with the fouling in the dog park so close to the children's park, and the fouling in the dog area is not picked up.

SJ: Mm.

TD: And it's ... and my fear of toxocara with the children, so I'm from sport, from a sporting background as well. That is a serious worry with me.

SJ: Okay. Um, so you said there that the park on Ann Street wasn't your preferred location. How did you feel when the decision was made to put the park on Ann Street?

TD: My decision on the park in Ann Street is okay, right.

SJ: Okay.

TD: On Ann Street is okay. However, when I was presented with the, with the plans first off, the park was more towards – how can I say, a north... a northerly position.

SJ: Okay.

TD: And, when they started building it wasn't where the preferred place, I felt and others, for the park to be because it was putting the park close to residents.

SJ: Okay.

TD: And I would have preferred for the park to be away from those residents and more in a central position. And for building, practical purposes for maintenance it would have been in a better position. Um, and it is debatable ... sorry about the alarm on this phone.

SJ: That's okay.

TD: But ... that's an intruder alarm on one of the properties, it is.

SJ: Oh, okay.

TD: So, that may go off now and again. But I would have preferred the park in a more central position for a number of reasons, and we should have gone into debate on that, but that decision did come ... didn't come about.

SJ: Okay.

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TD: It, it was taken by the two Councillors, and it was too late to alter that once they started building.

SJ: Okay, lovely. Um, how did you feel then when you saw Councillor McPherson and Councillor Curry arrive and park near you on that day?

TD: It felt odd. At first, I thought something's happened, that they need to tell me about something and it was official. Um, I was finishing the conversation with John Lewis, and it was more or less sign language with John because he's hard of hearing. I got a bit, I got a little bit – how can I say, concerned when Suzy Curry parked so close to the van and lowered her window, and yes, my voice was a little bit high because of John's hearing and half sign language to the best of my ability, and I felt it a little bit intimidating that they were listening to my conversation with John because it was a private conversation in respect to anti-social behaviour and it was anti-social behaviour around the park. And in all fairness to John he was concerned about the vandalism at the park. He was concerned that he has a condition that he is ... doesn't sleep at night so therefore he is out towards the park and after ... sort of tea-time and he was approached by a gang, and he was threatened and I said I'd take ownership of that with the NPT Team and we'll see if we can resolve the situation. Um, and I said you know we've got, you know, we've got look after the residents and, at the time, the anti-social round the park was quite high – he was not the only one that was complaining and he was distressed a little bit about it because the gang knew here he lived and they came over to his house.

So the conversation was quite lengthy at the time, and, and Councillor Curry and McPherson and Councillor Prosser turned up and listened to all the ... or half the, half the conversation.

SJ: And how long would you say that was that they listened?

TD: Oh, I think I spoke to John Lewis for about twenty minutes, I would have said possible ten minutes or thereabouts.

SJ: Okay.

TD: Um, possibly less in all fairness.

SJ: Okay, lovely. Um, and how far away from the park were you at this time?

TD: I'd have to guess but hundred yards.

SJ: Okay.

TD: Or more. And I sent an image in to where we were parked, and you can refer to that.

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SJ: Yeah, I was going to ask about that. So you provided the aerial photograph with your van and Councillor McPherson and Councillor Curry's cars annotated on that.

TD: Yeah.

SJ: Was that aerial photograph taken on the day that this ... the events of this complaint happened?

TD: No.

SJ: No, okay.

TD: I took it ... I mean, I am a qualified photographer and I've done a lot of work in that area.

SJ: Okay.

TD: The best way for me to describe the situation was to, to build that image to make it clear because there's contradictions within the evidence that I was closer.

SJ: Okay.

TD: And, to be honest, I, I couldn't find a way to explain that. Um, that is supported, where it is on the image, that is supported by the Deputy Clerk Arfon Davies from the Town Council. So I just wanted to make it clear to everybody I was well away from the park.

SJ: Okay. So that aerial photograph then has been annotated with the vehicles on it to show where the vehicles were at the time, is it?

TD: Yeah. To make clarity, yes.

SJ: Okay. Okay. Um, and, you said you were about a hundred yards away from the park there. How many people and children were in the park at the time?

TD: Oh, to be honest, it's difficult, I'd have to do a guess on it. Um, four or five at the most. It was, it was afternoon, it was quite quiet.

SJ: Okay.

TD: And there was certainly nobody around us, at the area.

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SJ: Okay, lovely. Um, do you know of anybody else other than the people who provided witness statements to me, that may have seen or heard the events that have been complained about?

TD: Er, no. Um, we were alone. In the area where we were there's nobody around us whatsoever. Um, obviously there was people in the park, which is quite a distance away, Arfon was in the park from what I can gather, although I didn't speak to Arfon, and in fact I didn't see Arfon on the day. So, no, I we were definitely on our own.

SJ: Okay. Um, Louise, did you want to ask anything about the background there?

LM: Yeah, just to go back over ... you have to bear with me, Councillor Davies, because I'm obviously not as au fait with all the circumstances as Sarah would be. But just to go back over the people in the park at the time. You said there were four to five, would they all have been children, were there adults?

TD: What I can remember of it I would have said two or three children and possibly two adults at the most.

LM: Yeah. Were they young children, were they teenagers?

TD: No, they were young, very young children.

LM: Yeah. Sort of under the age of ten?

TD: Oh, definitely under the age of ten, yeah.

LM: Yeah, okay. Okay, so possibly two adults and two or three children, yeah. Yeah, that's it.

SJ: Lovely, thank you Louise. Um, so moving on now to what happened, can you tell me your version of what happened during the interaction with Councillor McPherson and Councillor Curry?

TD: Right. I finished ... right, they pulled up, they wound a window down and they were listening to my conversation with John. Um, I said thank you to John and I'd get back to him, and I was about to get back in, in the van and I thought I'd better wait to wait to see what the councillors wanted to say, and they then got out of the car. Councillor Curry got out of the car and Councillor McPherson came from behind the van, from the other side of the road, which I can gather, because he stopped there to my knowledge – and I'm not a hundred per cent on that detail – but he did come round from Councillor Curry's car. And they were parked very close to the back of the vehicle, and I couldn't understand why they stopped so close. Um, then I

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was met with a barrage of abuse, the first words that Councillor Curry's said to me was that 'you are an evil and nasty person' and it extended from that.

As to the detail of the conversation I was badgered by Councillor, Councillor Curry, and it was regarding an article on Facebook which they misunderstood. Er, and then I said what's on, what is on ... I remember saying what was on the article was nothing but the truth and facts, and that tended to anger her and put her in a bit of a temper. So, I had no other explanation or whatever to them.

Um, I did step over the mark and called them drop-in Councillors, so my apologies on that, because they did anger me and out of defence, I told them that they didn't understand the situation of the park, and the anti-social in the ward and what we'd been through. Um, and Councillor Curry then walked off and I was presented then with a lot of abuse and claiming my disrespect by Councillor Andre McPherson. But in no way I remember saying anything about race, religion or being gay in that conversation whatsoever, and I'm absolutely a hundred per cent certain I did not refer to, to that at all. And, the fact is, after I'd seen the evidence, I didn't know that Councillor McPherson was Jewish.

SJ: Okay.

TD: But I have the full respect to all faiths, and I would not use faith as any cause, in any derogatory way in my conversations. And that's, that's about it. Councillor McPherson attacked me verbally and then I turned to get into the van, and I drove, drove off quietly, a bit upset to be honest.

SJ: Okay. So, you said there that Councillor Curry referred to a Facebook post. What was that post about?

TD: Looking on the evidence you've sent, right, what had happened was, is that under official capacity I spoke to Arfon at one meeting, and he asked me if I could take some photos of the town. And I had a lot of problems with drug dealers in, in my ward, and I confronted them on many occasions because they've, they've confronted elderly people to badger them for money and so forth.

So, my wife and I was in town, and I was taking photos, and two drug dealers of whom I know have been, have come from England and they've been placed in the ward due to the situation that they can't go back to their areas because of what they've done, and they cause a lot of trouble in my ward. Their recognised ... one of them recognised me taking photos of the town, in the town, and they came over and they said they were going to confiscate my camera as I'm not allowed to do it. Considering my camera's of a value of about four thousand pounds they weren't having it. So, I was accosted and they tried to put me ... the two of them tried to put me into a position

where I had a blind spot on one of them and because of my background I was not prepared for that, and I was protecting my wife and it was ... this went on for about fifteen minutes, towards twenty minutes, and I tried to move my wife into a safer position in the market, and two security guards then came to assist me and a shop keeper within the market took my wife into the shop for protection. And then I, I challenged them verbally and, with the security guards there it became a confrontation and then the police arrived and one of the assailants was arrested.

SJ: Okay.

TD: And, the police informed me that he had seventeen – what do you call it – arrests pending court. We have a major issue in my ward with the number of anti-social and drug dealing gangs we have in ... that operate in, in the Tyisha Ward, and one of the reasons I've started doing ... one of the reasons for me to be a Councillor, is to tackle that issue. And we've got over fifty per cent of the properties in the ward that are rented. Most are okay and they are occupied by a range of people from all backgrounds, which I respect. However, we have a number of landlords that will operate to a guaranteed income and unfortunately that guaranteed income, through this, through association has developed a problem with crime, anti-social, drugs. I'm known for challenging situations and that's what happened in the town.

Um, so I did put it on Facebook, and I did verbally say to these two people what I thought of them, and yes, they are from England – and if I'm wrong in saying that then so be it. If they had been from Wales, I would have said Wales, if they had been from Scotland it would have been from Scotland. Um, but, yeah, it was a pretty horrific experience ...

SJ: Okay.

TD: ... until ...

SJ: Sorry ...

TD: ... until their arrest.

SJ: Yeah. So this happened before the interaction with Councillor McPherson and Councillor Curry, is that right?

TD: This happened before, and this happened again after.

SJ: Okay.

TD: I've had it a second time in town.

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SJ: Okay. So ... but obviously, if Councillor Curry was referring to it during your interaction with them on this day, you're now ... you're referring to a Facebook, a Facebook post that was posted before the 9th of February, is that right?

TD: Um, to be honest, er, right. At the time it was posting a lot on Facebook because there were a lot of people following what was happening in the ward. To be honest, there was a number of posts there I've put up which has, to be honest, upset certain areas of Tyisha because we're making progress, and reassuring people something is being done. I'm not absolutely certain when that post went up.

SJ: Okay.

TD: I spoke to Gary, the Town Clerk, after, after the complaint and he advised me to take the post down, for which I did.

SJ: Okay, lovely. Um, so, specifically now dealing with the allegations that have been made against you, you've obviously said already that you deny saying the words outlined in the complaint made against you. Um, I do need to go through them sort of part by part just to confirm that you're happy and maintain that you didn't say the words. So the first one I wanted to ask you about was, did you say to Councillor McPherson and Councillor Curry that they knew nothing as they were foreigners, outsiders and not from around here?

TD: Not in those words. I said they didn't understand the issues of the ward, and I didn't say foreigners. I may have said you're outsiders to the ward in respect of knowledge to the ward, and history. Um, the detail of the conversation in respect was slightly heated – I didn't shout at them, but I would imagine that my voice was raised in defence.

SJ: Okay. Um, and how would then, like you said, that you may have referred to them as outsiders in that they weren't aware.

TD: I would say that Councillor Curry and McPherson know full well that I used the term outsiders as for the fact of people that are derogatory in the respect of law and order, and we have, we do have an issue with people from outside of our community coming from prison and I do class them no matter where they come from, if they're not from Llanelli, as areas right over the country people are decanted into areas that have difficulties, and yes, they, they are outsiders in the respect of not knitting into the community. They want to stay apart from the community, and I do class them as outsiders. Whether I'm right or wrong in that terminology that's for you to decide.

SJ: Okay. Um, so you do class Councillor McPherson and Councillor Curry as outsiders?

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TD: No, I don't. No, I don't class them as outsiders. Yeah, I may have said outsiders in the respect but not in respect of outsiders from Llanelli – outsiders in the respect of knowing the history of, of the ward. Er, and Councillor Curry and McPherson understands what I mean by that. Um, I've told him in the past, I said you do, you do need to look at the history of the ward, what's happened in the past, so that you have ... you don't ... I I've said it in the past, so that you don't repeat the mistakes that have been done in the past. And, yeah, I've been rebuffed on it.

SJ: Okay. Um, and then, did you say to the two councillors that Wales should be for the Welsh people and that outsiders have no business being councillors here?

TD: No. No. Um, right. Um, can you repeat that so I can get it clear?

SJ: Yeah. Um, so that Wales should be for the Welsh people and that outsiders have no business being councillors here?

TD: No. No, I don't ... I've definitely not said that. I said, I have said, I did say Wales are for Welsh people and we have a Welsh community here. And, not in the respect of people from outside of Wales settling here.

SJ: Sorry, just note something down. And, then, the next one, did you call them English outsiders during the interaction with them?

TD: To be honest, I'm not sure, right. I've thought about that comment, but I wouldn't have called them English because I know Suzy Curry comes from Ireland, or her background is from Ireland, and, you know, she's been in Llanelli a long time. But I shouldn't think I would have called them English outsiders.

SJ: Okay.

TD: Or any of that, it's ... I don't ... that's not my phrase.

SJ: Okay.

TD: I would have said possibly you're outsiders in the knowledge of the, of the ward.

SJ: Okay.

TD: Um, and they know that, and I continually tell them to interact and to engage with the community, and not to take decisions, decisions upon themselves without engaging. So ...

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SJ: Okay. So what difference does it make that they don't know the history of the ward?

TD: Right. Um, it's been a problem from the onset that they've suggested a number of things and I've said that's been tried in the past and it possibly won't work, and I've been working with the ward for the last thirty odd years, I assisted the previous councillor, previous two councillors actually, assisted Ceri Thomas at first quite a number of years back and possibly even back fifteen years or thereabouts – twelve to fifteen years at least. Um, I worked with Ceri in respect because my ... I owned an engineering, gas engineering company in the ward and we had most of the contracts for landlords and so forth, and so I was, with my employees I was interacting with the families and everybody that was coming into the ward of all race, and especially with landlords doing the landlord gas inspections was primary, we had the contracts with most of us. So, I used to interact with Ceri.

Then Ceri became ill and Jeff Owen, a colleague of mine, decided to stand and I said I couldn't stand with him because I had the company. So I worked with Jeff on that, but in that instance then, seventeen years ago, a Safer Communities Action Group started and we interacted with them, and they did a lot, and they then engaged with privately in a meeting, a community meeting with all the services, Police, Fire Brigade, everything. So, I used to feed everything in that and the projects that went on..

So, I've been involved in the ward for thirty odd years plus in total. So, I've got a lot of background and know what has worked and what hasn't worked. I've tried to speak to the two councillors to engage, and it came to a public ... not a public, into a council meeting after Jeff Owen managed to secure a nine point three million grant to uplift the ward, and he lost out on the election and I managed to get in as the town. I was selected to go onto the Steering Group with the County Council for Tyisha. Um, it became apparent that that was not a favourable thing with Councillor Curry and McPherson as they stated to me they were the county councillors, and they couldn't see the reason why I was on there. Then, in another meeting with the council, on a zoom meeting, they discredited the Safer Actions Group to say that they had a, they had decent people instead of them, which didn't go down well in the meeting, which I brought up in the following meeting. So, our relationship fell apart after that meeting, after that council meeting. I was asked to make an official complaint regarding Councillor Curry's statement in that meeting, and I did place a proposal at the next meeting and to say I was dismayed by her comments calling the residents, inferring that they're the SCAG group, which is a successful awarded group, that she had decent people instead of them.

So it did touch a nerve. So our relationship between Councillor Curry and McPherson deteriorated after that, and I've got to say I've been targeted from that position, so that is quite a time before our meeting, it's not after.

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So there's a back... there's some background to some animosity there, and there's other things as well.

SJ: Okay. Um, so I appreciate there that there's some background events leading up to this interaction, and that you said you've got thirty plus years of experience working on the ward, if I could just bring you back to the question I asked, was what difference does it make if Councillor McPherson and Councillor Curry don't have that experience?

TD: The difference being is that they currently not engaging properly with, with services in my view, and in the community. If they were to research Tyisha and Llanelli, they would see the challenges that we've got in the ward.

SJ: Okay. Um, okay. Um, so, during the interaction with Councillor McPherson and Councillor Curry, did you express views about incomers being dumped on Welsh communities during your conversation with them?

TD: Um, not incomers. Um, I did refer to a comment where people are dumped in the ward and they ... in reference to people that have been dumped in the ward, they're mostly undesirable people with ... that's come from jail. And, from experience in association with those people coming into the ward, they are actually saying they've been dumped here. And many occasion over the years they didn't want to come to Llanelli.

SJ: Mm.

