

**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/006/2023-024/CT

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

RESPONDENT: Former Councillor Steve Davies

RELEVANT AUTHORITIES: Ceredigion County Council
Aberystwyth Town Council

1. INTRODUCTION

- 1.1 A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
- 1.2 For the reasons set out in paragraphs 1.4 to 1.8 of the Listing Direction of 26 June 2024, the Case Tribunal determined its adjudication by way of written representations at a meeting held on a 22 August 2024 by way of remote video-conferencing. The meeting was not open to the public.
- 1.3 This case was the subject of an Interim Case Tribunal hearing when the Public Service Ombudsman for Wales' ('PSOW') Interim Report of 20 March 2023 was considered. The Respondent failed to respond to the Panel's correspondence of 23 March 2023 (with the APW01 and Reply to Notice of Reference Form) and the Tribunal decided to proceed to determine the matter without a hearing on 10 July, with a decision Report which followed on 9 August 2023. The Interim Case Tribunal decided that the Respondent should have been suspended from being a member or a co-opted member of Ceredigion County Council and Aberystwyth Town Council for a period of six months (or the remainder of his term of office, if shorter) with effect from 10 July 2023, the date of the Decision Notice.
- 1.4 In October 2023, the Respondent resigned as a member of both the County and Town Councils.

2. PRELIMINARY DOCUMENTS

- 2.1 **Reference from the Public Services Ombudsman for Wales and background**
 - 2.1.1 The Public Service Ombudsman for Wales ('PSOW') produced an initial Interim Report on 20 March 2023. After its receipt, the Respondent failed to respond to the Panel's correspondence of 23 March 2023 (with the APW01

and Reply to Notice of Reference Form) and the case was then the subject of an Interim Case Tribunal hearing on 10 July, with a decision Report which followed on 9 August 2023. The Interim Case Tribunal decided that the Respondent should have been suspended from being a member or a co-opted member of Ceredigion County Council and Aberystwyth Town Council for a period of six months (or the remainder of his term of office, if shorter) with effect from 10 July 2023, the date of the Decision Notice.

2.1.2 The PSOW made a further reference to the Panel on 13 March 2024, with a final report of the same date. The Panel duly notified the Respondent of that referral on 5 April 2024.

2.2 The Former Councillor's Response to the Reference

2.2.1 As stated above, the Respondent did not reply to the Interim Report. He also failed to reply to the final report, other than to confirm its receipt and to indicate that, since he had resigned, he considered it to have been an end of the matter [715].

2.2.2 He was, however, interviewed by the PSOW on 12 October 2023 [517-599] and, in dealing with the matter on the basis of written submissions in accordance with rule 3 (3) and 15, the Tribunal took into account the contents of that interview and the responses provided to the allegations.

2.3 Further written representations following the Listing Direction

2.3.1 In accordance with paragraph 1.2 of the Listing Direction, the Ombudsman provided submissions of 15 July 2024 [770-4].

2.3.2 The Respondent supplied no further written submissions until after the Tribunal had met to consider its decision (see paragraph 1.4 above).

4. FINDINGS OF FACT

4.1 Having considered the written evidence, the Case Tribunal found the following material facts on the balance of probabilities. References in square brackets within this Report are to pages within the Final Hearing Bundle.

4.2 The Tribunal approached its task by addressing the main factual 'incidents' which underpinned the allegations of breach of the Code of Conduct as they had been dealt with within the PSOW's Report (paragraphs 22-63 [15-37]). The identities of the alleged victims have been anonymised where necessary for confidentiality purposes.

Introduction

4.3 The Respondent was elected as a member of Ceredigion County Council and to Aberystwyth Town Council in 2012, representing the Penparcau Ward. He resigned from both positions in October 2023. He had been mayor of Aberystwyth in 2017-8, a local school governor and had volunteered at a

number of organisations and clubs. He was clearly well known and had a high profile in the area.

