

**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/001/2024-025/CT

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

RESPONDENT: Former Councillor Freya Bletsoe

RELEVANT AUTHORITY: Bridgend 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 Unless otherwise stated, page references below are to the electronic page numbers of the Final Hearing Bundle and have been cited in square brackets.
- 1.3 For the reasons set out in paragraphs 1.3 to 1.15 of the Listing Direction of 27 November 2024 [1343-6], the Case Tribunal determined its adjudication by way of written representations at a meeting held on a 6 February 2025 by way of remote video-conferencing. The meeting was not open to the public.
- 1.4 The reasons for the decision taken in paragraph 1.2 above in relation to the format of the hearing were those set out in paragraphs 1.16 to 1.18 of the Listing Direction and were, in summary, as follows;
- The Panel had received a report from the Public Services Ombudsman for Wales ('PSOW') on 17 June 2024 and the Respondent was then duly notified to respond;
 - Nothing was received from her within the required time frame and she was notified accordingly on 17 July;
 - On 10 October, the Panel sought the parties' views about the manner in which the final hearing ought to have been convened ;
 - On 14 October, nearly 4 months after the Report had been provided, the Respondent emailed the Panel and asked if she could be telephoned. She was then given guidance about the Panel's processes and referred to some sources of advice (confirmed in an email on 17 October) [1122-3];
 - On 17 October, the Respondent emailed again stating that she had "*encountered a number of medical and mental health issues*" that had "*impacted quite severely upon me.*" She described the effects of the menopause, stated that she had become depressed and that she was undergoing tests for cancer. She said that she had not opened the report and accompanying documents, but she did not ask for an extension of time

in which to respond and/or any other dispensation within the Panel's process. She did not provide any medical or other evidence. In a separate email that day, she asked for the final hearing to have been conducted in person, but in closed session [1129];

- In reply, on 18 October, the Panel repeated the terms of rule 3 (3) in relation to its power to determine a case without a hearing in the absence of a response. Questions were also asked about her incapacity and she was asked to provide some evidence about her condition(s) which might have enabled "*the Tribunal to exercise its discretion under paragraph 3 (2) appropriately.*" She was also informed that it was unlikely that the Tribunal would convene a hearing unless an application was made and time was extended [1136];
- The Respondent's husband then started to write on her behalf. On 22 October, he stated that she had been admitted to hospital and was to undergo an operation [1145]. The Panel pointed out how it was proceeding, having not received a response, an application for an extension of time and/or any medical evidence [1147]. He replied on 25 October [1150]. Again, no application was made and no medical evidence was provided;
- There was then silence for a month until Mr Bletsoe emailed again on 25 November, saying that his wife had been advised that she required an operation. He further stated that she was "*desperate to write to you*" [1164];
- The day before the Tribunal met to discuss the Listing Direction, a further, long email was received which was purportedly written by the Respondent herself as 'a statement' in which she stated that she was recovering from an operation to remove her gallbladder. She sought to discount the suggestion that her continued service as a Bridgend County Borough Councillor was in anyway inconsistent with her inability to engage with the Panel's process. She said that she had "*felt no option but to 'carry on'* [as a BCBC Councillor]". She reiterated her mental health crisis and complained about her lack of support, her treatment generally and she continued to refute the allegations against her. Again, she did not apply for an extension of time or provide any medical or other evidence in relation to her health [1171-4];
- The Chair replied and indicated that the Respondent's comments would have been considered by the Tribunal the following day, but noted that there had still not been any application and/or medical evidence provided [1178]. The Respondent's husband wrote again and said that his wife was "*confused and concerned*" about the reply. He said that she did not know what medical evidence and/or application ought to have been made. The Tribunal considered that that had been disingenuous in light of the emails of 18 and 22 October.

1.5 Within the Listing Direction, the parties had been given until 8 January to file any further written submissions (paragraph 1.2 [1343]). On that day, the Respondent provided a statement [1221-1230] and 32 character references [1232-1337]. Within her statement, she continued to refute the allegations against her, she made a number of counter allegations against Mrs Edwards and requested a fresh investigation by the PSOW because she considered that

the first had been “*fundamentally flawed*”. She did not, however, make any application for an extension of time in which to engage and/or supply any medical evidence.

