

Councillor T Davies – Skeleton Argument ; Code of Conduct submissions;

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 , forceably, 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.