- 4.4 Both authorities adopted a Code of Conduct which mirrored the provisions of the Model Code of Conduct contained in an Order made by Welsh Ministers in the Local Authorities (Model Code of Conduct) (Wales) Regulations 2008, as amended. He received training on the Code of Conduct in May 2012 [258], May 2017 ([256] and [259]) and May 2022 [260] and undertook to abide by its provisions. When interviewed, he accepted that he had received that training and given those undertakings [522-4].

Incident 1

- 4.5 In early October 2020, a complaint was received that the Respondent had been making 'welfare checks' on a vulnerable widow, Mrs A, who was not in his ward and therefore not a constituent. He had known Mrs A's late husband and had visited her soon after his death. Her niece had asked him not to visit again but he had not adhered to the request. As a result, the relative had contacted the Council.
- 4.6 Mrs A complained that he had "*pestered*" her "*very frequently*" ([262] and [247]). She had become "*frightened*" and "*very scared due to the Councillor's attitude*" and had wanted it to stop [262]. He had been warned off by a window cleaner when he had been seen entering the property via the back door.
- 4.7 On 2 October, the Monitoring Officer spoke to the Respondent about the allegation. He said that he would not call again and Mrs A's niece was informed ([263] and [266]), but he subsequently emailed, as if testing the request [267-8]. Although he did not visit again, he did see Mrs A in a local supermarket and spoke her about her complaint then.
- 4.8 When interviewed, the Respondent claimed that he had not returned to visit Mrs A once he had been asked not to and admitted to having 'challenged' her over her complaint when he had bumped into her in the supermarket [529]. Other elements he did not recall; for example, he did not recall any interaction with a window cleaner [533-6].
- 4.9 Given the Respondent's behaviour on other occasions as set out below and the clear representations that were made to the Council, we considered it to have been more likely that there had been an element of persistence to the Respondent's visits. It would have been difficult to understand why any complaint had been made if that had not been the case and if Mrs A's niece's request had been complied with initially. The Respondent had clearly been known to the family before, when Mrs A's husband had been alive, and there must have been some change in his conduct which caused the complaint.

Incident 2

- 4.10 It was alleged that, in early December 2020, an anonymous caller telephoned the Council expressing concerns about elderly members of their family. It was alleged that the Respondent had been visiting properties in his ward during the pandemic to ensure that residents were safe and not in need of anything. Although his conduct was congratulated to some extent, the concern that was expressed was that he was entering properties, staying for some time and socially mixing in breach of the Covid-19 rules (paragraph 19 [248]).
- 4.11 The Monitoring Officer arranged for a Teams meeting with the Respondent to discuss the issues which he did not attend (paragraph 20 [248]), but he did eventually speak to the Monitoring Officer on 23 December when he confirmed that he had been making such visits and had cut lawns, mended fences and undertaken other errands and stated that his visits had all been compliant with the Covid rules then in force (paragraph 24 [249]).
- 4.12 We did not find the evidence in support of this 'incident' particularly compelling or useful. It was difficult to gauge the quality of the evidence which had been received by the Monitoring Officer which was reported to the PSOW as hearsay. Admittedly, the Respondent's admissions on 23 December went some way to confirming what had been said.

Incident 3

- 4.13 On 6 November 2020, the Council received a Multi-Agency Referral Form ('MARF') from the Police concerning an individual who complained that she had been harassed and stalked by the Respondent since September 2020. The Respondent was not known to her and was alleged to have left 'love notes' on her bicycle on eight or nine occasions, when she had left it to shop in the local supermarket ([320] and [345]). The notes indicated that he found her attractive and that he was interested in forming a relationship. He had also asked questions about her at a bus stop which she used [320].
- 4.14 The woman's boyfriend had contacted the Respondent to ask him to stop, using the telephone number that he had left in the notes [345]. He did not adhere to that request and the notes continued to appear.
- 4.15 On 2, 8 and 16 December, Professional Concerns Meetings were held about the Respondent under the Social Services and Wellbeing Act 2014, Part 7 and the All Wales National Safeguarding Procedures in respect of the Safeguarding of Adults and the Council's safeguarding protocols ([240], [327], [333] and [342-8]). It was determined that the Monitoring Officer would speak to the Respondent and offer words of advice and training and that a letter would be written to him pointing out the safeguarding concerns. Words of advice were issued by the Police, who had recorded the matter as a stalking crime, at which point he did not deny the allegations (paragraph 5 [240]). An Adult Safeguarding officer also spoke to him, but the impression given by the Respondent was that he had no intention of changing his