- 1.6 As the Tribunal pointed out in the Listing Direction, it could not exercise the power that it had to extend time to respond to allegations under the rules judicially if it was not provided with evidence in support of any contentions which had been made about ill health, nor could it if it was not actually *asked* to do so. The Respondent’s continued apparent ability to undertake her duties as a Councillor elsewhere undermined any assertion that she had been incapacitated to such an extent and for such a period of time, that engagement with the process thus far had not been possible.
- 1.7 In light of the lack of the Respondent’s engagement and the fact that some of the evidence relied upon by the PSOW was either in written form (within emails and other documents) or had been agreed by the Respondent in interview, the Tribunal saw little purpose in holding a hearing in person and it had concluded that the matter could be dealt with without a hearing in accordance with rules 3 (3) and 15.
- 1.8 Although the Respondent had engaged sporadically with the Tribunal, it was prepared to read her statement and character references and they have been referred to hereafter, where appropriate.
- 1.9 Even beyond the 8 January deadline, the Respondent submitted further material; on 30 January, she sent two pdfs described as “*leaked WhatsApp messages’ from the Labour group within Bridgend Town Council*” which she said were provided to the PSOW, the relevance of which has been considered below. She also provided links to several news articles and, on 3 February, a number of further documents which, she said, demonstrated bias against her on the part of the PSOW, none of which the Tribunal considered to have been helpful to its own considerations of the case. As was said in the email of 4 February to her, we determined the case by analysing the evidence that was put before us in an objective and dispassionate fashion against the alleged breaches which had been alleged
- 1.10 Finally, on 5 February, the day before the Tribunal met to determine the allegations, the Claimant sent though some evidence of the medical issues that she had experienced. Much of it had been redacted but what remained visible appeared to show that;
 - A letter from Miss Hodge, a Consultant in Obstetrics and Gynaecology, dated 29 January 2025 indicated that the effects of the menopause and the Respondent’s inability to obtain appropriate support during the Covid pandemic “*sounds like it has had a significant impact on her mental health over that time*”;
 - She had undergone a laparoscopic cholecystectomy (gallbladder removal) on 23 October 2024 following admission to the Princess of Wales Hospital on 22 October due to symptoms from gall bladder stones. She was later admitted and discharged from Hospital on 26 and 30 October 2024 as a result of symptoms following that procedure;

- She was admitted and discharged from Hospital again 16 and 17 December 2024 for a hysteroscopy and biopsy. She had attended again as an emergency on 30 January 2025 for an unspecified reason;
- A letter dated 5 February 2025 from the Respondent's GP, Dr Hughes, corroborated Miss Hodge's letter about the effects of the Respondent's menopause upon her mental health and the "*debilitating anxiety*" which it had caused.

No GP notes were disclosed nor was there any form of formal mental health diagnosis set out within any of the material.

1.11 Whilst this evidence provided some corroboration to the Respondent's previous emails, there was little to explain her non-engagement earlier in the process which had led to this point. It was particularly odd that the bursts of communication had actually come when the Respondent's health crises had apparently been at their greatest, in October 2024 and now, when she is in Hospital. Yet further, in all of this, there was still no attempt to reconcile her inability to engage with this process with her continued service as a Bridgend County Borough Councillor nor was there any application or request for the Tribunal to adopt an alternative course to that indicated in the Listing Direction.

2. PRELIMINARY DOCUMENTS

2.1 Reference from the Public Services Ombudsman for Wales

2.1.1 In a letter dated 17 June 2024, the Adjudication Panel for Wales received a referral from the PSOW in relation to allegations made against the Respondent that she had breached Bridgend Town Council's Code of Conduct in a number of different respects.