TD: Um, but they were guided to Llanelli and has been dumped here in and not in reference to people of European and social backgrounds that are from Carmarthenshire, and Councillor Curry and McPherson understands my position, if there's anybody in our ward that's gone wayward, it is our responsibility to help them to get back on track. They know that full well. However, when you've got a charity within a hundred yards of our ward, that are touting for people from all over the country and he visits prisons to bring them in by association, it's not helping us one bit. So, it's by association, it's gone from people in the jails at the moment saying that by association I know so and so in Carmarthenshire, and predominantly the Tyisha ward and the Glanymor ward, they know people that from jail and by association they can carry on with their activities, and that's what I mean by people being dumped here.

SJ: Okay.

TD: Councillor Curry and Councillor McPherson understands that fully.

SJ: Okay. Um, and then, did you tell Councillor McPherson and Councillor Curry that they would never be welcome?

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TD: No. No. I can't see a reason to say that.

SJ: Okay. And then, did you tell Councillor McPherson to either eff off or to fuck off?

TD: Um, to be honest, in the mood I was in I would say no, but I was upset, right through the barrage of attack from the two of them, I may have thought it but I don't think I would have shouted that out which has been said. Er, no, I don't, I can't remember saying that to be honest. So it's, you know, you know, if I did say it I put my hands up, but I can't be honest to say if I did say it. I have said it in the past to a couple of undesirables and I have used that terminology, but it would have been either in jest or in serious confrontation with somebody that ... and it would have been in private anyway.

SJ: Um, but on this day you didn't say it?

TD: I didn't say it to my recollection. I've got to say it like that because there's, there's so much, so much was dumped on me on that day by the two, you know. And yes, I would put my hands up, I was in defence. I did not lose my temper but, yes, from the barrage of abuse they had, yes, I was angry.

SJ: Okay.

TD: But again, to say the right words, I was in private.

SJ: Okay. Um, and you said there that you were angry but you didn't lose your temper, did you raise your voice – I know you said you were speaking quite loudly when you were speaking to Mr Lewis before the interaction, did you raise your voice or shout during the interaction with Councillor McPherson and Curry?

TD: In defence my voice was raised to its normal pitch, but I didn't shout at him. So ...

SJ: Okay. And how long did the interaction with the two councillors last for?

TD: A long time in my recollection. It was ... I felt I wanted to escape from it, but at the same time I felt I needed to defend myself. I would have said at least ten minutes.

SJ: Okay. Is there anything that you base that timing on, like did you check your watch or is there a visible clock or something like that?

TD: No, there isn't, it is a guestimate in, in my perspective. I felt, felt I was under attack, I felt that I wasn't in a position to run away from the bullying. I usually stand against bullies anyway, that's the best way I find from my background and upbringing, for me not to – how can I say, let the bully get the better of

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me in that way and just to neutralise the situation and say, right, stop it, you know. That's my usual stance on bullies unless it's physical and I would defend myself.

SJ: Okay. Um, you said right at the start – let me just find it. You said what Councillor Curry had said as soon as she came out of the van, something about you being evil I think you said?

TD: Evil, evil and nasty man.

SJ: Okay. Um, after she said that, was there anything preventing you from getting in your van and driving away from the situation?

TD: I asked, I asked Councillor Curry how, how she said that, why she said it, and then the barrage of abuse which came back.

SJ: Okay.

TD: And she also said that other people are saying that I am nasty and evil and that hurt.

SJ: Okay. You, you also referred to being under attack, so again, why, why didn't you get into your vehicle and drive away?

TD: As I said, if you're being bullied and you don't neutralise the bullying, then you're going to carry on having it. That's my background, that's what I understand and from my experience, from my experience in coaching and – what do you call it, counselling with, with people, that you're best to stand up to the bullying rather than be subjected to it continuously.

SJ: Okay. When you refer to neutralise the threat, what do you mean in terms of, you know, what, what action do you have to take to neutralise the situation?

TD: Verbally to deny their, to deny the their – what do you call it, statements and attacks. Defend myself in my position as to being decent and neutralise their argument in asking why, and, and to neutralise the argument to say who and what and how has it come to that. It's a debateable way to conduct yourself and if you can prove by fact and to ascertain if there's lies being said, it's to debate it. Once you've got the facts then it's neutralised.

SJ: Okay.

TD: You know, they've got to substantiate their claims and if they can't substantiate their claims then you've neutralised it.

SJ: Okay. Um, Louise, did you want to ask anything?

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LM: I just wanted to just explore a little bit in this confrontation with the other councillors. You said it started because one of them called you an evil and nasty man at the outset.

TD: Yeah.

LM: Is that correct? What, what prompted that, did they ...

TD: It come out of the blue.

LM: Out of the blue.

TD: It was the first statement that Councillor Curry, it's the first thing she said to me.

LM: Okay. And then, and then you go onto say that she made that comment and then there was a barrage of abuse. So what, what was actually said in that, in that, if you describe it as a barrage of abuse, how did that manifest itself?

TD: The barrage of abuse is about me personally, about other people that I represent. It was to do with I think what was on my Facebook.

LM: Yeah.

TD: And it, you know, it just contrived in the respect of to have a go at me.

LM: Yeah. Okay. And did it involve bad language?

TD: No. No, no, no, no.

LM: No.

TD: Very little bad language was used and certainly not ... Councillor McPherson, I'd only heard him once use foul language but not with intent to hurt.

LM: Okay. Was there shouting or ...

TD: Um, yes, there was ... no, there was no shouting between any of us, it was ...

LM: No.

TD: ... it was forceful language that was a little bit high volume but not to the point of shouting.

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LM: No, okay.

TD: And certainly not in a position where others could hear.

LM: No. and you say it was personal, but in what way, what did they sort of ...

TD: Well, it's personal ... most of the attack was done personally towards me ...

LM: Yeah.

TD: ... as a person, and it was – how can I say, upsetting.

LM: Yeah.

TD: Painful.

LM: Yeah.

TD: And, that's how I felt I was being pincerred on by the two of them.

LM: Yeah. Sorry, and I don't want to sort of pressure you, it's distressing, but it's just helpful to kind of understand the context and ...

TD: Yeah.

LM: ... what, what they actually might have said.

TD: They referred to a number of things on Facebook. They then used – how do you call it, third party, saying that third party were giving them comments about me, they were saying about other people saying about my past, and it was, it was on that note more or less all the way through.

LM: Okay.

TD: It was nothing in the respect of talking about the ward, it was just personal to me ...

LM: Okay.

TD: ... and targeted towards me as a person, you know, as a person.

LM: Okay. Okay. Okay.

SJ: Okay. Let me just have a little quick look through my notes a second. So, during, you've estimated it to be ten minutes there. Who did the majority of the talking?

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TD: Er, the two, the two other councillors.

SJ: Okay.

TD: If I recollect, I was in defence of it, so ...

SJ: Okay. Can I just check, you said you've been active on the ward for thirty plus years, but at the start you confirmed you'd been a councillor for five.

TD: Yeah.

SJ: Have I understood that correctly. So you've been active on the ward but not as a councillor?

TD: I've been active on the ward in relation to assisting the councillors. With my position as a company I've sponsored many in the ward. I've run a national youth group on the ward in the past, (*inaudible*) activity. I've also done a lot of charitable work for people who've been moved into the ward, Polish people and people from other areas and ethnics that have been subject to some pain from other countries to be honest. We've ... and the charitable work is in the relationship of setting them up in getting gas cookers fitted, or electrical cookers fitted, sorting out the heating, and seeing that they know the telephone numbers, for who to contact and so forth. That's the sort of work I was doing in the past for the last ... well, more than thirty years.

Um, I've also, in the ward I've supported the councillors on an emergency basis where they've needed help or anything with the services. I've helped the community with getting furniture and stuff like that from charitable areas and delivering them. So, yeah, all in all my heart is in Llanelli, you know, and now I've given my company to my employees to retire and give back. So, my statement is, is that, you know, the ward comes first before anybody, party or whatever. So, as for political stance the ward comes first, even to my own current party.

SJ: Okay. Um, Lou...

TD: The other thing ...

SJ: Sorry.

TD: The other thing I can say is, money is not a motivator for me.

SJ: Okay. Louise, was there anything else you wanted to ask?

LM: No, I don't think so, Sarah, that's fine.

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SJ: Okay, lovely. Um, if we move on now to the Facebook post that's in the file of evidence, it's at Page 7 ...

TD: Yeah.

SJ: ... in Appendix 1. Um, what, what was the purpose of this Facebook post?

TD: Right, people have asked me what am I doing, what's going on, so I tend to put it in ... I, I used to put it into Facebook, what is happening. There was – how can I say, a number of incidents that had happened around the same time with people going to town, being challenged by these actual two, elderly people that were being forced to part with money, and the complaints were coming to me from that and people have said they won't go back into town. And it was, it was a bit of a prod in the respect that we have DDAS in town which supply the substance misuse people with methadone, and this attracts a high number of people into the town to queue for the methadone in the day. There's a lot of dealing in the town around that particular area and time, and subsequently that association of people tend to go onto elderly people to badger them for, and forcefully take money off them without any recourse. By the time the police have arrived they have disappeared and the people are left upset.

I also did a round of the market traders and asked their opinion on what was going on, and they said people should know. So I posted it, what was happening.

SJ: Okay. So, earlier on, you said that Councillor McPherson and Councillor Curry referred to a Facebook post. Is this the Facebook post you were referring to at that point?

TD: I think that's their intention, and it's certainly not for the term the two outsiders I had a strong chat with *today*, it's certainly to do with the druggies. And the other thing that I was chastised about with McPherson that it is I should not use the word druggies but unfortunately it is in the dictionary, and where it needs to be said I will say it, and I don't need Councillor McPherson to tell me not to use it. So ... and that was ... I remember that was part of the conversation.

SJ: Okay. So, you're saying in this post that the two outsiders you're referring to were two drug users that approach elderly in the town asking for money?

TD: The two outsiders there are the ones that approached Sue and me in the town and they also tried to take possession of my camera.

SJ: Okay. So ...

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TD: We were both accosted and abused, and I've got a number of witnesses to that that, and unfortunately what I can gather now is that Councillor McPherson and Councillor Curry think they are the two outsiders.

SJ: Okay. So, this post was made after you and your wife were approached by the two outsiders?

TD: Um, the post was made after we were accosted, yes, and we've been accosted since by the, by the, by the same two. Since then, since that period one of the, one of the druggies has died.

SJ: Okay. So, I'm just trying to understand the chronology of the incident, the Facebook post and what it relates to. So, was this Facebook post made after you and your wife were approached by the two outsiders, but before the incident with Councillor McPherson and Councillor Curry?

TD: I can't put a date to the incident, right, and the post possibly was after ... yeah, I think the post was after the interaction with Councillor Curry and McPherson.

SJ: Okay.

TD: But I haven't checked on it.

SJ: Okay.

TD: It could have been, it could have been a day before or a couple of days after, it could have been on the same day. I couldn't ... at the time I was putting a lot of posts up on Facebook and ... hang on, I'm going to sneeze ... a lot of posts on Facebook for which I've learnt a lesson on now, and I don't put many posts up on Facebook only information at the moment with Facebook. So, yes, it has caused a bit of confusion, in my opinion, reading it, and it's only recently I read it and I thought, oh god, I could see what they may mean by it. But, yeah, it wasn't targeted at Councillor Curry, it was just targeted at the druggies. So ...

SJ: Okay. Okay. And, so this wasn't the post that Councillor Curry referred to when she started her attack on you?

TD: Um, no, I don't think it was. I think I put a number of posts up there that has upset a few people in the respect of that the law is dealing with things, and to give reassurance. And I've also put posts up in the position of the ward when things are not done and it needs to be done. I know, at the end of the day, as a councillor, I'm well aware of the ward, and the ward's requests to me to support them, and requesting me why don't you do something about it, why don't you say about it. So I have been using Facebook in the respect as a voice for the ward and on my opinions at the time, and that and now as

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well, we are, the challenges are getting less through the Steering Group with the council and we are making big inroads. But at the time of last February in the area, I did put a number of posts up, so I cannot honestly say when that post went up, whether it was before, after or whether the collusion was done with them to use it, I don't know.

SJ: Okay. So, what was the content of the Facebook post that Councillor Curry mentioned when she approached you then?

TD: She said those things that you've put up on Facebook, she didn't refer to this at the time.

SJ: Okay.

TD: Otherwise I possibly would have said it's nothing to do with you, you know.

SJ: Okay. So she didn't say that it was this post about outsiders that she was referring to at the time of the incident?

TD: Er, no. And thinking on it, I think this post may have been put up after her, after our conversation, and that's why it's in as evidence.

SJ: Okay.

TD: And, they've used it in that respect either thinking that I was referring to them, but certainly that's my way of thinking at the moment, is that I put a note where two druggies in town attacked me and Sue and police were called – that's on the notes that is in the evidence here which I've gone through. Um, so there's no reference in here to my recollection, and when this went in, whether it's before or after, possibly after.

SJ: Okay. So, when you're referring to the two outsiders there, you're referring to the two drug users from town?

TD: Yes. Yes I am.

SJ: Okay.

TD: Because I know they're, I know they're out on the town and that is one of the challenges that I brought up to county and is being dealt with – Laura Aitchinson, and I had a long chats with Laura Aitchinson who's in, who's the co-ordinator and manager for the Steering Group now. At the time, going back a while Laura was on the county for allocation, housing allocation, and I had a long chats with Laura in respect of, as I'd used the word outsiders, and she understands that, and she said, yes, we have got outsiders coming in, so it is in the terminology. And, yeah, in all fairness, the county and Laura are absolutely second to none in helping us and we are making, as I said,

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we're making big inroads and we can actually see a little glimmer of light at the end of the tunnel that we're going in the right direction.

SJ: Okay. Um, do you think that the two drug users follow you on Facebook, like are they friends or members of your kind of Facebook group?

TD: No, I don't think they are, I don't ... out of about fifty or sixty in the association which I know of in the ward, none of them are on social media I would say. I would say they do have a network on mobile phones and that is a fact. The network is very, very successful for them, and working with NPT they're very quick in discarding the phone if they're arrested or break the phones as they can't get on, but it hasn't come to my attention that they're following anybody on social media. They do know, they do know the members of the Safer Communities Action Group, they do know me per se, because if I am in the vicinity, I do get abuse from them, and if they are badgering elderly people I will, I will step in and I will call the police and they certainly don't like that. But again, there's a lot of youngsters in the group, including my grandson, that knows the network and they get fed the information. So, yes, I am - how can I say, personal, a personal target in some respects.

SJ: Okay. Um, so how ... you said that this is a message for those drug dealers, how do you expect that they would get that message if it's posted on Facebook?

TD: No, it's straight, okay, I may have misled you there, it's not a message to them, it's a message to the system and the council and the police, that if, for example, the WalesOnline asked for an interview on the situation and it can be researched, that WalesOnline made an article about Tyisha ward and the problems, ex-Councillor Jeff Owen was on there. I declined at the time to go on interview and suggested that they speak to the people, relevant people. There's two reasons for that, one is that I did not want to be the current target as a councillor, as Jeff has had it in the past, and Vanessa Marsh, who heads the Safer Communities Action Group and she went on it as well as a number of local traders were on it, and supportively then on ... I support that on social media then. And I shared that particular interview, done as a video interview, on those particular people, on the past – how can I say, problems of Tyisha on what needs to be done.

So I supported that with my Facebook page as well as my own personal comments on the direction that we need to take. But that is the voice of the community, and it is also the voice that targets the likes of those in power, like, oh heck, you know, the community's shouting here. Because we've got nothing else, we've got no other means of expressing ourselves in our community, and we've had so much in the past, that we've had so many meetings in the past over the last sort of fifteen years, that we've been promised and we've been let down.

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SJ: Okay. Um, so, you said there that it wasn't a message for the drug dealers, and it wasn't ... or the drug users, and it wasn't a message for Councillor McPherson and Councillor Curry. What did you mean by next time you want to have a go at me understand I've been through it with my family as a resident for fifty years? I'm not really sure I understand how that links in with the drug users.

TD: They threatened they were going to get me and do me.

SJ: Okay. Okay. Um, okay. Um, Louise, did you want to ask anything about the Facebook post at all?

LM: Er, no, I don't think so.

SJ: Okay.

LM: No thanks Sarah.

SJ: Okay. Um, so when you made that post on Facebook, were you acting in your role as an elected member at the time?

TD: My Facebook page is a personal page.

SJ: Okay.

TD: It is an extended page from my company and ... my company at the time, and Facebook is set up under Serenity Image which was, it's not set up as Councillor Terry Davies. I have got a councillor Terry Davies post but I can't get on it and I haven't been able to get on it for about a year. So ...

SJ: Okay. Lovely, that's brilliant, thank you. D'you, looking back now at the interaction you had with Councillor McPherson and Councillor Curry at the time, do you consider your behaviour on that day to be in line with that expected of an elected member?

TD: Giving that it was a private interaction, I think we were all at fault.

SJ: Okay.

TD: It's not the type of meeting or relationship, and given that I come from a large corporate background which usually can get heated, we never, we never got to that sort of stage.

SJ: Okay.