conduct; he merely said that he would look for a victim who was less likely to complain on the next occasion (paragraph 15 [316]). On 21 December, the office wrote to confirm that his conduct had caused him to have been made the subject of a safeguarding process [349].

- 4.16 The Monitoring Officer spoke to him on 23 December. The Respondent explained that he had left the notes to try to “*attract attention*” [278], but he agreed not to contact her again. The following day, the Monitoring Officer emailed Adult Safeguarding to tell them of her discussions which was followed up by an email to the Respondent in which further safeguarding training was offered [280-2].
- 4.17 In interview, the Respondent accepted that he had left the notes on the woman’s bicycle, even after her boyfriend had called him, but he denied that his conduct could have been properly described as stalking [540]. He was unable to recall having asked questions about the woman at a bus stop [541] and sought to trivialise the issue by describing it as a “*boy girl thing*”, with “*nothing ventured, nothing gained*” [537].
- 4.18 In light of the Respondent’s position and the evidence as a whole, the Tribunal had little difficulty in concluding that he clearly had left notes on the individual’s bicycle as alleged and had failed to comply with the request made of her boyfriend to cease his activity. The Tribunal also concluded that the Respondent had probably also made enquiries at a bus stop as reported. It was similar to the persistent and planned nature of his conduct in other respects. His inability to recall having done so was surprising.

Incident 4

- 4.19 Further complaints arose from the Penparcau Community Hub where the Respondent assisted as a volunteer from time to time.
- 4.20 It was alleged that he made inappropriate comments and conducted himself improperly in relation to a new, young, female worker and one of the female Co-Ordinators in late February. Specifically, it was alleged that he repeatedly nudged the new member of staff when they were working together, which was alarming to her and inappropriate in light of the Covid regulations which was still in force at the time.
- 4.21 In relation to the Co-Ordinator, it was alleged that he made repeated sexual remarks to her on 21 February and invited her to get into a shopping trolley so that he could ‘give her the ride of her life’. He attempted to chase her around the café on 28 February and, when he discovered that she was meeting a music teacher in order to organise guitar lessons for children, he started to make suggestive, sexualised comments about their meeting. When she demonstrated her anger, he repeated his previous suggestion about the use of the shopping trolley and chased her around the café, upsetting other members of staff. It was only upon the arrival of the male caretaker that the incident ended, with the Respondent claiming ‘it’s just banter’ ([452] and [460-1]).