2.2 The Former Councillor's response to the Reference

2.2.1 Although the Respondent did not respond in writing to the Ombudsman's reference to the Panel, she was interviewed as part of the Ombudsman's investigation on 30 September 2023. She also provided further written submissions on 13 September 2022 [780-869]. She provided responses to the PSOW's draft Report on 16 February 2024 [409-16] and 25 April 2024 [900-924].

2.3 Further written representations following the Listing Direction

2.3.1 The PSOW provided a detailed submission in relation to some of the points raised in the Listing Direction on 8 January [1203-1208].

2.3.2 The Respondent provided further documents and statements on the evidence as set out in paragraphs 1.4 to 1.11 above.

3. FINDINGS OF FACT

3.1 Having considered the documentary evidence, the Case Tribunal found the following material facts on the balance of probabilities. The Tribunal approached

its task by addressing the main factual incidents which had been addressed in the PSOW's Report and which underpinned the allegations of breach of the Code of Conduct. We considered the undisputed facts and made determinations of those facts that were in dispute, as set out in the Listing Direction, in relation to each incident.

- 3.2 In addition to the documentary evidence in the Hearing bundle, the PSOW had taken witness statements from the following people;
- Cllr Tim Wood [432-5];
 - Ms Dawn Elliott, Community and Engagement Officer [436-443];
 - Ms Julie Brown, Democratic Services Officer [444-461];
 - Ms Helen Jenkins, Finance Officer [462-7];
 - Mrs Leanne Edwards, Clerk [468-557];
 - Cllr Alan Wathan [558-647];
 - Ms Debra Jones, Deputy Clerk [648-677].

Introduction and relevant background

- 3.3 In May 2017, the Respondent was elected to the Council and signed a declaration to abide by the Code of Conduct [257]. She received further 1 to 1 training on the Code on 19 November 2019 [73].
- 3.4 The Respondent was written to by the PSOW in November 2017, following an allegation in relation to her conduct towards the Clerk. She was asked to reflect upon her actions [772-3].
- 3.5 The Respondent was written to again in 2019 by the PSOW in relation to another complaint against her which, amongst other things, suggested that she had failed to treat others with respect, an allegation that also concerned her behaviour towards the Clerk. Additional Code of Conduct training was advised (see paragraph 3.3 above) [190-7]
- 3.6 The Respondent herself asserted that the previous complaint to the PSOW had been vexatious and was "*dismissed*" as having had "*no merit*" (paragraph 64 [53]). The Tribunal certainly did not consider that to have been a fair reflection of the letter of 9 September 2019 [190-7].
- 3.7 We noted that many of the witnesses who provided evidence to the PSOW's investigation had been critical of the manner in which the Respondent had treated the Clerk to the Council, Mrs Edwards. Ms Elliott described her as having been generally dismissive of her. She said that she did not respect her and that she 'huffed and puffed' when the Clerk spoke during meetings such that it was "*embarrassing to witness*" (paragraphs 5 and 9 [438-9]). Ms Jenkins and Ms Brown similarly claimed that the Respondent had shown no respect towards her (paragraphs 4 [464] and 5 [447] respectively). Mrs Edwards herself described a pattern of behaviour which had been ongoing since 2017; a failure to show her respect, undermining and "*numerous malicious and vexatious threats and complaints*" (paragraph 5 [470]).

- 3.8 In relation to the key relationship at the heart of the case, it would have been rather easy for the Tribunal to have concluded that there had been one entirely innocent party and one who had behaved egregiously and unreasonably throughout on a simple reading of the Report. We considered the Respondent's supporting character references and other evidence carefully. It was clear that a lot of people had committed themselves to making warm and supportive comments about the Respondent and her hard work and dedication towards various causes. There was, however, precious little direct evidence which threw a different perspective upon the relationship between her and the Clerk than that put forward by the PSOW and the witness statements within the Report, beyond the evidence of her husband, which we treated with some circumspection for obvious reasons.
- 3.9 Mrs Rees, who alleged that the Respondent had been the victim of "*toxic behaviour of town council staff*", did not descend to provide any details [1282]. Ex-Councillor Evans referred to 'signs of conflict' between the Respondent and the Clerk back in 2018, but she did not specifically indicate who had been the protagonist [1320]. Many witnesses related stories of the Respondent having been the victim of bullying by *others* on the Council, particularly on social media. Despite in excess of 30 statements, there was very little material indeed which served to paint a different picture of the events than that in the Report in relation to the six incidents.