TD: Um, in reality, if they discussed it in – in, how can I say, dignified matter rather than committing an attack on me, possibly it would have been able to

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discuss it a lot better and have a better relationship between the councillors. However, I have been badgered in the past, bullied in the past with them, with the same three, and in all honesty, I've considered resigning because of them, but I'm constantly asked by the community to carry on with the work, as well as the County Councillors asking to continue and to stand at the next election. And given what we've gone through with the family and everything like that, I'm toying with the idea, right, I prefer to do it privately.

Um, so it has taken effect and, yeah, what I've seen these three councillors have done to other councillors, and I put my hand up, it's not very nice.

SJ: Mm.

TD: Um, and it is a difficult, and in all fairness right, it's a difficult situation for Gary Jones, the Clerk, to control and I firmly believe Gary has seen the worst of the council in all his born days. So, I've been in touch with the council for many years through my brother, because he was employed with the town council, and, of course, I've had colleagues that have been councillors and they've told me what's gone on in the council. I can understand, you know, political badgering and political – how can I say, points being put forward, but not personal, nasty complaints. This is, this is the pits I would say in the relationship within that council. It is – how can I say, not very nice, it is unproductive and, as far as I'm concerned, you know, time is of the essence and, at the moment I think, given my age, there's very little essence. And that's, that's the best way I can put it.

SJ: Okay. Um, you mentioned the Clerk, Gary Jones, there. Did you have any contact with him after this interaction with the two councillors?

TD: Gary did approach me to say there was a complaint had been made against me, and I said I'm not the only one that complaints have been made against. I said to him I've been expecting it for a long time. Gary ... and in all fairness, Gary says you should be more careful, and I said well, at the end of the day, you know, I'll do the work in the ward and if they don't like it, tough. And, you know, I told Gary, I said I can see, I can see that they see me as a threat with the next election but, at the end of the day, the ward comes first. And Gary said be mindful of what you put onto Facebook and if I was you I wouldn't put anything on Facebook. So, Gary, in all fairness, was protecting me in his conversat... I believe Gary was protecting me within the con... within that conversation. And I now can understand why after what's been done to other councillors.

SJ: Okay. Um, and why would he be telling you to be mindful of what you post on Facebook?

TD: He knew the ... he was, I think he was informed of what was the allegations were going to be.

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SJ: Okay.

TD: And, the other thing in this, Gary has said in the past that I'm close to the wind in what I put on Facebook, and, you know, you can ask Gary on that. He, he has warned me on a couple of occasions.

SJ: Okay. Louise, did you want to ask anything?

LM: Er, no, I don't think so. Um, let me just check my notes here. I think the only thing I just need to get clear in my head is, is going over everything we've talked about with this Facebook post, what you're saying is the Facebook post was a private interaction, but what took place in the ... outside the park on the 9th of February, that was in your official capacity, is that correct, have I got that right?

TD: I was in the official capacity... no, the official capacity to talk to John Lewis ...

LM: Yeah.

TD: ... but not in an official capacity when I was with the councillors.

LM: Right.

TD: But, that was a, that was a private interaction.

LM: Right, okay.

TD: I was not there as a councillor for them, I was not there as a councillor for the park, it was just for that individual ...

LM: Yeah.

TD: ... and the resident.

LM: Yeah. Did you know that they were going to turn up at all, or ...

TD: No, I had no idea. I've learnt in the ... from them that, the, there was a meeting but I, I honestly didn't know there was a meeting on that day, I was there for, I was there for the community.

LM: Yeah. Okay, yeah.

TD: I met John. In fact, I was supposed to have met two people, the person that I was supposed to meet did not turn up, but John was there, so I took it that John was representing the other person, but he wasn't.

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LM: Okay.

TD: So it was, it was like, I was a bit confused when they turned up, I didn't know who I was going to be speaking to. But since then I've spoke to Margaret which is living opposite the park, and I've worked well with that comm... there's five houses there to resolve the issues that I'm supposed to be down there for.

LM: Okay.

SJ: Can I just check, you mentioned John but when, when the investigation was started, you said that it was Steven Lewis, and that's who I obtained a statement from. Can I just check you've got ...

TD: It was ... yeah, it will be Steven, right, okay.

SJ: Lovely. That's brilliant. I was just starting to think there might have been somebody else.

TD: No, he's not a friend, he is a member of the community, and there's a number of people around there and, yeah, Margaret who I've spoken to since, has become a friend ...

SJ: Okay.

TD: ... and I've worked closely with her and with NPT police officers. So, you know. I haven't spoken to Steven Lewis – I keep saying John – I haven't spoken to Steven Lewis. I had, the last meeting I had with him is when you asked if you could have a statement and I went down to ask him if he was willing to provide a statement, and that's the last time I've spoken to him.

SJ: Lovely, thank you. Um, was there anything else, Louise?

LM: No, I think that's it, thanks.

SJ: Alright, lovely. Um, I'm really conscious that we've run a lot over my anticipated timescales today, but we are coming to an end, you'll probably be pleased to hear. Um, so just ...

TD: As long as it's out the way.

SJ: Yeah, just a couple more questions now. So, on reflection, how could you have handled this matter differently?

TD: In hindsight, I would have driven off, without being totally ignorant in my view, without giving them any opportunity to speak to me.

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SJ: Okay. And is that what you would do if it happened again as well?

TD: Um, there's been one incident since then and I've evaded, so, yes, it's been a big learning curve, I didn't expect this as a councillor, I certainly didn't expect councillors to behave like this. Um, it's, it's an interaction that I'm now walking on eggs in what I'm doing without being carefree and productive ... productivity with support from the county, with, you know, the support of the Steering Group and Safer Communities Action Group, and with now work with a large following for what is, what is happening. Um, it is a privileged position to be in, and yet I'm yet to take a decision whether I'll stand next because of what's happened in the town council and because of what's happ... what's happening to others, whether I want to be in this atmosphere, I don't know.

SJ: Okay. Um, is there anything further you wish to add about the complaint made against you?

TD: The only thing, I've given you a statement and I think that just sums up my, my feelings ...

SJ: Okay.

TD: ... in that statement today.

SJ: Today's statement?

TD: Er, the ...

SJ: Oh, the one just before the interview?

TD: Yeah, just the one before the interview. It's the position I stand at the moment and I firmly believe in, and it's ... I don't think retaliation is the way as many of us were to make complaints against Councillor McPherson and Councillor Curry, and my firm belief at the moment is that Councillor McPherson has been coerced into making a complaint against me, because I think he's of a soft nature, and there's been ... I stopped, I've stopped one complaint against Councillor McPherson, and the Clerk, Gary, has had that in writing from a resident, but I don't think it's in the public's interest for this to escalate in any way for the town council, and we need to be - how can I say, working for the town and not working for the party.

SJ: Okay, lovely. Um, as we've discussed throughout the investigation really, I know you've made a decision now not to submit a complaint in retaliation you said there, but just to remember going forward, that if you do have any concerns then you're welcome to submit complaints to the Ombudsman's office if you consider matters escalate in the future.

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TD: If ... right, yeah. If they were totally out of order and it was against the community, I would make a complaint.

SJ: Mm.

TD: If it's – how can I say, derogatory to individuals within the councillors, then I feel we should discuss the matter and have resolution between ourselves.

SJ: Yeah.

TD: Because that's the way I've always worked and that is the best way forward. This is so unproductive, unprofessional, and, in my view, a waste of time.

SJ: Okay.

TD: But if it was, if I had been racist in front of anybody, then I would put my hands up, I would say yes, I do need to be chastised, or any councillor that is racist or any in that reflect or talk about anybody within the community, yes, there needs to be a course of investigation.

SJ: Lovely thank you Terry. It's obviously your decision and your, your choice, and I just wanted to make sure that you are aware of the process that is there if you did change your mind. Um, so, I've got no further questions for you, but is there anything else you wish to say about the complaint against you, or the events that you've not already covered, or anything you'd like me to clarify or anything you want to clarify about the evidence that you've given today?

TD: No, I thank you for being great on it and investigating it properly. Um, I thank you for being nice to me.

SJ: Yeah. I know it, it can sound a really sort of scary and worrying thing, but our job is to just obtain your version of events so that it can be considered alongside all the evidence. Um, and we don't come into the interviews with the intention of being horrible to anybody.

TD: I have been in court for a number of occasions on investigations as to my position in work and being an investigator, and sadly it's, it can be quite nasty in that situation in front of a barrister and been badgered.

SJ: Yes.

TD: And, it is ... any inquiry worries me to be honest, but, yeah, you've conducted it in a very tidy manner, thank you.

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SJ: Oh, lovely, thank you Terry. Um, so are you happy that you had a fair opportunity to say everything that you want to say about the subject of the complaint?

TD: Yeah, it's, as far as I'm concerned, you know, you take the decision on my interview and see where I stand. If you take a decision I need to be chastised then I'll accept that decision, with reluctance obviously. But if there's, if you can put this to bed in a decent manner and chastise all of us, by all means.

SJ: Okay, lovely. Um, so that concludes the interview other than a few administrative tasks.

TD: Okay.

SJ: Um, I'll need to send the recording of the interview away to be transcribed, and once I've got that back I can send you a copy of the transcript and a copy of the recording if you wish me to do that.

TD: No, no, it's fine.

SJ: No.

TD: I'll take ... it's, you know, I'm at a low at the moment with everything that's going on ...

SJ: Yeah, okay

TD: ... and, you know, I'll take whatever decision that the Ombudsman feels fit. He's obviously got a lot of experience in it, and if you can ascertain what ... how this has come about, great.

SJ: Okay.

TD: And, you know, if there's a learning curve in it, there's a learning curve in it. If there's, if there's advice then there's advice in it.

SJ: Okay. Lovely, thank you Terry. Um, so, what I'll need to do next is decide whether this completes the investigative stage of the investigation, or if there's the need to gather any further evidence. Um, once I'm happy that the investigation is complete it'll be all considered in detail and a finding made.

TD: Mm.

SJ: Um, if we do conclude that there is evidence of a breach, the Ombudsman has to the option to determine that no action is required, or to make a referral

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to the Standards Committee or Adjudication Panel for Wales. Um, if a referral is considered appropriate, then a draft report will be shared with you and you'll be given an opportunity to comment on the analysis of the evidence and the finding proposed. If the Ombudsman concludes that there is no evidence of a breach of the Code of Conduct, then the report would bring the matter to an end then.

So, in closing the interview, I just want to take the opportunity to remind you that the Ombudsman's investigations are conducted in private. I would therefore ask you not to discuss the evidence received or that you have shared with me today, with anyone other than your representative or legal advisor, and this extends to the transcript and any draft report that is shared with you.

TD: Mm.

SJ: It's particularly important that you do not discuss matters relating to the complaint and investigation with anyone who may be a witness or involved in the matter. You should be aware that any such disclosure or interference may amount to a breach of the Code. And, I think that's everything, and if there's ...

TD: Um ...

SJ: Sorry.

TD: There's one item in the fact that Suzy Curry has breached the Code in informing the people around the park that I am under investigation with you, and details of the investigation has been shared with them.

SJ: Yes. And this is where I've previously said that if you want to make a complaint about that, you know, the process is open to you to make a complaint about that.

TD: Then, I ask the Ombudsman to take that into consideration.

SJ: Okay. Lovely. Um, I have emailed you a copy of the complaint form this morning ...

TD: Yeah.

SJ: ... and the link to it online if you do want to complete it, but it's open to you if that's something you do want to do.

TD: I am on the back, I am on the backfoot with that, with that attack. Um, however, it's ... I do think it's appropriate to take it forward and make it – how can I say, air... what's the terminology, air... what do you call it, show

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dirty linen in public. So, it's not, it's not in my nature to – how can I say, do that, but if it is to backfire on me saying that other people have come to the attention of the content of this investigation, it hasn't come from me, it has come from the opposition.

SJ: Okay. Lovely, thank you Terry. Um, so, if you're happy I'll conclude the interview now?

TD: Okay. Thank you.

SJ: Yeah. So, the time now is 14:40 and I just want to thank you, Terry, for your time today, and I'll write to you in due course as the investigation progresses now.

TD: Okay. Thank you very much.

SJ: Lovely. Thank you Terry. Bye now.

TD: Look after yourselves.

SJ: Thank you. Good bye.

LM: Bye.

TD: Bye.

APPENDIX 10

To the Ombudsman
Public Service for Wales

24 George Street
Llanelli
Carmarthenshire
SA15 2NB
Phone: 01554 773791

To Whom it may concern.

To assist in the investigation on Councillor Terry Davies.

Statement to support Councillor Terry Davies.

It has come to my attention that Cllr Terry Davies has been reported to you for breach of conduct.

I am aware of this through attending a residents called meeting at Ann Street in July of this year

The reason I am supporting Cllr Davis is as follows.

I was asked to attend a resident called meeting with Cllr Terry Davies as I sit on the Safer Communities Action Group for Tyisha and Glan Y Mor and this was a two-ward support meeting. Meeting with Mrs Marks 16 LLys Y Morwr and a Stacy Pritchard. 18 LLys Y Morwr Llanelli.

Cllr Terry Davies asked if I could attend as the other two councillors may attend and he was unsure as to their behaviour towards him. I have witnessed Cllr Terry Davies being shamefully bullied in the past at a resident called meeting in my ward Glan Y Mor with Cllr John Prosser and his wife Cllr Suzy Curry in attendance. This bullying was uncalled for. In that meeting no sooner Cllr Terry Davies entered, Cllr Prosser started shouting at him and demanding that he left the meeting as he was out of ward and had no right to be there. Although Cllr Davies was representing and standing in for the Ward Town Councillor that was off sick at the time a Cllr Winston Lemon. This outburst with Cllr Prosser placed the resident Chair a Mrs Amanda Carter in a very awkward position. Cllr Prosser demanded that Cllr Terry Davies was not allowed to speak at this meeting.

Cllr Terry Davies resolved the matter to make progress by saying he would just be observing the meeting and would pass on his information privately after the meeting. Nevertheless, Cllr Curry then turned up later clearly after a text from Cllr Prosser and she enforced the demand, stating that she was there representing the MP as her secretary, It was a deliberate attack on Cllr Terry Davies to get him to leave. I can understand Cllr Davies asking for support when he is on his own in his ward with the two Ward County Councillors Cllr Curry and Cllr McPherson, and Cllr Prosser who is usually in attendance with them.

Last July, I attended the resident meeting outside Mrs Marks house regarding the Antisocial around the new park and the residents were complaining about the new park. Cllr Terry Davies who works tireless in the ward on antisocial was asked if he could do something about it as they had complained bitterly to the two county Councillors, Suzy

Curry and Andre McPherson, and nothing was being done to resolve the antisocial behaviour around the park.

We both attended and the rain was heavy, and I had my hood of my coat up. We had been discussing the matter with the residents and was told that they had invited Cllr Suzy Curry to attend, and Cllr Andre McPherson and the resident Mrs Marks was told by Cllr Curry if Cllr Terry Davies was there, they would not be. After 20 minutes into the meeting and plans with proposed action, Cllr Curry and Cllr McPherson turned up in a car and introduced themselves, they didn't see me at first with my hood up and my back to them. I was shocked and disappointed on their statement to the residents in attendance, Quote "That They should not be there as they have had specific instructions not to engage in any meetings with Cllr Terry Davies as he was under a serious investigation with the Ombudsman".

This was greeted with dismay with the residents and placed Cllr Terry Davies in an embarrassing situation. One resident asked Cllr Terry Davis to explain, and he answered that he had been reported for being a racist by a member councillor but did not disclose which councillor. He was thanked for his honesty and Cllr Curry then went to another lady on the end house and I could hear her discussing the case against him. Cllr Curry and Cllr McPherson made a further point of this the second time to residents and stated they would take over the resident's complaint. Both Councillors were shocked to see me in attendance when I turned around and they quickly left the meeting.

It was then I asked Cllr Terry Davies what was going on and I have now discovered the truth that he has been targeted politically. I have offered my support to Cllr Terry Davies, and he declined at first and said let the investigation take its course.

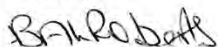
I have known Cllr Terry Davies for many years, and he is passionate in his work. He has done decades of community work in people's homes with his company and his team of engineers. Never once have I heard him being racist, I know for a fact he is not. He treats everyone on an equal basis and has proved that in his employment of people and his background.

Cllr Terry Davies is always civil and caring in his manner and works hard in the community for the community. He shows compassion in the chamber and is fair to every member at meetings treating everyone as equal. Even towards the opposition and giving time to Cllr Curry and Cllr McPherson and Cllr Prosser to engage in all his chaired meetings. Cllr Davies is straight talking, speaking from knowledge and facts, that is needed in our wards.

For impartial opinion you may best to speak to the County Council Tyisha project team leader on Cllr Terry Davies conduct and behaviour and what he must put up with.

I stated to Cllr Terry Davies to report the bullying and he said no, He sees it as underhanded school yard behaviour and it's not business like to waste time.