- 4.22 The Respondent had also been using the Hub to visit people in their homes during the pandemic who he referred to as 'my old ladies, the ladies who vote for me' (see paragraph 10 [451] and Incidents 5 and 6 below). He was suspended from working there by letter dated 5 March, following an investigation by the Board of Trustees [463]. The Respondent, however, repeatedly challenged the decision by telephoning the Forum Manager at the Hub which was, itself, in breach of the terms of the suspension [505-6].
- 4.23 In addition to the specific allegations set out above, there were other complaints about him having made derogatory and offensive comments whilst out delivering food in the Hub minibus ([366] and [505]). Three witnesses were spoken to by the police and a crime of harassment was recorded ([241-2] and [358]).
- 4.24 The Monitoring Officer and Safeguarding Manager spoke to the Respondent again and reiterated the Code of Conduct. They informed him that an investigation was ongoing (see the email [362-3]). The matters were discussed at Multi-Disciplinary Professional Concerns meetings on 16 March [382-7] and 15 April [388-393], when it was noted that the Police were expected to issue him with words of advice.
- 4.25 On 23 April, the Monitoring Officer asked the Respondent not to volunteer in the community whilst the matter was under investigation [291]. He did not reply to her email initially but, when he did, he seemed resistant to the request [292-6].
- 4.26 A Professional Concerns Meeting was held on 13 August 2021 it was noted that the Respondent had denied harassment during interview and that no further action could have been taken because no formal complaint had been lodged. It was noted that the people working at the Hub nevertheless still had concerns [394-6]. Following a further such meeting on 22 September, it was agreed that the Respondent was to have been informed that the process had been concluded, but the Director of Social Services was also informed and that spawned the first referral to the PSOW on 9 December [397-403].
- 4.27 During his interview, the Respondent suggested that he had no recollection of any specific comments attributed to him during his work at the Hub and stated that his memory had 'blocked' his recall of the events there [558]. He nevertheless denied that any of the comments which he might have made would have been sexual ([554] and [557]).
- 4.28 The evidence that the Tribunal considered in relation to the Respondent's conduct at the Hub was compelling and came from a number of sources (two former Trustees, a former Manager, the Co-Ordinator and the local MP). There were details within the descriptions of his behaviour and the words used which, we considered, were unlikely to have been contrived. The Respondent's alleged 'blocking' of events was unexplained and was particularly odd in light of his ability to remember events which had occurred

earlier. In broad terms, we therefore accepted the evidence which was presented to us in relation to Incident 4 and Incidents 5 and 6 which followed.

Incidents 5 and 6

- 4.29 As stated above, these allegations arose from the incident which was investigated in relation to the Respondent's work at the Hub. Two female witnesses were interviewed by the Police and claimed that they had been harassed by the Respondent; he paid unwanted visits to them, sometimes at night, brought them flowers and tended to their gardens ([201], [350], [451] and [512]). One of them complained that the Respondent had talked to her about liking big breasts [370], whilst the other described his conduct as "creepy" and an attempt to "worm his way in" [370].
- 4.30 Although they were reluctant to make formal complaints, not only because of the Respondent's position as a councillor, but also because he lived nearby. They nevertheless wanted his conduct to stop.
- 4.31 The Respondent said that he could not and/or would not answer questions about those two allegations at interview without the names and addresses of those who had made the complaints.
- 4.32 We concluded that the victims' accounts were likely to have been reasonably accurate. There was nothing to suggest otherwise and there did not appear to have been any suggestion or motivation for them to have fabricated their accounts. Something had clearly caused them to come forward and we considered that that was likely to have been the upset caused by the Respondent's conduct.

Incident 7

- 4.33 This allegation concerned another young female who the Respondent had pursued with presents, cards and gifts. She had worked at a local sports club behind the bar. He started to drink there, but then started to drop off presents for her. She remembered that she was first bought a present in October 2022. He continued to make gifts, despite her saying that she did not want them. Once she had reported his conduct to her manager, he was told not to use the bar again.
- 4.34 The Respondent then started to visit a professional address where the woman worked during the day and continued his habit of dropping off gifts and cards. Before Christmas 2022, he dropped off a present with the gift tag which read "All I want for Christmas is you xxx" [473]. Many of the other letters and cards contained romantic quotations from songs and other statements; for example, "Please remember Xmas is a time for giving and I am waiting" (see [483-5]). In another, he commented that he had seen the woman's boyfriend and considered that she 'could do better'.

- 4.35 The woman asked her colleagues to tell him not to visit her again. It was clear that he continued to do so, since a further Valentines gift was dropped off.
- 4.36 The woman reported the Respondent's conduct to the Police and it became the subject of another MARF in January 2023, the third. Again, she did not want to make a formal complaint, but did want the conduct to stop. He was told not to visit the sports club and/or her place of work again ([473-6] and [478-482]).
- 4.37 Matters went quiet for some time after Valentines Day 2023 until a further gift, a CD, arrived at her place of work in June with a note. Another gift arrived in July. Both had been differently addressed (under the name of a charity which she worked for) such that her colleagues accepted them thinking that they were legitimate.
- 4.38 In interview, the Respondent stated that he considered the woman to have been very pretty [573] and he admitted having made the gifts. When asked about the age difference between them, he commented that 'age was only a number' [572]. He did not think that he ought to have been criticised for having tried to 'get a lady interested' [588].
- 4.39 In light of the physical evidence which existed to corroborate and support the victim's account and the Respondent's position in interview, there could have been no doubt that these events occurred as they were described.