Incident 1

- 3.10 On 9 June 2021, the Respondent attended the Council's Community Engagement and Wellbeing Meeting on line. She asked questions about the proposed contents of the July Newsletter. The Clerk told her that it was to have included details of the County Council's free parking scheme and information about library re-openings. The Respondent then questioned the inclusion of such *County* Council information. The Clerk responded; she thought that it was within the Council's remit to have signposted activities and/or amenities which were available to the community. The Respondent left the meeting, without an apology or explanation, the inference having been that she had been dissatisfied with the Clerk's approach.
- 3.11 The exchange was caught by Ms Elliott in the Minutes and the message meant by her actions had been "*quite obvious*" to her ([291-2] and paragraphs 10 and 11 [439-440]). No one subsequently suggested that the minutes had not been substantively correct and they were ratified. We therefore considered that they were probably a reasonably accurate record of the discussion.
- 3.12 The Tribunal noted that the Respondent did not specifically recall the event when she was first asked about it in interview [792-3]. That was, perhaps, unsurprising given the time which had elapsed. Subsequently, however, she said that she *did* recall leaving the meeting because she had received a phone call from her daughter [794-5]. She stated that she may not have said 'bye' when she did so [797]. In light of her previous answers, her subsequent

evidence in relation to her daughter's telephone call was suspicious. The fact that she also accepted that she had disagreed with the Clerk over her position, inclined the Tribunal to the view that Ms Elliott's interpretation of the situation had been correct. She would have had a good reason to recall the incident as the minute-taker.

- 3.13 Although the Respondent's decision to leave as and when she did imparted frustration and disagreement, there was no evidence of overt anger and/or shouting and it was clear that the event had not been sufficiently noteworthy for others to have remembered it (for example, Cllr Wathan, paragraph 6 [560]).

Incident 2

- 3.14 On 3 December 2021, the Respondent submitted a SAR by email to the Clerk in which she sought all of the information held by the Council since the date of the last election in 2017 which related to her, a five year period [617-8].
- 3.15 In the Clerk's response to the SAR on 10 December 2021, she stated that she would have needed to source documents from the Council's archive and she deemed the request to have been 'complex' under the guidance issued by the Information Commissioner's Office, such that a longer, 3 month response time would have applied [616-7].
- 3.16 The Respondent challenged the Clerk's interpretation of the request on 20 January and said she was "*displeased*" with her handling of it. In order to assist, she said, she set out 13 categories of information that she was looking for over the five year period. She asked the Clerk not to edit any of the information and she said that she would have "*no hesitation in drawing this matter to the attention of the ICO*" if it was not dealt with within the extended timeframe [613-6]. The SAR was fulfilled within statutory timeframes in March 2022.
- 3.17 During her interview, the Respondent attempted to justify her use of language in her emails [376-7], but she did accept that the Clerk may have felt intimidated and harassed by it, although that had not been her intention. She accepted that her communications might "*potentially not*" have been in keeping with the protocol of fostering relationships of mutual trust and confidence [827].
- 3.18 For the avoidance of doubt, the Tribunal did not consider that it needed to resolve the PSOW's proposed disputed fact at paragraph 96 of the Report [75] since it was not considered relevant to an assessment of the conduct of the *Respondent* against the Code breaches alleged.

Incident 3

- 3.19 On 27 May 2022, a town twinning meeting took place which was attended by Councillors, staff, French guests, Twinning Association members and the Council's former Clerk. After the meeting had finished and in front of others in her office, the Respondent told the Clerk that the former Clerk had said some disparaging things about the manner in which she had handled the meeting.