Yours Sincerely



Town and County Councillor

Louvain Roberts

From: terrygas87@gmail.com
Sent: Sun, 14 Nov 2021 17:34:16 +0000
To: Sarah Jones
Subject: RE: Complaint made to the Ombudsman - 202005902 [REF/JX/zY/ak/aO/]

Dear Sarah,
Darren harries the reporter for the Herald called today and he has drawn a letter of support on the situation.
Copy attached.

I can discuss this with the team tomorrow.
This letter is factual and enlightening as to the situation here.

I need this discussed at the interview as it is pertinent to what is going on here and what has happened to me.

Yours Sincerely

Cllr Terry Davies

From: Sarah.Jones@ombudsman-wales.org.uk <Sarah.Jones@ombudsman-wales.org.uk>
Sent: 08 November 2021 10:42
To: terrygas87@gmail.com
Subject: Complaint made to the Ombudsman - 202005902 [REF/JX/zY/ak/aO/]

Dear Councillor Davies

Thank you for your email in which you outline the time of day that would be most suitable for you to attend a virtual interview and note your particular personal circumstances with your father-in-law being unwell.

I would be grateful if you could please advise by **Wednesday 10 November 2021** which of the following dates would be most convenient for you to attend your interview:

Monday 15 November at 1pm

Tuesday 16 November at 1pm

Wednesday 17 November at 1pm

I note that you have concerns that you will need to attend alone as you do not want to invite your solicitor into your home due to the risks with Covid-19. If you provide me with your solicitor's details and contact email address they can be invited to join the interview virtually.

Yours sincerely

Sarah Jones

Swyddog Ymchwilio/Investigation Officer

Ffôn/Tel: 01656 644238

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Ombwdsmon Gwasanaethau Cyhoeddus Cymru/ Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
Pen-y-Bont ar Ogwr/ Bridgend/
CF35 5LJ
www.ombwdsmon-cymru.org.uk / www.ombudsman-wales.org.uk
<https://twitter.com/OmbudsmanWales>

Hybur Gymraeg

Gallwch ysgrifennu atom yn Gymraeg a byddwn yn ymateb yn Gymraeg. Ni fydd hyn yn arwain at oedi cyn ymateb.

Welsh Language Promotion

You can write to us in Welsh and we will reply in Welsh. This will not lead to a delay in responding.

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Ombwdsmon Gwasanaethau Cyhoeddus Cymru. Mae Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Mae ein [Hysbysiad Preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd.

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Bydd pob galwad yn cael ei recordio ar gyfer dibenion hyfforddi a chyfeirio

All calls are recorded for training and reference purposes

Ystyriwch yr amgylchedd a oes wir angen i chi argraffur neges e-bost hon?

Please consider the environment - do you really need to print this email?

25 Pen Y Warc Road

Llanelli SA151NJ

07813956563

Dated 10th of November 2021

Email hiddecarmarthenshire@gmail.com

To Whom it may concern. With the ombudsman.

I have heard that Councillor Terry Davies has been reported to you for being a racist by Councillor Andre McPherson.

I have serious concerns that this may not be genuine complaint. As to the following.

I am a reporter for Llanelli Herald and the media page Hidden Carmarthenshire. I am not politically minded or biased and like to treat everyone fairly and promote good councillors of all parties.

Before the current mayoral term, the last mayor, Councillor Chris Griffiths and Mayoress Cllr Sarah Griffiths the deputy Mayor Councillor Terry Davies. Councillor Andre McPherson phoned me to ask if I could investigate and dig up or find some dirt on the mayor and Deputy as they did not want him to be taking the position of town Mayor as they wanted Cllr John Prosser to be Mayor. In that conversation I could hear Councillor Andre McPherson being guided By Cllr Suzy Curry and one other. I believe that other to be Cllr John Prosser. I did tell them that I did not know of any dirt or where to look for it, for Chris or any other Councillor. Andre McPherson informed me to look online as it will be easy to find. I told Andre McPherson, there and then I did not have any intentions on digging for dirt. I have delt with this Labour group on numerous occasions as to their request for media coverage for which I have done. I was appalled to hear such plotting of underhandedness as they were seeking to do harm by press on a political appointment as Cllr Chris Griffiths was then to be the first Conservative Mayor. And Cllr Terry Davies as being a Plaid deputy.

I declined the offer to do the dirty work as I had met Cllr Chris Griffiths and Cllr Terry Davies and they are genuine people who put the town of Llanelli first.

I messaged Cllr Chris Griffiths over face book to inform him of this plot. In That message, words to the affect was watch your back as some Councillors are trying to stop you from being mayor. I was later called by Cllr Sarah Griffiths as to who was saying what. I found out that Chris and Sarah have the same Facebook page. and I did not what to say anything to her as Cllr Sarah Griffiths is Chris Griffiths wife and future Mayoress. Cllr Chris Griffiths then phoned me later as for details, I stated I did not want to give him any names, just to inform him that there were councillors out to get him. He mentioned to me that in a meeting he was aware of Cllr Suzy Curry and Cllr John Prosser and Cllr McPherson, I said to him then it was Cllr McPherson that Phoned me up. That phone call should be still on my billing. I was informed that Cllr Sarah Griffiths report it to the Town Clerk Mr Garry Jones, I was under the impression that this had been reported internally to yourselves.

It has come to my knowledge now regarding Cllr Chris Griffiths was told not to rock the boat and nothing has been done about this groups conduct.

DH

Learning about this report reporting Cllr Terry Davies has raised my suspicion that this group of labour Councillors is still operating underhandedly and unfairly targeting individuals in the Town Council. This information was leaked to me from a Councillor and reinforced by a second.

I have approached Cllr Terry Davies and found out by him you are investigating him next Monday and I have requested to come forward to help and inform you on what underhandedness is going on at this Llanelli Town Council.

Cllr Suzy Curry is employed by the MP Nia Griffiths and so is Cllr John Prosser as well as Cllr Andre McPherson a part of that team. It is not right that the staff of the MP targets individuals for political gain and position, it is also clear that from eight other councillors left the labour party in this administration term due to bullying and manipulation.

I believe Cllr Terry Davies is being victimised here and in no way he is racist or being unfair to anyone in his duties as a Councillor.

Yours Sincerely

Darren Harries



APPENDIX 11

[REDACTED]

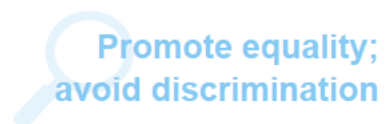
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Equality
See paragraph 4(a)



- 2.2 You must carry out your duties with due regard to the principle that there should be equality of opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion.**

This obligation underpins the principle that members must have due regard to the need to promote equality of opportunity for all people.

2.3 You should at all times seek to avoid discrimination. There are four main forms of discrimination:

- Direct discrimination: treating people differently because of their gender, race, disability, sexual orientation, age or religion.
- Indirect discrimination: treatment which does not appear to differentiate between people because of their gender, race, disability, sexual orientation, age or religion, but which disproportionately disadvantages them.
- Harassment: engaging in unwanted conduct on the grounds of gender, race, disability, sexual orientation, age or religion, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.
- Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

2.4 The Equality Act 2010 (as amended) reinforces the importance of this part of the Code. It imposes positive duties to eliminate unlawful discrimination and harassment and to promote equality. Under equality laws, your Council may be liable for any discriminatory acts which you commit. This will apply if you do something in your official capacity in a discriminatory manner.

2.5 You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your Council's fulfilment of its positive duties under equality laws. Such conduct may cause your Council to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code.

- 2.6 You must also be mindful that, at all times, including when acting in your private capacity, you must not act in a way that would bring your Council into disrepute. It is likely that engaging in behaviour which could be considered to be in breach of the Equality Act in your private capacity would fall into this category.

Example 4

A member of a County Council was a member of the Council's Recruitment Panel to appoint a new Chief Executive. Five applicants were shortlisted. After one candidate had finished his presentation and left the room the member said "good candidate, shame he's black".

The Adjudication Panel for Wales found that paragraph 4(a) (equality of opportunity) of the Code had been breached and that the member had brought the office of member and his authority into disrepute, in breach of paragraph 6(1)(a) of the Code.

Example 5

A member of a County Borough Council sent numerous emails challenging the capacity of an officer of the Council to fulfil their role due to an unsubstantiated allegation of ill-health and a known disability, without objective medical evidence. The Adjudication Panel found the failure to understand and appreciate the officer's right to privacy, the wide dissemination of private medical information and speculation about the progression of the condition demonstrated a failure to adhere to the principle that there should be equality of opportunity for all people, regardless of disability. Through his actions, it was clear that the member's view was that the officer should not be employed in his role due to his disability. The Panel found the member was in breach of paragraph 4(a) (equality of opportunity) of the Code.

Treating others with respect and consideration

See paragraph 4(b)

Political comments can attract Article 10 rights

2.7 When undertaking your role as a member, you must show respect and consideration for others. I expect members to afford the public colleagues, opponents and officers the same courtesy and consideration they show to others in their everyday lives. This does not mean you cannot participate in robust debate with political opponents, but it must be measured.

2.8 Article 10 of the European Convention on Human Rights (ECHR) provides a right to freedom of expression and information, subject to certain restrictions. Freedom of expression is a right which applies to all information and ideas, not just those that are found favourable. However, it is a right that may be restricted in certain circumstances, for example, for the protection of the rights and interests of others.

2.9 Your freedom of expression as a member attracts enhanced protection when comments you make are political in nature. Therefore, the criticism of opposition ideas and opinion is considered to be part of democratic debate, and it is unlikely that such comments would ever be considered to be a breach of the Code.

2.10 “Political” comments are not confined to those made within council meetings and, for example, include comments members may generally make on their Council’s policies or about their political opponents. Therefore, unless the comments are highly offensive or outrageous, it is unlikely that I will investigate a complaint about comments made in this context and I will take the view that the offended member needs a “thicker skin”, as has been stipulated by the High Court.

2.11 I may also decline to investigate a complaint where the member has raised “political” issues with officers, for example, the Clerk to a council. This would not, however, include threats to an officer’s position or wellbeing. Recent case law has confirmed that council officers should be protected from unwarranted comments that may have an adverse effect on good administration and states that it is in the public interest that officers are not subject to unwarranted comments that disenable them from carrying out their

duties or undermine public confidence in the administration. That said, officers who are in more senior positions, such as the Chief Executive of a principal council, will also be expected to have a greater degree of robustness. However, I am concerned about the number of complaints I have received which allege inappropriate behaviour by some community councillors towards their Council's Clerk. Given the very scale and nature of community and town councils, there is a distinction to be made about the role and status of a Chief Executive or other senior officer in a principal council and that of a Clerk. I will consider carefully any complaints of alleged inappropriate behaviour by members towards Clerks, and will investigate those complaints which are supported by appropriate evidence that a member has gone beyond what might be regarded as reasonable challenge.

2.12 Whilst I recognise that political debate can, at times, become heated, the right to freedom of expression should not be used as an excuse for poor conduct generally. Such poor conduct can only discredit the role of members in the eyes of the public.

2.13 When considering such complaints, I will take into account the specific circumstances of the case; whether, in my view, the member was entitled to question the officer concerned, whether there was an attempt to intimidate or undermine the officer and the content and context of what has been said.

Example 6

The Chair of a Community Council was found by a Standards Committee to have sent a number of emails containing inappropriate critical comments to another member of the Council. Two of the emails, including one which contained disparaging comments about the member's shower habits, were copied to other members of the Council. One email confirmed that the Chair had instructed the Clerk not to accept further emails from the member, because of his "sarcastic and belligerent remarks", until the member "had learned how to behave and conduct [himself] in a correct manner befitting a councillor." An email critical of the member was also sent by the Chair to a member of the public. The Standards Committee found the emails amounted to a failure to show respect and consideration to the other member, in breach of paragraph 4(b) of the Code, and had brought the Council into disrepute in breach of paragraph 6(1)(a).

An Appeal Tribunal of the Adjudication Panel for Wales found that two of the emails had been sent by the Chair in a personal rather than official capacity. The Tribunal considered all of the emails contained an attack, in some form or other, on the rights and reputation of the other member. However, the Tribunal found despite being confrontational, the comments were not abusive and were in the main political in nature and attracted the enhanced protection of Article 10 of the ECHR. The Tribunal found that the email about the member's shower habits was intended to make light of the situation and had not been sent maliciously, although it acknowledged the member may have perceived it as such. The Tribunal also found that the ban on the member communicating with the Clerk was a genuine attempt to protect the Clerk from inappropriate emails by the member. The Standards Committee's decision was overturned and the sanction rescinded.

Example 7

A member of a Town Council wrote a letter to a Deputy Minister of the then Welsh Assembly Government about an employee of a County Council, which he also copied to the Council. In the letter, the member questioned the employee's competence and motivation and he made a number of comments of a disparaging and personal nature about the employee and his associates. He raised the issue of homosexuality and referred to it as a "notorious disability" and that "homosexuality is only a demon which can be driven out".

The Adjudication Panel found that the member had breached paragraph 4(b) of the Code in that he had failed to show respect and consideration for others. It also found that his conduct had brought the office of member into disrepute in breach of paragraph 6(1)(a) of the Code.

Example 8

The Chair of a Community Council raised a complaint at a meeting of the Council that he had not seen the text of a letter prior to it being issued (as previously agreed) in his name by the Clerk. The Chair was unhappy with the content of the letter when he eventually saw it. It was alleged that it was inappropriate for him to have raised the matter, without notice, in a public forum and in doing so he had upset and publicly humiliated the Clerk.

A Standards Committee concluded that it was not inappropriate for the member to raise the issue in a public meeting so that his views could be publicly identified. The Standards Committee considered that his line of questioning and approach did not demonstrate a failure to show respect and consideration for the Clerk, but were intended to ensure that the Council's interests were protected and his concerns about the content of the letter were addressed. The Standards Committee, therefore, found no breach in relation to this aspect of the complaint.

(See paragraph 4(c) below for further examples)

Bullying and harassment See paragraph 4(c)

Consider your conduct from
the other person's perspective

2.14 You must not use any bullying behaviour or harass any person including other councillors, council officers (the Clerk or Proper Officer) or members of the public. Harassment is repeated behaviour which upsets or annoys people. Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person, or a person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

2.15 When considering allegations of bullying and harassment, I will consider both the perspective of the alleged victim, and whether the member intended their actions to be bullying. I will also consider whether the individual was reasonably entitled to believe they were being bullied. Bullying is often carried out face to face but, increasingly, it can be carried out in print or using electronic media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

Example 9

A Community Councillor disagreed with the County Council's arrangements for the enforcement of parking breaches within the town. The Councillor used disrespectful and abusive language and behaved in a bullying and intimidating manner towards Council Civil Enforcement Officers on four

occasions. He also sought to use his position as a councillor improperly in relation to a parking offence. A Standards Committee found that the Councillor had breached paragraph 4(c) of the Code, as he had pursued a course of conduct of threatening behaviour towards the County Council employees. The Standards Committee also established that the Councillor breached paragraphs 4(b) (respect and consideration), 7(a) (improper use of position) and 6(1)(a) (disrepute) of the Code.

Example 10

A member of a County Council telephoned a private care home contracted to provide services to the Council to say that he wanted to attend the home that day to visit a child in its care. He was advised by a care worker that he could not do so as he was not named on the child's care plan. The member said that he would attend that day with a colleague. He was advised that the police would be called if he did so. At a later date, the member attended the head office of the care home at the invitation of, and to provide support to, the father of the child with the aim of attending a scheduled therapy meeting. The therapy meeting was cancelled as a consequence of the member's unauthorised presence. The member's actions were found to be in contravention of his Council's adopted 'Protocol on the Role of Elected Members in Safeguarding Vulnerable Children and Adults'. The Council's Standards Committee found the member's interaction with the care home staff had become increasingly hostile. His conduct during the course of the telephone call was intended to undermine the care worker in her role and to exert pressure on her to allow him to attend the care home. The Standards Committee found there was a power imbalance between the care worker and the member, who had sought to use his position inappropriately in an attempt to gain access to the child. The Standards Committee found the member had used bullying behaviour and harassment in breach of paragraph 4(c) of the Code.

- 2.16 You need to ensure that your behaviour does not cross the line between being forceful and bullying. There can be no hard and fast rules governing every set of circumstances, but the relative seniority of the officer will be a factor in some cases. As outlined in my comments about paragraph 4(b) (respect and consideration) of the Code, very senior officers within principal councils can be involved in robust discussion with members and be well placed to put their own point of view forcefully. However, the same is not

necessarily true of the Clerk in the context of community and town councils and members need to be aware of this. This is not to say that I condone the bullying of senior officers, only that the greater the power difference between the officer and the member, the greater the likelihood that the officer will consider behaviour to constitute bullying.