Incident 8

- 4.40 In April 2022, the Respondent was banned from visiting Aberystwyth RFC [410-1] because of an allegation of harassment (he had referred to a woman as a 'good pull'). In interview, he described the ban as a decision on his part to 'step back' [567] but appeared to acknowledge that there had been an allegation to the police that he had made that comment.
- 4.41 The quality of the evidence in relation to this allegation was poor. The allegation turned upon the contents of a newspaper article and the Respondent's interview with the PSOW. There was no direct evidence of the words used and that part of the interview which concerned the issue was somewhat muddled [566-570].

Incident 9

- 4.42 In or around September 2022, a local MP, Mr Lake, received an anonymous letter about the Respondent in which it was asserted that he had been "*using his power to make his move on women*" [493]. The author said that he/she had seen "*for myself how he prays [sic] on younger women*".
- 4.43 We did not consider it necessary or helpful to regard this as a separate 'incident'. The themes within the anonymous letter were corroborated elsewhere by specific, direct evidence from named individuals. The feature of

it which was, perhaps, of more interest and concern was the timing; the letter arrived in September 2022 and spoke about events as if they were occurring then and/or in the recent past. The Respondent had been spoken to on multiple occasions by the Monitoring Officer, the Police, the Council's safeguarding Officers and others in relation to similar conduct over two years.

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

5.1 The Code of Conduct

5.1.1 The relevant parts of the Code of Conduct were as follows;

Paragraph 4 (b) and (c);

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

Paragraph 6 (1)(a);

*“(1) You must –
(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;”*

Paragraph 7 (a);

*“You must not –
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;”*

5.2 The Respondent's Submissions

5.2.1 As stated above, beyond the evidence which the Respondent provided to the Ombudsman by way of interview, no further submissions were received in respect of the allegations.

5.3 The Ombudsman's Report

5.3.1 It was contended that the following breaches of the Code of Conduct had occurred;

(i) Paragraph 4 (b) and (c);

The PSOW's position was that paragraph 2 (1)(b) of the Code stated that an individual had to observe the Code whenever he acted, claimed to act or gave the impression of acting, in the role of councillor. That provision applied to paragraphs 4 (b) and (c).

The PSOW asserted that breaches of these paragraphs occurred in respect of Incidents 1 (paragraph 154 [55]), 4 (paragraph 157 [56]), 5 & 6 (paragraph 159 [56]) and in other respects (paragraph 163 [58]).

The PSOW accepted that the Respondent had not been acting in any public capacity in respect of Incidents 3 or 7 (paragraph 147 [54]);

(ii) Paragraph 6 (1)(a);

The PSOW's case was that paragraph 2 (1)(d) of the Code was broader than paragraph 2 (1)(b) insofar as it applied to paragraphs 6 and 7; that an individual had to observe the Code at all times and in *any* capacity in respect of conduct identified in those paragraphs. The approach was not, therefore, as restrictive as it was in respect of paragraph 4 (paragraph 146 [53]).

The PSOW contended that this paragraph was breached by the Respondent in respect of his conduct within Incidents 1 (paragraph 154 [55]), 3 (paragraph 155 [55]), 5, 6 (paragraph 160 [57]) and 7 (paragraph 161 [57]).

Finally, the PSOW alleged that the Respondent's failure to adhere to the advice given to him by the Monitoring Officer over the many occasions that he was spoken to, amounted to a further breach of paragraph 6 (1)(a). The "*widespread concerns about Former Councillor Davies in the community*" served to bring his office and/or the authorities into disrepute (paragraphs 163-4 [58]);

(iii) Paragraph 7 (a);

It was alleged that the Respondent had been in breach of this paragraph in respect of Incidents 5 & 6 (paragraph 159 [56]).