- 3.20 Ms Elliott described the Respondent's actions as an obvious attempt "*to stir up trouble*" (paragraph 7 [439]). Ms Jenkins described the Respondent as having been "*quite intimidating*", that her voice was "*raised and angry*" and that she had been "*quite irate*" (paragraph 7 [465]). All of the staff in the office had been "*aghast*" at what they had heard.
- 3.21 The Respondent suggested that she had supported, defended and backed up the Clerk when others, including the former Clerk, had criticised her [357-8]. She also complained that others at the meeting had not been interviewed. By speaking to her in the office afterwards, she had merely wanted the Clerk to know what had been said about her [829].
- 3.22 But in light of the history between the two and the evidence of Ms Elliott and Ms Jenkins, we found it difficult to accept the Respondent's assertion that she had intended to support and/or defend her by saying what she said. The relationship between them was already strained, as the Respondent had pointed out during the investigation. Although she may have superficially expressed criticism of the former Clerk and apparent support for Mrs Edwards, it was seen as an attempt to manipulate a dispute and/or upset the Clerk, which it succeeded in doing. Ms Jenkins' evidence gave a strong indication that it had been her intention to sour relations between the Clerk and/or members of the Twinning Association.

Incident 4

- 3.23 At the Regeneration Committee meeting that was held on 14 June 2022, there was discussion about the possibility of inviting a 'high-profile guest' (possibly a member of the Royal family) to unveil a blue plaque in honour of a former Royal Harpist, John Thomas [498-500]. The Clerk advised that the budget which had been set aside was for the plaque only and that any invitation, if accepted, would have had further budgetary implications. The Respondent, who attended by video, considered that the Committee could have dealt with the matter but that, if it did need to have been referred back to the Council, it ought to have been done on 'pink papers', a system which ensured confidentiality around the subject matter which, she asserted, would have been appropriate for security reasons if the invitation was accepted, and so as to have avoided reputational damage, if it was refused.
- 3.24 The Clerk did not believe that the matter could have been referred back to Council on 'pink papers' and said so. She explained that, following her recent CiLCA training, it would not have been appropriate to have hidden the subject matter from public scrutiny. The public had to have been able to understand what the Council was transacting. The identity of the guest and/or the date of the visit did not need to have been given.
- 3.25 The discussion between the Clerk and the Respondent on the issue escalated and the minutes recorded that the Respondent "*became irate*" and said that the

Committee should “*get proper advice*”. She wanted to know the source of the Clerk’s advice and “*why a curve ball was being thrown*” [499].

- 3.26 The Clerk cited the statutory basis for her advice (Schedule 12 of the Local Government Act 1972) and indicated that she could send copies of the legislation to the Committee members the following day. The Respondent wanted the information there and then and the Clerk asked permission to leave to go to her office to find it. Having done so, she returned to say that she needed more time but would supply it the following morning as she had indicated. She further stated that she felt “*bullied and intimidated by the Respondent’s conduct towards her*”. At that point, the Respondent then left the meeting [499].
- 3.27 The Respondent’s husband later queried the accuracy of the Minutes at a full Council meeting. They were sent back to the Regeneration Committee, which he Chaired, for further consideration and then abridged in order to “*omit conflict*” and record “*just resolutions*” [522-3]. In their previous form, they were not considered to have been inaccurate, but were abridged nevertheless.
- 3.28 In her own accounts during the PSOW’s investigation, the Respondent made it clear that she had not agreed with the Clerk’s position at the meeting [358-362], but she gave two slightly different accounts as to how she had left; in one, she said that she stated that she had had enough of the accusations of bullying and ‘did not feel able to continue’ before leaving [360]. In another, she said that she had stated [380];
- “I am sorry, but I am not having this, that is not the case and I am leaving this meeting.”*
- A similar account was given elsewhere [906]. In interview, she confirmed that latter account [843]. She also denied that she had suggested that the Committee should get ‘proper advice’ [831], that she had raised her voice [832] or that she referred to ‘throwing curve balls’ [834]. It was clear that her motive for leaving the meeting had been the disagreement and/or the Clerk’s accusation of intimidation and bullying. In her written submissions, she also accepted that she had been both “*forthright*” and “*robust*” in her dealings with Mrs Edwards that day [908-9].
- 3.29 Having considered the evidence as a whole, and having noted that there were a number of witnesses to the events whose accounts broadly correlated, the Tribunal considered that the contemporaneous minutes probably represented the most fair and accurate record of the discussions that took place at the meeting. That record, in our judgment, demonstrated that the Respondent had been belittling, demanding and high handed towards the Clerk.
- 3.30 Whilst she had been irate and had raised her voice, the Tribunal did not consider that the balance of the evidence supported an assertion that the Respondent had shouted. We could see that there was some evidence in support (paragraph 5 of Ms Brown’s statement [447]), but that account was not