- 2.17 The High Court has found that there is a public interest in protecting public confidence in unelected public servants which is to be balanced against the interests of open discussion on matters of public concern. It also found that all members should equally respect the mutual bond of trust and confidence between themselves and the officers which is crucial to good administration.
- 2.18 Your Council should have an appropriate mechanism for expressing concern about the performance of an officer and it is important that you raise issues about poor performance in the correct way and proper forum. Raising such issues in the context of a meeting with others present, especially if they are from outside bodies or are members of the public, is not acceptable. Neither is it acceptable to do so in the media, in your own publications or using blogs, tweets, Facebook or other electronic means. If your criticism is a personal attack or of an offensive nature, you are likely to cross the line of what is acceptable behaviour.
- 2.19 The Adjudication Panel for Wales and standards committees have made a number of findings against members who have sought inappropriately to use their position of power relative to junior officers to influence the actions of those officers, or whom have made unwarranted comments about the performance or actions of officers.

Example 11

During the discussion of an unrelated matter, a member of a Community Council raised in a public meeting of the Council questions about the Clerk which were personal and focused on the Clerk's remuneration, expenses, hours worked and other occupations. This was in contravention of the Council's standing orders, which provided that any questions relating to, among other things, the appointment, conduct and remuneration of any person employed by the Council should not be considered until the Council had decided whether or not the press and public should be excluded.

A Standards Committee found that it was not appropriate for the member to have raised the matter, which should have been considered in private, in a public meeting. The Standards Committee concluded that the member had caused the Clerk embarrassment and upset and had demonstrated a lack of respect and consideration for her, in breach of paragraph 4(b) of the Code. The action by the member was not a sustained course of conduct, but a one-off event directed at an individual in a weaker position of power. As such, it could also reasonably be regarded as bullying, in breach of paragraph 4(c) of the Code.

Example 12

A member of a County Council sent a critical email to an officer's Head of Service and copied it to the officer and a number of other members of the Council. In the email, the member described the officer as 'arrogant, lazy, mentally challenged and has been useless for years.' The member asked why the officer was not called to account and expressed the view that the officer was not worth his salary. The member sent a further email to the officer concerned and posted a 'Twitter' message on social media in which she referred to the investigation by my office in the following terms: 'My sin; ticking off LAZY officer Ugg!'. The impact of the emails led the officer to seek medical and other support and resulted in him taking sickness absence due to stress. The Adjudication Panel found the emails and Twitter message were completely unwarranted and would have adversely affected the officer's ability to carry out his role. The member had not previously raised the professionalism of the officer with senior management. The Panel found the member's conduct amounted to a breach of paragraph 4(b) (respect and consideration). Although falling short of repeated harassment, the Panel found the member's behaviour also amounted to deliberate bullying of the officer and a breach of paragraph 4(c) of the Code.

Example 13

I received a complaint that a member of a Town Council had acted in a disrespectful and bullying manner towards the Council's Clerk when questioning the accuracy of minutes and advice given at meetings of the Council. Witnesses were divided on whether the member's manner could be described as argumentative and obstructive, or plain talking and

professional, but the general consensus was that he communicated with everyone in this way and did not appear to be doing so only to the Clerk.

2.20 It is not my role to inhibit robust political debate. Following my analysis of the evidence, I was not persuaded that there was evidence to suggest that the content of the discussions at the meetings was inappropriate. There was no evidence of behaviour which was personal, rude or abusive towards the Clerk. I was also not persuaded that the tone and content of the emails which concerned Council business, although challenging and questioning at times, would amount to disrespectful or bullying behaviour. I, therefore, concluded that no action needed to be taken.

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Disrepute See paragraph 6(1)(a)

Any conduct unbecoming of a member can constitute disrepute

2.31 You must not behave in a way which could reasonably be regarded as bringing your office or authority into disrepute at any time. 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 office 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.

Example 18

A Community Councillor attempted to obtain a discount on a private purchase from a shop by saying it was being bought on behalf of the Community Council. When his request for a discount was refused, he was abusive to the proprietor and two members of her staff and made threats against the business. The Adjudication Panel found that the member attempted to gain an improper advantage for himself, by misrepresenting the purchase as being on behalf of the Council, and his abusive behaviour towards the staff had brought the office of member into disrepute.

Example 19

A member of a County Borough Council who regularly wrote an article for a local monthly publication referred in his article to a recent road traffic accident in which a 10 year-old boy was injured. The complainant was the mother of the boy who was with the injured child. After the article was published, she telephoned the Councillor who she said was abusive towards her during the call. In a subsequent email exchange, the Councillor told her that she had “[failed] to take ANY responsibility for

allowing your 10yr old child out alone”, that her “ill-educated in the highway code son” was to blame and said “don’t you dare try and shift your inadequacies as a parent upon me”.

The Adjudication Panel found the member had failed to show respect and consideration to the complainant through the use of inappropriate language and by making unfounded and serious allegations based his limited knowledge of the facts, in breach of paragraph 4(b). Through its aggressive tone, threatening nature and serious allegations contained in the email, the member has also brought the office of member into disrepute, in breach of paragraph 6(1)(a).

Example 20

Whilst acting in a private capacity, a member of a County Borough Council received a criminal conviction for common assault as a consequence of the unsolicited touching of the leg of a female, which caused her distress. The Adjudication Panel heard that the member accepted his behaviour was unacceptable and had pleaded guilty to the offence in the Courts. The Panel found that the conviction and negative publicity that surrounded the case had brought the member’s office into disrepute, in breach of paragraph 6(1)(a) of the Code.



APPENDIX 12

From: terrygas87@gmail.com
Sent: Wed, 4 May 2022 20:55:19 +0100
To: Sarah Jones
Subject: RE: Complaint made to the Ombudsman - 202005902 [REF/JX/zY/ak/aO/]

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Hi Sarah,

Is there any way I could speak to you regarding this complaint in person. I need guidance on how to proceed.

I am in a position not allowed to question the complaint made against me or the information supplied and the lies within that complaint as well as me being in the position of no defence as I was on my own with the two councillors. I am not allowed to question the evidence and prove that there is mistakes in the information supplied to you with the Town Clerk Arfon Davies. If I could form some sort of defence and prove to you that this is a concerted effort to oust me as a opposition councillor a part of a long standing bullying effort by these three, taking every opportunity to discredit me in public.

If I was in a court of law I would have the right to cross examine. In this situation I have no rights or allowed to comment from the instructions given? Unable to speak to anyone.

Have I that right through you to ask for you to investigate further and leave no stone unturned to ascertain the truth here?

I can prove that I have been Bullied for the last 5 years by these three.

I can prove that the comments I made on facebook regarding the two English drug people was not about the two Councillors and they know that. As Cllr Curry is from Ireland not England. I would not call them two English people. I can get witness to the Assault and provide a statement to that effect that I was and my wife were assaulted by them in town. That was upsetting enough.

If you investigate into the position as to where Cllr Prosser was in relation to him listening to the verbal abuse I received from them and the fact that he did nothing listening to a male as stated verbally abusing his wife is one point. If I heard someone speaking like stated to my wife I would have got out of the car to defend her.

He states distance that has not been questioned and seeing people faces in the park. We were close on 70 yards away from the park and he was sitting in his wife's car at the rear of my van so close to the van the park would not have been in view.

Kindly ask Arfon Davies to confirm and measure the distance we were away from the park and confirm from the image attached if this is the position my vehicle was from the park and to confirm that Cllr Curry and her husband Cllr Prosser car was at the rear of my van in the image. This will at least cast doubt on the statements provided to you.

You can also ask if I made a complaint on the quality of the park and asked for a meeting to sort it out. This has a bearing on the case as to the three councillors taking Umbridge with me. as well as the contractor.

You can ask Arfon Davies regarding the antisocial at the park and my involvement with the County Council steering group that I have worked tirelessly with to bring about change in Tyisha with the £9.3 Million project as to Tyisha being in special measures and the most deprived ward. He can also confirm that I did not object to the park being funded by my party to build the Park. He can also confirm that we did have a council meeting on my complaint to resolve the build issues.

This has angered Cllr Curry and Cllr McPherson and has had a bearing on this complaint being made against me.

Cllr Curry stated I was shouting as well as being supported on that with her husband Cllr Prosser. Given that I have had two minor heart attacks in the past and suffer from hypertension I do not work myself up to further the risk. I am on tablets for hypertension. I am on Losartan and Amlodine for that and at the time Co Dydromol for a spinal injury.

As for me being bullied by these three.

I can provide witnesses to the first meeting I attended and shouting attack bullying from the onset of me being a councillor from Cllr Prosser, Cllr Curry's husband and from her at the first meeting I attended in public. This was a nasty attack on me as a representative.

I can provide proof of the ongoing bullying by this group even after this complaint made against me, a constant sustained attack at every opportunity.

I have a witness to Cllr Curry discussing this case with a member of the public a resident on stating I was under a serious investigation by you. Not stating who had made the complaint.

I can also get an affidavit from an ex-employee that I employed who is gay and he can assure you that I am not of this character.

I can provide names and telephone numbers of other councillors that have had the same treatment from these three councillors. Councillors that are in opposition to me. Councillors that have left this group because of bullying from these three.

A news reporter Darren Harries has contacted me in respect to a request from Cllr McPherson requesting him to find dirt on another councillor.

I ask what would you do in my situation.

Best

Terry Davies

From: Sarah.Jones@ombudsman-wales.org.uk <Sarah.Jones@ombudsman-wales.org.uk>

Sent: 11 January 2022 07:30

To: terrygas87@gmail.com

Subject: Complaint made to the Ombudsman - 202005902 [REF/JX/zY/ak/aO/]

Dear Councillor Davies

I wanted to provide an update in relation to this complaint. The investigation is progressing, however, there has been a slight delay as I was unexpectedly away from the office throughout December.

I can see that you have been in contact with my manager, Mrs Sinead Cook, in December in relation to submitting a complaint. I can see that Ms Cook has advised you appropriately in relation to making a complaint to the Ombudsman.

Yours sincerely

Sarah Jones

Swyddog Ymchwilio/Investigation Officer

Ffôn/Tel: 01656 644238

--

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Hybur Gymraeg

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Mae Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data.

Mae ein [Hysbysiad Preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd.

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Bydd pob galwad yn cael ei recordio ar gyfer dibenion hyfforddi a chyfeirio

All calls are recorded for training and reference purposes

Ystyriwch yr amgylchedd a oes wir angen i chi argraffur neges e-bost hon?

Please consider the environment - do you really need to print this email?



From: terrygas87@gmail.com
Sent: Mon, 9 May 2022 17:02:13 +0100
To: Sarah Jones
Subject: RE: Complaint made to the Ombudsman - 202005902 [REF/JX/zY/ak/aO/]

You don't often get email from terrygas87@gmail.com. [Learn why this is important](#)

Hi Sarah,

Thank you for your reply.

I don't know who the monitoring officer is or how to get hold of Him/Her

I can only think of one person that may be able to guide me. But again I don't know if they will have the right advice.

I have notified the Town Clerk that I may not sign the acceptance as this business has been a huge worry and to face being kicked out for this, with the added worry I question if its worth it. The truth hinges on the position of my vehicle and distance and that I was alone. I can get a witness to the incident in the town/Market to confirm that there were two people with English accents that attacked me and my wife. I have to be in County in Carmarthen on Wednesday and I am not sure how long I will be with the officers, the initial meeting to set up the computer and communication hopefully only morning. Can I ask if the afternoon will be ok say 3pm. I am out with the police tomorrow regarding a drug incident and residents are up in arms on the antisocial, that is In the morning and I need to be there for support I don't know how long I will be with them. I Have a hospital appointment tomorrow as well.

Sue my wife has suggested that I send you references from the community to support my character and attached are two if it helps. If those letters could be taken into consideration please.

What number is best to phone you.

Best

Terry Davies

07966 228946

From: Sarah.Jones@ombudsman-wales.org.uk <Sarah.Jones@ombudsman-wales.org.uk>

Sent: 05 May 2022 13:26

To: terrygas87@gmail.com

Subject: Complaint made to the Ombudsman - 202005902 [REF/JX/zY/ak/aO/]

Dear Councillor Davies

Thank you for your email dated 4 May 2022.

I am unable to provide guidance to you on how to proceed. You may seek advice from the Monitoring Officer or your legal representative.

You said that you have not been afforded an opportunity to question the complaint and the evidence gathered or had an opportunity to comment on the complaint. You were provided an opportunity to comment when you were interviewed on 15 November 2021 and you have commented in several emails sent to me during the course of the investigation, which have been considered when reaching the provisional finding. You have also been invited to comment on the draft report which has promoted your email to me.

Should the Ombudsman, having reviewed the comments received from you on the draft report, make a final decision that this investigation should be referred to the Standards Committee, you will be provided a further opportunity to comment by the Standards Committee.

Your comments about the discrepancies in the accounts of witnesses regarding the distance between the park and where the interaction occurred have been noted and will be considered by the Ombudsman. Similarly, your comments about the antisocial behaviour at the park, your involvement with the steering group, your support for the park, and the meeting to resolve build issues at the park have been noted and will be considered. I have also noted your comments regarding your ill-health.

You said that you have been bullied for 5 years by Councillors McPherson, Curry, and Prosser. You also said that Councillor Prosser has verbally attacked you and that Councillor Curry discussed this investigation with a member of the public. I understand that you consider these points to be relevant to the complaint made against you, however, as I have previously explained to you, this investigation is solely in relation to the events on 9 February 2021. I have also previously informed you, on several occasions during the course of the investigation, that, if you have concerns about the conduct of other members, you are welcome to submit a complaint to the Ombudsman. I have sent you the complaint form and referred you to the relevant section on the Ombudsman's website, where you can find information about making a complaint; however, you have not submitted a complaint.

Similarly, if other Councillors consider that Councillors McPherson, Curry, and Prosser have bullied them, then they are also welcomed to submit a complaint to the Ombudsman.

In terms of providing comments on the draft report, an affidavit from a witness and contact details for other councillors, you are entitled to submit any information with your comments that you wish. However, if the persons concerned did not witness the events subject to this complaint, then their information is unlikely to be relevant to the investigation. As previously requested, please provide any further comments or information by **Thursday 12 May 2022**. If I have not received any further comments from you by this date I will assume that the content of your email are your comments and that you have no further comments to make. I will then proceed to conclude the investigation.

I note that you have requested to speak to me regarding this complaint. I am, of course, willing to discuss matters, as I have done throughout the investigation. I am conscious that it is election day today, so I have not telephoned you today as I did not want to take up your valuable time. I am available on the morning of Friday 6 May, or on Wednesday 11 May to discuss matters. Please let me know which of these days, and what time, would be most convenient to you.

Yours sincerely

Sarah Jones

Swyddog Ymchwilio/Investigation Officer

Ffôn/Tel: 01656 644238

--

Ombwdsmon Gwasanaethau Cyhoeddus Cymru/ Public Services Ombudsman for Wales

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Ystyriwch yr amgylchedd – a oes wir angen i chi argraffu'r neges e-bost hon?

Please consider the environment - do you really need to print this email?

I have known Terry Davies for over 5 years. I have found him to honourable, trustworthy and one of the nicest of person's I have ever met.

He works hard for his community, which is all voluntary and he is without question one of the better Councillors in Llanelli Town Council. The proof of that is his elevation to County Councillor in the recent Carmarthenshire elections.

I am quite proud that Terry has asked me to write this reference for him.

If an oral reference is needed, I would be very happy to comply.

Regards

Michael Cranham J.P.

Sent from my iPhone

07792379338

Dear sir madam.

I have been asked by Mrs Susan Davies if I can provide a character reference for her husband as he has been accused of being a racist and homophobic and a bully.

I am writing this statement regarding Mr Terry Davies recent inquiry regarding being racist-homophobic and verbal these allegations are not true I have known Mr Terry Davies for 20 years and have never heard a bad comment from him, he has if anything done more than he should in the community even before he became a Councillor. Regarding allegations of homophobic this is total nonsense as myself am gay and married for 27 years and he has never been that way with us or with friends, also regarding the racist allegations this also untrue as I am English also Mr Terry Davies has good friends in England who he visits often when possible. Mr Davies has never or been seen to be verbal or shout in front of myself or neither in public in my company or in company of my friends and family he is a calm and understanding man who I admire as it is not hard to be in the public eye he has worked so hard for this community. Mr Davies has been a good friend to myself over the years and is always willing to help when needed he also been kind to my workplace over the covid pandemic.

Yours Mr Lampkin

Tyisha Road Llanelli SA151RW

07305 683995

From: terrygas87@gmail.com
Sent: Tue, 10 May 2022 19:08:41 +0100
To: Sarah Jones
Subject: RE: Complaint made to the Ombudsman - 202005902 [REF/JX/zY/ak/aO/]

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Hi Sarah.

Please find further character reference that supports the case for my defence in relation to the facebook.

The results from the election showing my support in the community.

Best

Terry Davies

From: Sarah.Jones@ombudsman-wales.org.uk <Sarah.Jones@ombudsman-wales.org.uk>

Sent: 05 May 2022 13:26

To: terrygas87@gmail.com

Subject: Complaint made to the Ombudsman - 202005902 [REF/JX/zY/ak/aO/]

Dear Councillor Davies

Thank you for your email dated 4 May 2022.

I am unable to provide guidance to you on how to proceed. You may seek advice from the Monitoring Officer or your legal representative.