5.4 Case Tribunal's Decision

5.4.1 On the basis of the findings of fact, the Case Tribunal found by a unanimous decision that there were failures to comply with the Codes of Conduct as follows:

(i) Paragraph 4 (b) and (c);

The Tribunal agreed with the PSOW's position; paragraphs 4 (b) and (c) of the Code ought to have been considered *sui generis* with (a) and read in the same context; they covered an individual's conduct when carrying out his duties as a councillor. He therefore

had to have been working in that capacity and/or holding himself out as such at the time of any alleged breaches.

In relation to Incident 1, it was noteworthy that the complaint about the Respondent's conduct relating to Mrs A had come to the authority. It might therefore have been thought that his conduct had been viewed as having arisen from his wider duties to the community as a councillor, but we did not think so here for the following reasons.

First, the Respondent had known Mrs A's husband before his death and his visits appeared to have emanated from that friendship. Secondly, Mrs A also did not live in his Ward. Thirdly, we did not see how the PSOW had come to the conclusion that Mrs A 'had viewed his visits' as having been undertaken in his role as councillor (paragraph 144 [58]).

On balance, therefore, we did not consider that it could have been said he had been carrying out his duties as a councillor in respect of Incident 1.

In respect of his work at the Hub (Incidents 4, 5 and 6), the staff there all knew him as a councillor and his status appeared to have been relevant to his interactions; for example, he referred to those he made deliveries to as potential voters.

In respect of Incidents 4, 5 and 6, all of the women involved had been upset by the Respondent's conduct. The nature of his conduct towards the woman in the Incident 4 demonstrated a clear lack of respect and constituted harassment of a sexual nature in the clearest sense. Paragraphs 4 (b) and (c) were breached. The manner in which the women in Incident 5 and 6 reported the Respondent's conduct also demonstrated breaches of those paragraphs, particularly because of the frequency and timing of his visits and some of the words used.

Finally, we should deal with paragraph 163 of the PSOW's report [58] which also appeared to refer to another breach of paragraph 4 (b). We were not clear what that sentence referred to and/or who the 'complainant' was who was being referred to. We were not satisfied that any further breach had been demonstrated.

(ii) Paragraph 6 (1)(a);

Again, the PSOW was correct in respect of the application of the Code, in our judgment; paragraphs 6 and 7 were not restricted to conduct necessarily committed whilst exercising the duties of a councillor. Paragraph 7 specifically referred to conduct committed '*in your official capacity or otherwise*'.

The PSOW contended that this paragraph was breached by the Respondent in respect of his conduct within Incidents 1 (paragraph 154 [55]), 3 (paragraph 155 [55]), 5, 6 (paragraph 160 [57]) and 7 (paragraph 161 [57]).

It was not difficult to see how his conduct in respect of Incident 1 brought his office and/or that of the authority into disrepute since his behaviour was raised *with* the authority.

Incidents 3, 5, 6 and 7 all gave rise to multi-agency involvement; the police, safeguarding and/or the Monitoring Officer. This must have been embarrassing to the authority and readily brought it and/or the Respondent into disrepute.

Finally, the PSOW alleged that the Respondent's failure to adhere to the advice given to him by the Monitoring Officer over the many occasions that he was spoken to, amounted to a further breach of paragraph 6 (1)(a). We were not convinced that that, in itself, gave rise to a breach, but the "*widespread concerns about Former Councillor Davies in the community*" did. His letter to the Cambrian News and the consequent press report, his conduct within the community, at the Hub and sports clubs, Dyfed Powys Police's involvement in 4 of the cases and the sheer number of people involved in the Incidents referred to above, when he was such a public figure, must have served to bring his office and/or that of the authorities into disrepute (paragraphs 163-4 [58]).

(iii) Paragraph 7 (a);

It was alleged that the Respondent had been in breach of this paragraph in respect of Incidents 3, 5, 6 and 7 (paragraphs 147 [54] and 159 [56]).

In respect of Incidents 3 and 7, the 'advantage' that the Respondent sought to confer on himself, in our view, was some form of relationship with the women involved. The difficulty that we had was understanding how it was alleged that he had used his *position* to confer that advantage. The PSOW's was that he had behaved in his personal capacity in respect of both Incidents (paragraph 147 [54]). There was nothing in his notes and/or other communications with the women which suggested that he was attempting to use his position or status as a councillor to further his advances.

In respect of Incidents 5 and 6, whilst the women concerned had seemingly known him to have been a councillor and whilst we found that he had acted in that role while working at the Hub for the purposes of paragraph 4, the advantage that the Respondent was attempting to confer upon himself in respect of these Incidents was far less clear. There was little within the evidence to

suggest an attraction and/or an attempt to form a close relationship as in Incidents 3 and 7. We did not consider that the PSOW had properly explained how this paragraph of the Code was said to have applied to the circumstances (see paragraph 159 [56]).

Accordingly, the evidence did not enable us to conclude that he had breached paragraph 7 in any respects here.

6. ACTION TO BE TAKEN

6.1 The Respondent's and Ombudsman's submissions

6.1.1 The Respondent made no submissions on this issue.

6.1.2 The Ombudsman's submissions were set out in its letter of 15 July 2024 [760-6]. It was suggested that, because of the seriousness of the conduct involved, the Tribunal ought to give consideration to his disqualification from office.

6.2 Case Tribunal's Decision

6.2.1 Various descriptors of the Respondent's conduct had been used in the evidence; creepy, pestering and/or stalking. In our judgment, put simply, the Respondent's behaviour was predatory. He appeared to prey upon those who he considered might not have been likely to have raised concerns; those who were lonely and/or housebound or those who were significantly younger than him.

6.2.2 The Case Tribunal considered all the facts of the case, the Sanctions Guidance issued by the President of the Panel under s. 75 of the Local Government Act and, in particular, paragraph 39.13 which we considered was met in several respects. We considered that the following aggravating factors were present;

- (i) The Respondent's long experience as a councillor;
- (ii) The fact that his behaviour was not a 'one off'. He had engaged in a pattern of conduct over many months involving multiple individuals;
- (iii) The conduct was not reckless or actions undertaken on the spur of the moment; it was deliberate, planned and designed to elicit contact and/or relationships;
- (iv) There was upset caused to some individuals and more significant alarm and distress to others;
- (v) There was an imbalance of power, both because of his position and, in some cases, the differences in age between him and those to whom he made advances (Incidents 3 and 7);
- (vi) He displayed a lack of insight. During his interactions with the Monitoring and Safeguarding Officers and others and during interview, he seemed unable to appreciate how his conduct had been concerning and upsetting. Rather, he sought to trivialise it;

- (vii) He failed to alter his course of conduct after having been asked to do so, not only by the victims or others connected with them (Incidents 1, 3 and 7), but also by the Monitoring Officer and Police (Incident 7);
- (viii) His failure to attend training as promised.

6.2.2 The Tribunal considered the following mitigating factors;

- (i) His past record of good service, as confirmed by the PSOW and Ceredigion County Council;
- (ii) The fact that he cooperated with the Ombudsman in relation to the investigation.

6.2.3 The Case Tribunal unanimously concluded that the appropriate sanction in all of the circumstances was for the Respondent to be disqualified for 3 years from being or becoming a member of authority or of any other relevant authority within the meaning of the Local Government Act 2000.

6.2.4 The authority and its Standards Committee is notified accordingly.

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

7. CASE TRIBUNAL RECOMMENDATIONS

7.1 No recommendations are made.



Signed.....
Mr J Livesey
Chairperson of the Case Tribunal

Date...22 August 2024.....

Ms E Fitzpatrick
Panel Member

Miss S Hurds
Panel Member