You said that you have not been afforded an opportunity to question the complaint and the evidence gathered or had an opportunity to comment on the complaint. You were provided an opportunity to comment when you were interviewed on 15 November 2021 and you have commented in several emails sent to me during the course of the investigation, which have been considered when reaching the provisional finding. You have also been invited to comment on the draft report which has promoted your email to me.

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Your comments about the discrepancies in the accounts of witnesses regarding the distance between the park and where the interaction occurred have been noted and will be considered by the Ombudsman. Similarly, your comments about the antisocial behaviour at the park, your involvement with the steering group, your support for the park, and the meeting to resolve build issues at the park have been noted and will be considered. I have also noted your comments regarding your ill-health.

You said that you have been bullied for 5 years by Councillors McPherson, Curry, and Prosser. You also said that Councillor Prosser has verbally attacked you and that

Councillor Curry discussed this investigation with a member of the public. I understand that you consider these points to be relevant to the complaint made against you, however, as I have previously explained to you, this investigation is solely in relation to the events on 9 February 2021. I have also previously informed you, on several occasions during the course of the investigation, that, if you have concerns about the conduct of other members, you are welcome to submit a complaint to the Ombudsman. I have sent you the complaint form and referred you to the relevant section on the Ombudsman's website, where you can find information about making a complaint; however, you have not submitted a complaint.

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I note that you have requested to speak to me regarding this complaint. I am, of course, willing to discuss matters, as I have done throughout the investigation. I am conscious that it is election day today, so I have not telephoned you today as I did not want to take up your valuable time. I am available on the morning of Friday 6 May, or on Wednesday 11 May to discuss matters. Please let me know which of these days, and what time, would be most convenient to you.

Yours sincerely

Sarah Jones

Swyddog Ymchwilio/Investigation Officer

Ffôn/Tel: 01656 644238

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All calls are recorded for training and reference purposes
Ystyriwch yr amgylchedd – a oes wir angen i chi argraffu'r neges e-bost hon?
Please consider the environment - do you really need to print this email?

To Whom it may concern.

I have been asked to bear witness to an incident that Councillor Terry Davies and his wife was accosted in Llanelli town on or about the 9th of February 2021. This I understand is because of a complaint made against him and he needs some defence to the truth of what happened to him and his wife at this time. I would like to make it clear this was the first time I met Cllr Terry Davies.

Around the date of the 9th of February 2021, my attention was drawn to two people shouting at another two people a short distance from my stall, for what I can say now there were two males subjecting Cllr Terry Davies and his wife to antisocial behaviour and assault within a short distance of my stall Pandoras Box in the Llanelli market. One male was trying to take a professional looking camera from around Cllr Davies neck. The other man was targeting to accost Mrs Davies, the wife of Cllr Terry Davies. The whole incident got heated with threats and abuse and physical moves towards Cllr Davies and his wife. Cllr Davies kept his composure and fended off the attack and kept in-between the assailants and his wife, in witnessing this, with my support we got Mrs Davies who was really upset into the safety of my stall away from the two. The attack on Cllr Terry Davies was resisted by the aid of market security. The incident then escalated to the point that the police was called and one of the assailants was arrested.

I can only describe the two assailants as being aggressive and with English accents. They looked as if they were under the influence of some substance with their behaviour. This sort of antisocial behaviour from drugs is common on a daily basis in Llanelli town and the market area.

From speaking to Mrs Susan Davies and calming her down in my market stall, I found out Cllr Davies and her was just walking through the town together when they were suddenly targeted by these two. Cllr Davies spoke firmly and politely at the two men and before they were arrested and escorted away.

I helped calm Mrs Davies down as she said she suffers, and her husband suffer from high blood pressure and did not need this at the time of their lives. They stayed at the stall for a short period before going I believe home. Cllr Davies was clearly upset on the whole incident as to his wife health but in no time did, he lose his composure and he acted in a professional manner. He did not attack either assailant only defended himself and his wife politely. The whole incident took approximately half an hour in the market and from what was said, the incident started in Stepney Street long before they got to the market with me. I have found Cllr Davies of good character and honest in his ways.

It is understandable that Cllr Davies was upset with these two individuals for what is a regular pattern in our town with shoppers being subjected to this behaviour from people who have come into our community and clearly not local. I support Cllr Davies in his proposals with the Town Council to stop antisocial behaviour in our town and communities and to highlight the problems that affect our towns economy and shopping experience. I also know Cllr Davies is a resident in the Tyisha area that is next to our town, this is where these antisocial people are housed that come into our town.

Yours Sincerely



Candidates For County Council Tyisha Ward	Party
Curry, Suzy	Welsh Labour / Llafur Cymru
Davies, Terry	Plaid Cymru – The Party of Wales
McPherson, Andre	Welsh Labour / Llafur Cymru
Stephens, Andrew	Independent / Annibynnwr

Curry, Suzy

32%

Davies, Terry

29%

McPherson, Andre

22%

Stephens, Andrew

18%

Llanelli Town Council - Tyisha Ward

Curry, Suzy	Welsh Labour / Llafur Cymru
Davies, Terry	Plaid Cymru – The Party of Wales
McPherson, Andre	Welsh Labour / Llafur Cymru
Nicholas, Debbie	Welsh Labour / Llafur Cymru
Prosser, John	Welsh Labour / Llafur Cymru
Thomas, Iolo	Plaid Cymru – The Party of Wales

Curry, Suzy

24%

Davies, Terry

23%

McPherson, Andre

18%

Nicholas, Debbie

18%

Prosser, John

17%

Case Ref: 202005902

Created by Sarah Jones **on** 11/05/2022 15:28:06

Title: OUT - MEMBER - T/C as agreed following request to speak

Activity Date: 11/05/2022

Body:

15:00 - T/C to landline - Cllr Davies had not returned from meeting at County Council. He arrived back when I was on the phone but I agreed to call him back in 10 minutes as he had been out from about 11am this morning.

15:12 - Call back to Cllr Davies and said that I understood that he wanted to speak to me about the complaint. He said that he had spoken to Kevin Campbell about his "predicament". He said that he had been to the County Council today and had tried to speak to the MO, Linda Rees-Jones but she was not there. he has left a message asking to speak to her.

Cllr Davies said that he does not like the result of the investigation as he did not tell Andre where to go. He said what didn;t come across in the report was that he wasn't outside the park when the exchange happened but he was at his van, where he had indicated on the aerial photos provided.

He agreed that he had attended at the park to speak to the contractor about an accident that had happened at the park and about adopting the park. he said he left the Contractor and spoke to Steven Green, then walked away from the Park towards his van. he said that Cllr Prosser and Curry, who are married, pulled up behind his van and opened their window to listen to his conversation with Mr Green.

He said that he has never been against the park and give the 2 Cllrs credit as they have done a good job.

Cllr Davies said that he had not been able to get the picture across properly.

I asked Cllr Davies if he could send what he had told me to me in an email. He said that he wasn't sure that he could and that he would like to ask for assistance from the MO to draft the email. I asked if he had received any indication of when he would be able to meet with the MO (as I had asked for comments by 12 May 2022) and he said that he had not. He then said that he would try to get an email to me overnight. I explained that, for the benefit of all parties, I wanted to draw the investigation to a conclusion and asked Cllr Davies to confirm in his email that he had made all comments that he wished to make on the draft report - he agreed.

Cllr Davies then said that he was dealing with a major incident with drugs and anti social behavior and was liaising with the police, so he was having a very busy time.

CARMARTHENSHIRE COUNTY COUNCIL
Standards Committee Hearing Procedure
For Code of Conduct Referrals

This document sets out the procedure for the Standards Committee to follow where it is required to make a decision as to the conduct of a councillor, town/community councillor or co-opted member following a referral by the Public Service Ombudsman for Wales.

1. Background

- 1.1 The Standards Committee (the Committee) may be required to determine a complaint referred to the Committee by the Public Service Ombudsman for Wales (PSOW) under Part 3 Local Government Act 2000 (the Act). This may arise as the result of either:
- (a) The PSOW ceasing an investigation and referring the matter to the Monitoring Officer under section 70(4) of the Act and the Monitoring Officer then investigating the matter and reporting the conclusion of his/her investigation to the Committee or,
 - (b) The PSOW undertaking an investigation and then referring the matters which are the subject of the investigation to the Monitoring Officer under section 71(2) of the Act for reporting to the Standards Committee.
- 1.2 The following procedure has been agreed by the Standards Committee to comply with the legislative requirements and laws of natural justice.

2. Initial Determination

- 2.1 Upon receipt of a report from either the Monitoring Officer or the PSOW, together with any recommendations of the Monitoring Officer, the Standards Committee must meet and make an initial determination that either:
- (a) There is no evidence of any failure to comply with the Code of Conduct; or
 - (b) That any person who is the subject of the investigation should be given the opportunity to make representations to the Committee, either orally or in writing, in respect of the findings of the investigation.
- 2.2 If the Committee decides that a person should be given the opportunity to make representations under paragraph 2.1(b) above, the Committee will request arrangements to be made for a Committee Hearing to be held in accordance with the procedure set out below.

3. Arrangements prior to Hearing

- 3.1 The Investigating Officer shall provide a written report as to the results of their investigation and include copies of all relevant evidence relied upon. A copy of

the Investigation Report will be sent to the Committee and to the Councillor concerned.

- 3.2 Having made an initial determination in accordance with paragraph 2.1 the Committee will write to the Councillor to notify him/her of the Committee's decision. If the Committee determine that there is no evidence of a failure to comply with the Code that will be confirmed to the Councillor and the Investigating Officer.
- 3.3 In the event that the Committee determine that a Hearing is required the Committee will proceed to the second stage which will either involve a hearing of the case at a further meeting or, by agreement with all parties, the Committee proceeding by way of written evidence and representations only.
- 3.4 The Committee will write to the Councillor setting out further steps. This will include a summary of the possible sanctions open to the Committee and inviting a written response to the following:
 - (a) Clarification as to whether the Councillor wishes to make written representations or proceed by way of an oral Hearing;
 - (b) Clarification as to whether the Councillor will be represented and if so, by whom;
 - (c) Details as to which areas of the Investigation Report are disputed and not disputed and if possible with brief reasons;
 - (d) Details of any witnesses which the Councillor proposes to call at the Committee Hearing and a summary of the evidence they will give;
 - (e) Details of any written evidence upon which the Councillor proposes to rely including any documentation listed within the unused material schedule served by the Investigating Officer;
 - (f) An indication as to whether the Councillor intends to make representations to the Committee as to whether members of the public should be excluded from the Committee Hearing and grounds for doing so;
 - (g) Any dates of unavailability to attend a Committee Hearing to include unavailability dates of witnesses and legal representation;
 - (h) Any other information that the Committee feels appropriate at this stage.
- 3.5 The Committee will also write to the Investigating Officer requesting:
 - (a) That the Investigating Officer attend the Committee Hearing to present the Investigation Report or to ask if the Investigating Officer wishes to attend the Committee Hearing for this purpose;
 - (b) Clarification as to whether the Investigating Officer will be represented and if so, by who;
 - (c) Any dates of unavailability to attend a Hearing to include unavailability dates of any witnesses and legal representation;
 - (d) Any other information that the Committee feels appropriate at this stage.

- 3.6 Following the receipt of both the Councilor's and the Investigating Officer's response a date, time and location for the Hearing will be confirmed and all parties notified at least 21 days prior to the hearing.

4. The Monitoring Officer

- 4.1 The Committee Hearing will have the support of legal and democratic service assistance and advice. Legal advice will be provided by either the Monitoring Officer, the Deputy Monitoring Officer or another suitably qualified lawyer.
- 4.2 In the event that the Monitoring Officer has investigated a complaint then he/she will attend the Committee Hearing in that capacity and will not be the legal advisor to the Committee hearing. In such cases, the Deputy Monitoring Officer or another suitably qualified lawyer will be present to advise the Committee Hearing.

5. Pre-Hearing review

- 5.1 Where the Committee considers that a pre-hearing review is appropriate notice of at least 14 days will be given to the Councillor, who may attend with or without any representation. The pre-hearing review will be held in private session unless the Committee directs otherwise.
- 5.2 The purpose of the pre-hearing review would be to consider any directions which may be required to facilitate a Hearing including directions relating to evidence, location of hearing, timings and narrowing of any issues.

6. Public Notice of Hearings

- 6.1 Notice of any Committee Hearing will be given in accordance with statutory requirements.

7. Public Access to Hearings

- 7.1 The Committee will consider whether the case should be considered in public or private in accordance with the relevant statutory rules and with legal advice from the legal officer.
- 7.2 The PSOW or the representative officer/s of the PSOW and the Monitoring Officer are entitled to attend the Hearing whether or not the Hearing is held in private.
- 7.3 The Committee may permit any other person to attend the Hearing which is held in private upon receiving legal advice.
- 7.4 The Committee may exclude from a Hearing, or any part of it, any person whose conduct is disruptive or is likely to disrupt the Hearing in accordance with the Council Procedure Rules as set out in the Constitution of Carmarthenshire County Council.

8. Failure of a Party to attend a hearing

- 8.1 If a Councillor fails to attend or be represented at a Hearing of which he/she has been notified, the Committee may:
- (a) Determine the matter in the Councillor's absence unless it is satisfied that there is good reason for the absence; or
 - (b) Adjourn the hearing.
- 8.2 Before deciding to determine a matter in the absence of the Councillor, the Committee will take legal advice and consider any written representations submitted by the Councillor or his/her representative in response to the notice of Hearing.

9. Procedure at the Hearing – Preliminary Matters

- 9.1 Where requested the Hearing will be conducted in Welsh in order to comply with statutory requirements and Welsh Language Standards. A translation service will be provided for any person attending the Hearing that requires it.
- 9.2 Witnesses will not be allowed to sit in the public gallery prior to being called to give evidence by the Committee. A designated waiting area will be available to witnesses until they are called.
- 9.3 The Committee may limit the number of witnesses to be called, where it is considered, this would not detract from a fair hearing. This may, for example, be where the Committee considers that there are too many character witnesses being called or where witnesses are simply repeating previous evidence given to the Hearing which is not in dispute.
- 9.4 Where evidence is being given by way of written statement and the witness is not being called to give oral evidence, the Committee may at any stage during the proceedings require the attendance of any person making a written statement.
- 9.5 At the commencement of the Hearing the Chair will introduce each of the Members of the Committee present and everyone else involved in the Hearing. The Chair will also explain the order of proceedings that the Committee proposes to adopt and obtain confirmation from everybody taking part in the Hearing that they understand the procedure. The procedure to be followed is at the discretion of the Committee which will aim to conduct the Hearing in such manner as it considers most appropriate and suitable to be able to clarify all issues before it and to ensure a fair and just Hearing to take place. The Committee will, as far as possible, try to avoid formality in its proceedings.
- 9.6 After the Chair has explained the order of proceedings, the Committee will first seek to resolve any procedural issues or disputes arising from any direction which has been given.

10. Procedure at the Hearing – Determining the factual Issues

- 10.1 The Committee should then move on to consider whether or not there are any significant disagreements as to the facts contained in the Investigating Officer's report.
- 10.2 If there are no disagreement as to the facts the Committee can move to the next stage of the Hearing.
- 10.3 If however there is disagreement as to the facts, the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the Report. Alternatively, the Investigating Officer may simply chose to invite the Committee to consider all the evidence contained within the Investigation Report and not make any further comment.
- 10.4 With the Committee's permission the Investigating Officer may call witness evidence in support. The Committee will allow the Councillor an opportunity to question any witness called by the Investigating Officer.
- 10.5 The Councillor will then have the opportunity to make representations to support his/her version of the facts and with the Committee's permission may call witness evidence in support. The Committee will allow the Investigating Officer an opportunity to question a witness called by the Councillor.
- 10.6 At the conclusion of the Councillor's evidence the Councillor will be afforded an opportunity to sum up his or her case.
- 10.7 At any time, the Committee may ask questions any of the people who are involved in the hearing or who are giving evidence. The Legal Advisor to the Committee, may with the permission of the Chair, also ask questions of people involved in the hearing or who are giving evidence.
- 10.8 The Committee will then retire to consider their decision on the factual issues in dispute.
- 10.9 Once a decision on the disputed factual issues is reached the meeting will be re-convened and the Chair will announce the Committee's findings.

11. Stage 2 – Whether the facts demonstrate a breach of the Code

- 11.1 Based on the facts as found the Committee will then consider whether the Councillor has breached the Code of Conduct. This stage does not provide the Councillor or the Investigating Officer an opportunity to re-examine the facts of the case.

- 11.2 The Committee will receive verbal or written representations from the Investigating Officer.
- 11.3 The Councillor will then be invited to make any relevant representations.
- 11.4 The Committee will then retire to consider their decision as to whether the Councillor is in breach of the Code of Conduct.
- 11.5 Once a decision is reached the meeting will be re-convened and the Chair will announce the Committee's findings.

12. Stage 3 – Consideration of Sanctions

- 12.1 In the event that the Committee determines that there has been a breach of the Code by the Councillor, the Committee will then consider any written or verbal representations from the Investigating Officer and the Councillor as to whether or not the Committee should impose a sanction and if so, what form any sanction should take. The Councillor will be afforded an opportunity at this stage to rely on either written or oral evidence as to character/mitigating factors that the Committee should take into account before making a decision on sanction.
- 12.2 The Committee may question the Investigating Officer and/or the Councillor and, if appropriate, take legal advice in order to make an informed decision as to any sanction.
- 12.3 The Committee will then retire to consider their decision as to whether to impose a sanction and if so, the nature of the sanction.
- 12.4 Once a decision is reached the meeting will be re-convened and the Chair will announce the Committee's decision.

13. Written Decision

- 13.1 The Committee will announce its decision on the day and provide a short written decision on the day. A full written decision, with reasons supporting the decision, will be issued within 10 working days of the end of the hearing and notified to the PSOW, the Councillor and the person who made the original allegation (if known).

14. Appeals

- 14.1 Where the Committee decides that a person has failed to comply with the Code of Conduct that person may appeal to the Adjudication Panel for Wales as per the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended).

STATEMENT

Details My name is Terry Davies

I believe that facts in this document is true

1. My Background

I live in 87 Tyisha Road Llanelli. The Tyisha ward of Carmarthenshire County Council

I was born in a close rural Welsh community of Pemberton Road and moved to Tyisha in Llanelli when I was eleven and was brought up in the medium of Welsh, I found it difficult at first to speak English in Tyisha however over the years it is now more or less my first language as Tyisha is predominantly English speaking. Having lived in this community for the last sixty years English is spoken with a Welsh dialect and we have many different people from Europe and further afield who have moved here and fitted in. Many have embraced the Welsh culture and made this their home.

I have got to know my community of Tyisha and Glan Y Mor and Llanelli Town intimately in those years as not only being brought up in the community but in addition in working in most of the houses here and in Llanelli. I initially was working with British Gas. I then set up my own company GSN and with over four thousand customers in the Llanelli catchment alone I worked in most of their homes.

Working in these homes on an annual basis for decades many of the customer became friends and my company became in effect a social contact point for advice and help, where we looked after our clients on a personal and social service basis with their challenges. GSN my company was used very much as a hub to get things done and we operated with customer service in mind.

2. Tyisha Area

It is with sadness I feel I need to record the decline of Tyisha and Glan Y Mor over these years for both my home wards to become the most deprived wards in Carmarthenshire and Llanelli in the top twenty of the UK, this has come about through decades of poor social planning by the labour led Carmarthenshire County Council. Although I worked close with the local labour councillor Kerry Thomas on the challenges of Tyisha, we both could see the decisions made in the new then Carmarthen Chamber adversely affecting our ward. We both used the term "people dropped into the Tyisha ward" when discussing newcomers to the ward, as they were often shifted from their home areas because they are difficult tenants, being troublesome, and often involved with antisocial crime and drug dealing. Problem solving for them and dealing with these issues was a major problem for Tyisha.

This social planning caused the chain reaction for Tyisha with people moving out because of antisocial neighbour's drug dealing and violence, causing property values to drastically drop and opening up the ward with cheap properties for Landlord portfolios.

My client base in Tyisha started to change from annual servicing services for owner properties to annual inspections for Landlord owned properties, with many landlords from outside of Wales the standards of the properties not being maintained by them only attracting cheap rent and more antisocial tenants compounding the problem.

No matter what Tyisha residents did and tried to stop the decline they were met with ignorance by County. It was clear to me that Tyisha and Glan Y Mor became the dumping ground for antisocial tenants.

The Tyisha ward with a community leader Vanessa Marsh started the Tyisha and Glan Y Mor Safer Communities Action Group who worked tirelessly to highlight the deprivation and crime in the area and the injustice caused to both during that administration leadership.

After decades of seeing the abuse in my ward, many of my customers received stress and anxiety from undesirables that had been moved into their streets. People from all walks of life were being moved into the Tyisha and I felt it was becoming a powder keg of problems. I resolved to work politically to do something about it. Three councillors helped me one Labour and two Plaid. Councillor Winston Lemon and Jeff Owen Plaid and Kerry Thomas Labour demanded with a proposal that Tyisha to be put into special measures. That proposal was not acted on until the leadership of Carmarthenshire County Council Changed to Plaid with Independent changing their allegiance from Labour. This major upset in the County Council caused an implosion internally with in my view the Labour started bullying their own members which caused 9 of their Llanelli members to cease their labour membership here.

That decision changed the political climate in Llanelli and Carmarthenshire and since then there has been a dirty campaign led by some of the Current Labour group (five) in total in Llanelli targeting the opposition, me being one of those opposition members (being Plaid) in a key controlling targeted ward.

Cllr Jeff Owen a close friend and living in the community here in Tyisha (also fellow engineer) managed to get the new Plaid administration to place Tyisha in special measures and form the Transforming County Council Tyisha team with a £9.3 million grant investment. Jeff asked me to help by standing as a County and town councillor for which I agreed to work on this project alongside him, I decided to retire and give my company to the employees to enable me to focus on Tyisha. Sadly, Jeff failed to secure his seat in the following election and lost to Suzy Curry and Andre McPherson, with whom I did not have such a good relationship as I did with Jeff Owen. However, I managed to get a seat on the Town Council.

However, I did not expect the dirty political targeted bullying after being elected and I did not expect to see such a vendetta against me, possibly because of the administration I belonged to (Plaid) were leading the County Council.

3.Political Bullying and Conflict.

My first encounter of bullying was from then the Councillor John Prosser at a community called meeting in Glan Y Mor and because Cllr Winston Lemon could not attend, he asked me to engage for him at the meeting with intelligence given to me. Cllr Lemon was off sick having cancer treatment. When I walked into that meeting Cllr Prosser (now Cllr Curry's husband) started shouting at me and demanding me to get out shouting I had no right to be there as it was not my ward and I had no right to speak in that meeting. He put stress and pressure on the Chairperson who at the time was Amanda Carter who was a resident and a community leader. I suggested to her that I would stay on behalf of now late councillor Winston Lemon to provide and get information and I agreed not to speak. Cllr Prosser was furious with that decision and carried on loudly voicing his opinion for me being there in front of resident's, councillors and Nia Griffiths MP. I was disappointed that she did not intervene with her colleague and try and calm down Cllr Prosser's temper. Shortly after Cllr Prosser contacted Cllr Curry, she arrived, stating that I should not be there which reinforced councillors Prosser's outburst again, stating it was not my ward and commented she was entitled to be there as her role was being the MP's employee personal assistant and was only there to take notes.

All of this was witnessed by Amanda Carter who has provided a statement and Cllr Louvain Roberts and Cllr Sean Rees who also asked me to attend that meeting. I was told there was no point making a complaint as to the fact complaining was like taking the complaint to the teacher when the bullies are the teachers' pets.

From the onset of me being a Town Councillor I feel I have been in their sights for repeated bullying and publication of lies by them on social media and in County meetings that I attended as a resident of Tyisha as well as a Town Councillor. I feel that the Labour Councillors Cllr Curry, Cllr McPherson and Cllr Prosser have done everything in their power to undermine my position as a Town Councillor and where I have dedicated my life to Tyisha and Llanelli, they have seen it fit to see me as fair game. One point in fact was the reaction when Cllr Suzy Curry as a County Councillor stated in the £9.3 million Tyisha steering group meeting, when I proposed inviting the Safer Communities action group to come on board as community members. Councillor Curry was seen to be clearly angry and demanded as the County Councillor of Tyisha with Councillor McPherson that this group should not come on board and if anything she had decent people instead of them. This outburst I felt was an opposition attack on my proposal. The decision went against Cllr Curry and McPherson and they both left the Zoom meeting. From that meeting to the following meeting, I expressed my disappointment in them representing us and not willing to engage with us as residents.

4. Damaging press articles.

Cllr Curry with Cllr McPherson and Cllr Prosser in my view placed last year a load of lies on their Labour run social group Tyisha positive action group and food bank face book pages, publishing a main article with my image stating I was against the Children of the town receiving Christmas parcels from the County and town toy appeal. This bullying action through editorial for some reason came about when I asked in council chamber Delyth Jones our Community Development Officer on her report about the Christmas toy appeal if the children were receiving food parcels as well as the toy parcels. This labour group singled me out from the other councillors that were in that meeting telling lies that caused untold stress with me and my family receiving phone calls from residents in Llanelli and bad Facebook media comments supporting their editorial. I felt this placed me in bad light. I can only think that they were targeting me again with the oncoming election in mind.

From that editorial I phoned Delyth to see if my question came across incorrectly and she confirmed that my question was clear that I was concern about the children not having food. *(Copy of the Llanelli Labour run media Tyisha positive action and food bank group post submitted in evidence)*

They then placed my image on their page which was copied and shared by many of their group including Cllr Prosser and the now Mayor Cllr Phillip Warlow with the MP's Nia Griffiths image on their social image page in effect adding weight to the editorial. Not only did they broadcast this, but they also had the gall to steal an image of me that they had no copywrite to publish.

I was upset by this and then I had to go to the Town Council to make a complaint to the Clerk and I was told to contact them directly to take it down and don't make matters worse for me and don't retaliate on Facebook. Cllr Warlow did take the post down, but Cllr Prosser did not, and the Tyisha Positive action group and food bank did not. After taking legal advice I sent Cllr Prosser a letter stating if he did not take the post down, I would take legal action. He ignored that and following legal advice I sent him an invoice for publishing an image of mine without copywrite permission. This action worked and the post eventually was taken down but after being informed by the Town Council he was not well, and for that reason I did not pursue the action. That image has now been sent to the press Llanelli online with false facts pertaining to this ombudsman's complaint as this was

on Cllr Prosser's page, I can only surmise it was sent by Cllr Prosser. I feel all these actions were a part of a campaign against me.

5. The Day in Question

On that day, 9th February I went to Tyisha children's park to meet a resident, and whilst I was there, I noticed the contractor, who I know to be Andrew Wood, who was alone in the park. He worked on the project for Cllr Suzy Curry and Cllr Andre McPherson. I approached Mr Wood in order to pass on a complaint that a child had a potential serious incident in the park, because of the ground undulation, and other faults. In conversation with Mr Wood, I explained to him what had happened with the child in falling in front of the swings, establishing the undulation which we discussed was under his feet may have been the problem. I was not happy with his reply, as he stated, "you get what you pay for and why wasn't the mother looking after the child"?

I was civil to Mr Wood, and I did say, in my experience with my company I welcomed complaints and on that point I left. Following this in my capacity of chair I did make an official complaint to the Town Council which resulted in action for a remedial work meeting with the County to be investigated before the Town Council Asset transfer from the County. Whilst I was there with Mr Wood, Mr Lewis, a resident living opposite the park approached me to discuss the antisocial behaviour against him by youths at the park. After leaving Mr Wood, I walked back to my van with Mr Lewis to discuss his complaint away from everyone. We were 60 yards away from the park in an open space next to my van in conversation about the antisocial he had experienced. Cllr Curry and Cllr Prosser arrived in a car and parked at the rear of my van and opened the window and appeared to be listening to my conversation with Mr Lewis regarding antisocial behaviour and the attack on him and my agreement that the park was built in the wrong place.

In my view this must have angered both Councillors as they felt it was their project and part of their election campaign.

At that point my conversation with Mr Lewis finished and I went to get into my van. Cllr Curry got out of her car from the driver side and Cllr McPherson came from behind the van to join Cllr Curry at my side, as he had arrived in another vehicle.

Cllr Curry said to me "You are nothing but an evil and nasty person." My reply after a barrage of verbal abuse from her was, "why are you saying I am a Nasty Evil person"? The reply was from both was, "what you have put on Facebook". I stated at the time, what I had put on Facebook was the truth and facts, My reply clearly angered Cllr Curry and she went into a temper, with that there were many comments from both and in my defence on the bullying towards me by the two councillors, I did tell them they didn't understand the challenges in the ward and the community and I called them "drop in councillors" which was said in the heat of the moment and a response to the attacks on me. Around that point in the verbal attack on me Cllr Curry walked off. I was then verbally abused by Cllr McPherson, for which I did not see a point to engage with him further. I then turned to get into my van, and he walked off. At no time did I use bad language at him or considered I was being discriminatory towards him or anybody. I closed the van door and drove off quietly but upset. I noticed Cllr Prosser was sitting in the passenger seat of Cllr Curry's car at the rear of my van when I drove off.

6. After the Event

The next I heard approximately two weeks after the bullying, on me the Town Clerk said to me in conversation that I had been reported to the Ombudsman. I was shocked and could not understand

as to why this had come about, and I could not see the reason why they reported me. I can only conclude there was a political motive.

After this complaint I was asked to attend by a resident a meeting regarding further antisocial behaviour at the park with youths targeting them. I attended despite my fear of meeting Cllr Curry, Councillor McPherson and Cllr Prosser. As I would be on my own again, I asked Cllr Louvain Roberts to accompany me just in case another lone engagement would take place with them placing me in a no defence situation. They did not see Cllr Roberts as due to the rain she had her hood up, but it was not long before Cllr Curry was stating to the residents that I should not be there, and they were not to engage with me as I was under a serious investigation with the Ombudsman. This information was confidential as a condition by the Ombudsman, but Councillor Suzy Curry broke that confidentiality by telling residents. I feel this was done with intent to undermine my standing as a councillor with the election on the horizon, I felt that this was a further bullying attack by this group. There is a statement with Cllr Louvain Roberts witnessing this behaviour.

7. Response to the alleged breaches of code

Paragraph 4A- discriminatory language.

I consider that I am quiet in nature but firm and fair to people, I hate confrontation and offer dialogue to resolve matters. Failing that I will agree to disagree. As for the allegation that calling people English is discriminatory, I will not bow to Cllr Andre McPherson's comment that I was discriminatory towards him. Calling someone English is not in my view racist as I will gladly be called Welsh and we are a country of nations and respect and protect our culture and be proud of our identity and respect that we are called English, Welsh and Scottish and Irish. My wife's mother and her family are from England, and one of my closest friends, a couple called Jan and Bill Savage moved from the midlands seven years ago to Tyisha who will vouch for me in respect to my views on my support to multi-cultural in the wards. They are now living and being a part of a Welsh Tyisha Llanelli community. This comment was made as part of the conversation with Cllr Andre's McPhersons and his disagreement with me.

Paragraph - 4 B- Failure to show respect and consideration

I strongly disagree that I did not fail to show respect and consideration. I spoke firmly but from long held beliefs and regarding the subject of our disagreement I felt related to the political environment in Tyisha and would expect a political opponent to be able to engage in such a dialogue. I would point out that there were two councillors against me and that in fact I was the one who felt intimidated and undermined.

Paragraph 4C – Not use bullying behaviour or harassment

I would state once again the points made above that this whole incident was a robust political debate between one councillor and initially two political opponents. I do not consider that my words or actions amounted to bullying in any way, and I would state that whilst I was shaken after the incident, I nevertheless accepted it as part of life and moved on.

Finally, regarding the allegations of bullying, I would comment that Cllr Prosser was in a vehicle, and he stated that he did not see me verbally tell Cllr McPherson to F off but heard it after Councillor McPherson walked off. With Cllr Prosser in the passenger side of the car and given his position he was in no way able to see Cllr McPherson walk off or see me getting into my van.

The Town Council clerk Arfon Davies stated in his statement he was in the park, he also stated that he did not hear any comment or shouting by me. At the time he was with and next to Cllr Curry in the park. Furthermore, Councillor McPherson was wearing hearing aids and we were one to one in dialogue and away from the public. I fail to see how he and Councillor Prosser, who was in the car, seemingly clear recollect their version of events, I will again state that at no time did I bully Councillor McPherson.

Paragraph 61A- Bringing myself and the authority into disrepute.

I do not consider my actions brought my office or the authority into disrepute, I was merely defending myself against attacks from political opponents whose words and actions themselves were robust and damaging to me and which could indeed could also be construed as bringing themselves and their authority into disrepute.

General comments on the incident.

My principles are, "I would rather stand with the underdog that is being bullied than stand with the bully in fear of being bullied "I stand currently with Ukraine on that matter and looking to house some within the ward but safely away from the antisocial we have here.

I would state that regarding the allegations made, I did not swear at Cllr McPherson, and no one heard me swear, even Cllr McPherson has stated I think he said it.

No public person heard the private dialogue at the van as we were to far away from anyone.

The van was 60 Yards away well out of ear shot. Sadly, this fact cannot be experienced as you have decided not to have site visit to understand and experience the local terrain and acoustics to make judgements and appreciate the distance and even confirm the facts as to how far my vehicle was from the park.

I was on my own with these three Councillors and in my view, they have colluded in this statement for maximum political gain with a view to the forth coming election.

This is not the first time they have bullied me, and it was not the last in their campaign.

Conclusion

This whole incident took place with a background of considerable stress and unrest surrounding events at Tyisha, some of which directly impacted on me.

For example, previously I was attacked in Llanelli and my wife who had a panic attack during the incident caused by the altercation by two well-known men, originally from England by the original name of B**D brothers now changed to R*****ts who are now back living in Tyisha. The Police were called and took action. I have a witness statement to support this did happen.

I found out that one of the brothers had not passed away as I was told. They are still active in the drug delivering network here in the Tyisha ward and drug dealing has escalated again with "outsiders dropped in "now it's called cuckooing and county lines.

I did place on social media my encounter with the two drug dealers the comment "English and drop in" for which I felt Councillor Curry used against me to support this claim.

Many of the electorate in the Tyisha ward knows the truth and supported me at the last election and stood by me at the polling station, and I feel vindicated in my conduct by being elected to the County Council.

In Conclusion in all my years on the district in people's homes I have not lowered my guard to bullies in my ward and as you can gather, I will defend my good name and always act fairly.

I have at all times acted in the best interest of my constituents and fought to maintain my political reputation. I feel I have been subjected to an unwarranted political attack for merely standing up for what is right. The whole incident in my view has been blown out of all proportions and I sincerely hope that the standards committee will view it as the concocted political attack it clearly is.

I have support from the following Councillors and ex Councillors. Who have witnessed the long-standing bullying from this group.

Cllr Louvain Roberts.

Cllr Amanda Carter

Cllr Mike Cranham.JP

Cllr Sean Rees

I have support from independent Cllrs who I have worked closely cross party with over my term as a Town Councillor

X Cllr Jeff Edmunds

x Cllr Chris Griffiths

X Councillor Shahana Nadjmi

X Cllr Sara Griffiths

All I ask if that you as a committee is, base your findings on the balance of probability and that you look at the statements of independent witnesses and the character references and witness letters to evidence the bullying I have received.

My Ombudsman interview was an honest recollection of the incident for the benefit of the investigation and much said to me was part of a strong barrage of bullying.

I will state again that I acted fairly and honestly in the interests of the area and that f off was definitely not used in that debate and these allegations have played on my mind for nearly two years. The fact is no other Councillor or member of the public has heard me using foul language against others. In reflection I have used the term "Oh get off leave me alone" when attacked but that would have been to the person's face and not to their backs.

In my view they came to me and bullied me verbally in private on the day. Due to the distance involved the public did not hear that or my defence to that attack. The whole incident was politically motivated, the three Councillors said they were going to a meeting, then why stop and listen to my conversation with Mr Lewis sixty yards away from an important meeting, if so, this was clearly an opportunity to capitalise on, to get me on my own.

I am firmly of the view that this incident was an attack to discredit me before the oncoming election.

All I ask is for a fair hearing and that the committee are made aware of the long bullying campaign that these Councillors have conducted against me from the onset as a Town Councillor and targeted me as an individual in all possible ways for political gain.

Councillor Terry Davies

SP 1 *[Signature]*



JP/2 *[signature]*



JF/3 flh









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Measure distance

Total distance: 87.43 m (286.84 ft)




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Mae'r dudalen hon yn wag yn fwriadol

Our ref: 202005902/SJ/CH

Ask for: Sarah Jones

 01656 644238

Date: 18 January 2023

 Sarah.Jones
@ombudsman.wales

Mr Robert Edgecombe
Deputy Monitoring Officer
Carmarthenshire County Council
County Hall
CARMARTHEN
SA31 1JP

By email only
RJEDGECO@carmarthenshire.gov.uk

Dear Mr Edgecombe

**Code of Conduct complaint made against Councillor Terry Davies of
Llanelli Town Council by Councillor Andre McPherson**

I write further to the Standards Committee's Listing Direction of 17 November 2022.
The Ombudsman was asked to provide written submissions on the following points:

- a) Whether the Facebook post forming part of the complaint was made as part of Councillor Davies' role as a councillor.
- b) The relevance of the right of Freedom of Expression (particularly the enhanced right of political expression) and the ruling of the High Court in the "Calver" case.
- c) Should the matter reach stage 3, what sanctions if any, should be imposed.

a) The Facebook post

When interviewed, Councillor Davies said that the Facebook post was made on his personal page and it was unrelated to the interaction between him and Councillors McPherson and Curry. He said that the post was made on his private Facebook page and that he used his private Facebook page to post about Council matters.

Councillor Davies also said that the post was to raise awareness of problems in the Ward. It referred to “a genuine party,” “social decisions,” “promises made to us that ended up as lies for the vote.” He also deleted the post when advised to do so by the Clerk. Therefore, I am of the view that Councillor Davies was using Facebook to make political comment as the representative of the Ward. As such, the Facebook post was made in Councillor Davies’ capacity as an elected Member when the Facebook post was published and the Code of Conduct applied to his actions in its entirety. It should be noted that paragraph 6(1)(a) of the Code of Conduct applies at all times. Even if Councillor Davies was acting in his private capacity, he would still need to ensure he did not act in a way which could reasonably be regarded as bringing his office or authority into disrepute.

b) Freedom of expression

In *Calver, R (on the application of) v The Adjudication Panel for Wales* [2012] the Adjudication Panel for Wales had dismissed an appeal by a community councillor against a decision of the local Standards Committee that he had failed to show respect and consideration for others by posting various online comments criticising the other Members and the way in which the Council was run. The High Court found that, whilst the comments were sarcastic and mocking and the tone ridiculed his fellow Members, because the majority of the comments related to the way in which the Council was run, how its decisions were recorded and the competence of the Members, the comments were “political expression”. The ruling said no account had been taken of the need for politicians to have “thicker skins”. In view of the member’s freedom of expression and the fact that the majority of comments were directed at fellow councillors, the finding of a breach in this case was a disproportionate interference with the Member’s rights under Article 10 of the European Convention on Human Rights (ECHR). The Adjudication Panel’s decision was, therefore, set aside.

In *Heesom v Public Services Ombudsman for Wales* [2014] the High Court heard an appeal against the decision of the Adjudication Panel that a member of a county council had committed 14 breaches of the Code by failing to show respect and consideration for officers of the Council, using bullying behaviour, attempting to compromise the impartiality of officers and bringing the Member’s office into disrepute. The breaches occurred over a period of 2 years and included comments and conduct which were critical of, and threatening towards, both senior and junior officers. The Court found that all of the breaches were intentional and some of the misconduct was serious. Some of the breaches involved deliberately dishonest and misleading conduct towards officers, other Members and members of the public. In respect of officers, much of the conduct was intended to undermine them personally and was performed when officers were trying to do their jobs, which the Member was intent on frustrating. All but 3 of the breaches found by the Adjudication Panel were upheld by the Court.

One of the important issues that had to be determined by the Court was the scope of, and legitimate restrictions to, a politician’s right of freedom of expression under Article 10 of the ECHR and at common law. The Court reiterated that the law

requires politicians to have thick skin and be tolerant of criticism and other adverse comment. However, the Court also noted that while public servants are open to criticism, including public criticism, it is in the public interest that they are not subject to unwarranted comments that dis-enable them from performing their public duties and undermine confidence in the administration.

Councillor Davies said that the “whole incident was a robust political debate between one councillor and initially two political opponents”.

When acting as an elected Member and expressing political views or conducting political business, a Member’s freedom of expression is afforded enhanced protection, more so than an ordinary member of the public. Article 10 of the ECHR, which affords Councillor Davies the right to free speech, means that he can say things which may be shocking or offensive to some people. Further, as politicians, Members are likely to be afforded protection even where the language used by them may be inflammatory, provided the focus of it is political. However, a Member’s right to freedom of expression is not absolute and must be balanced against the need to protect the rights and interests of others. Freedom of expression is not limitless and the more egregious the conduct concerned, the more justified it becomes to restrict expression using the provisions of the Code of Conduct.

Enhanced protection of freedom of expression does not extend to gratuitous or offensive personal comments, neither does it extend to “hate speech” directed at denigrating race and/or nationality, which includes national origin. As such, I do not consider that the comments made by Councillor Davies were afforded enhanced protection. It is the Ombudsman’s view that a finding of a breach in this case would be a proportionate interference with the Member’s rights under Article 10 of the European Convention on Human Rights (ECHR).

c) Sanction

I have set out here the Ombudsman’s submissions on relevant factors that should be considered, should the Standards Committee find that Councillor Davies has breached the Code of Conduct.

The purpose of the ethical standards framework is to promote high standards amongst members of councils in Wales and maintain public confidence in local democracy. The Ombudsman generally takes the view that the issue of sanction is a matter for the Standards Committee to determine, having considered the facts of the case and the seriousness of the breaches of the Code of Conduct found. Whilst we take the view that the nature of any sanction is a matter for the Standards Committee, we recognise that the purpose of a sanction is to:

- Provide a disciplinary response to an individual member’s breach of the Code.
- Place the misconduct and appropriate sanction on public record.
- Deter future misconduct on the part of the individual and others.
- Promote a culture of compliance across the relevant authorities.
- Foster public confidence in local democracy.

As a means of assisting the Standards Committee, the Ombudsman wishes to highlight some of the relevant factors from the Adjudication Panel for Wales' Sanctions Guidance ("the Guidance") which may assist in the consideration of the five-stage process for determining sanction.

Mitigating

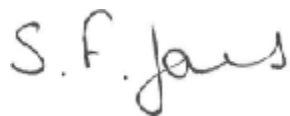
- Previous record of good service over a long period of time.
- Cooperation with the Investigation Officer and Standards Committee.

Aggravating

- Long experience in role of Town Councillor.
- Expression of views which are not worthy of respect in a democratic society, are incompatible with human dignity and conflict with the fundamental rights of others.
- Councillor Davies has failed to recognise the seriousness of his actions.
- Councillor Davies has not shown any remorse for his behaviour or reflected upon the impact of his actions.

If the Standards Committee is so satisfied that a breach is found as suggested within the report, the Ombudsman would suggest that the nature of the breach is serious. Therefore, we would invite the Standards Committee to consider a period of suspension from Llanelli Town Council for up to 6 months in this case.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'S.F. Jones', written in a cursive style.

Sarah Jones

Own Initiative Lead Officer/Swyddog Arwain ar ei Liwt ei Hun

GENERIC COMMENTS

- A. TD did not swear at the complainant – may have said ‘ back off’ but did not swear. Very similar sound. Witnesses – one of whom had a hearing aid, the other sitting in the back of a car, did not clearly hear what was said.
- B. Complainant and witnesses had a political reason to allege misconduct by TD, and to make the complaint- to stop TD being elected to the County Council. Standing against the complainant. This failed – the complainant lost position on County Council. TD was elected and has support of the people in the area.
- C. In any event – complainant and witness could have misheard what was said- no ‘ independent ‘ corroboration.
- D. TD always denied saying such words – however Ombudsman construed his changed recollection from stating he never used such language, to ‘ did not recall ‘ using such language as indicating that he did use these words. This was unfair.
- E. There was a clear background of animosity and political attacks on TD from the complainant and witnesses- wished TD to lose the County Council election
- F. Use of phrase ‘ You are English and not from around here’- not discriminatory – a statement of fact. In any event made in a heated political context . Complainant should as an experienced councilor have ‘ broad shoulders’ to deal with this. Not an egregious phrase in any event
- G. Conversation and words NOT heard by the public. Too far away. Exaggerated by witnesses- an example of deliberately distorting facts to apportioning blame on TD for political ends
- H. Facebook page – not directed at complainant and witnesses. Referred to an incident earlier that day with drug dealers. Post on page was TD ‘ sounding off ‘ following an upsetting incident. Also need to consider in the light of ongoing political attacks on TD by complainants and witnesses in the press/ online
- I. The Committee should look at this as a political dispute clearly within the ambit of the Article 10 of the European Convention on Human Rights, and the right to Freedom of Expression in a political context as set out in the Calver Case. TD entitled to express his views on a political issue – the repair and use of the Park , forcefully, and for the complainant to have a ‘ thicker skin’ when challenged on a political matter. The Ombudsman did not give this sufficient consideration or weight.
- J. TD’s words and actions not ‘ bullying’. Need to contextualise in the light of the complainant and witnesses behavior, and their status as a number of experienced County Councillors, against TD as a lone relatively inexperienced Town Councillor, and Article 10 of the ECHR, and the Calver case
- K. TD’s actions did not bring him or his office into disrepute – robust political engagement to protect interests of constituents. TD received the endorsement of his constituents when they preferred TD to the complainant at the ballot box. This would be unlikely if they perceived him as bringing disrepute on himself and his office.
- L. In short , this is a political, low level disagreement , ‘ ramped up ‘ for political reasons against a lone, hard working Councillor, by a political rival.

SPECIFIC PARAGRAPHS OF THE CODE

4(a) -You must carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation , age or religion

In what way was TD's actions or words denying equality of opportunity to the complainant? No other characteristic or attribute was directed at the complainant other than being English, which was a fact, and for not originating in the area, again a fact. How are these 'discriminatory' actions or words?

4(b) – You must show respect and consideration for others

See comments above – TD engaged in a forthright political exchange, which an experienced County Councillor should have been able to cope with. How can one Town Councillor intimidate and undermine TWO county Councillors?

4(c) – You must not use bullying behavior or harass another person

See above. Did TD engage in anything that could be reasonably described as 'offensive, intimidating, malicious, insulting or humiliating, in the light of what occurred?

6 (1) (a) – you must not conduct yourself in a manner which would reasonably be regarded as bringing your office or authority into disrepute.

TD's actions were part of a robust political exchange on an issue clearly affecting his constituents, in discharging a political role. This does not amount to a finding of disrepute. The ultimate vindication of TD's behavior, despite the political mud slinging which underpins this complaint, was TD's election to the County Council in May 2022.

Councillor T Davies- additional issues

1. Whether ' facebook post ' forming part of complaint was made as part of TD's role as Councillor?

Cannot clearly define it as being part of his role as councilor – it was part personal, however , it also contained matters relevant role as a councillor

2. Relevance of the right of freedom of expression in particular political expression and the Calver case

This matter – the incident with the complainant was a political exchange, and needed to be seen in the light of political attacks on TD, and perceived as an attempt to denigrate him to undermine TD being elected as a county Councillor. Clearly engages Article 10 (2) of the ECHR, and the enhanced right of political expression , which also requires those holding political office ie the complainant to have ' thicker skin ' as exemplified in the Calver case. The words of TD were not gratuitous or offensive, and did not amount to ' hate speech'. Further details may be provided before the hearing.

3. What sanctions should be imposed?

No sanction, or at most censure. See mitigation/sanctions sheet

Mae'r dudalen hon yn wag yn fwriadol

Councillor T Davies – Sanctions submissions

1. Tribunal/ Standards committee have ultimate discretion re Sanction to impose
2. This is a low level breach of the code which arose from a Political dispute – sanction should reflect this
3. Suggest that appropriate to impose NO SANCTION, or A CENSURE
4. TD has suffered enough. This matter hanging over him for 2 years, and coupled with personal attacks in press.
5. If considered appropriate impose a low period of suspension – 1 to 2 months suspension at most for the following reasons;
6. P7 of the sanctions guidance asks Tribunal / committee to look at Fairness and the Public Interest as preliminary points- Is it Fair to suspend a hard working councilor with deep roots in the community, who received the clear endorsement of the community in being elected to the County Council in the full knowledge of constituents that TD was facing a standards complaint? How will depriving them of TD's representation at the Town Council be 'in the public interest' ?
7. Tribunal/ Standards committee should take full consideration of a members right of freedom of expression and the need for councillors to have ' broad shoulders' – calver case.
8. P9 / para 34 of the guidance – was this a serious breach ? No for the following reasons
 - a- Only one incident
 - b- No intention – heat of the moment matter, in a clearly political context
 - c- No previous breaches – exemplary conduct and public service
 - d- Relatively inexperienced
 - e- Lesser status to County Councillors – hard to accept TD bullied them
 - f- No far reaching consequences, other than arguably hurt feelings
9. Para 36 - Weighing seriousness of breach- it is at best a low level breach;
 - a. No deliberate deception, or seeking personal gain
 - b. No systematic harassment or bullying of a junior – indeed exact opposite – one off incident involving a county councillor
 - c. No breach of confidentiality
 - d. No significant reputational damage to TD or his office – indeed the opposite – TD was elected to County Council in May 2022
10. Para 37 – no breach of specific or authoritative advice. If conduct deemed discriminatory or bullying – it is at the very lightest end of such a spectrum
11. Para 39 – the Tribunal / committee should START it's consideration of a possible sanction with that of the least possible impact – clearly the case here for the reasons set out above

Finally , there are considerable mitigating circumstances addressed at Page 14

1. Relatively inexperienced member
2. Good previous record- without blemish
3. TD acting in good faith for his constituents following honestly held albeit mistaken views
4. Political issue first and foremost -regrets he didn't walk away- desire to stand up against what he perceived as bullying
- 5 Prepared to undertake further training

6 Acted in response to unreasonable provocation by others, including witnesses, and criminal elements who had attacked TD and wife on previous occasion