entirely consistent with all of her evidence on that issue (see her initial statement [456-460]). Further, the WhatsApp conversation which the Respondent had sent in her email of 30 January 2025 indicated that Councillor Felton *'didn't think'* that there had been shouting. She nevertheless said that the Respondent had *"got worked up over some information not being made available immediately and consequently caused upset to Leanne [Edwards]"*. Despite the Respondent's assertion that that evidence had been omitted from the PSOW's report due to bias, it was within Annex 6 to the Report [405].

Incident 5

- 3.31 After the Committee meeting, the Respondent raised a 'formal complaint' about the Clerk's conduct at the meeting to Councillor Wathan, the chair of the Personnel Committee the Clerk's line manager, in an email sent at 23:44 [638-641]. Within it, she demanded the retraction of the Clerk's comments at the meeting and an apology. She accused her of having made *"vexatious complaints"* to the PSOW in the past.
- 3.32 The following day, as promised, the Clerk circulated the Committee members with the authority for what she had said at the meeting regarding the use of 'pink papers' [636]. Later that day, the Respondent complained again to Councillor Wathan, an email that was also copied to the Mayor and the chair of the Regeneration Committee, her husband [631-2]. She repeated her previous complaint, she accused the Clerk of having made *"false statements to the committee and other Cllrs"*, of having failed to properly prepare for the meeting and alleged that it had been wrong for her to have been accused of bullying and suggested that it was *"not acceptable professional standards of behaviour we as councillors should expect from our staff"*.
- 3.33 The Clerk telephoned Councillor Wathan who told her about the complaints that he had received from the Respondent. The Clerk referred to previous complaints that the Respondent had made about her, that she had felt bullied and harassed then and that the events of 14 June had been a further repetition (paragraph 7 [560]).
- 3.34 On 22 June, the Clerk commenced a period of illness absence and, on the 24th, she issued a grievance which focused upon the Respondent's treatment of her on 14 June and on other occasions [619-630].
- 3.35 The Respondent's emails of complaint and the Clerk's grievance were considered by the Personnel Committee on 1 July. The Committee was then comprised of five Independent and one Labour member. The Committee considered that there was no substance to the Respondent's allegations and decided that it wished to take legal advice on the Clerk's grievance [602-3]. At a subsequent meeting on 8 July, the Committee decided to make a referral to the PSOW in relation to the entirety of the grievance [574].

- 3.36 During the investigation, the Respondent clearly stood by the contents of her complaints [382-3]. In interview, she did not accept that her complaint had lacked merit [847] and reiterated her belief that it had been the Clerk who had overstepped the mark at the meeting, not her [844]. She went further and stated that the Clerk's actions had been "*intended as bullying*" towards her [844].
- 3.37 There was little that the Tribunal could gainsay about the evidence on this issue as it was contained within the emails and/or the grievance. We did, however, have to consider whether the Respondent's complaint had merit, as she claimed.
- 3.38 The main issue which the Respondent had focused upon in her emails of 14 and 15 June had been the fact that she had been accused of bullying by the Clerk. She complained that it was "*not right that any Cllr should feel unable to question things presented to them in council for fear of being accused of bullying and intimidation*" and that the Clerk had "*overstepped the line here*" [639]. Given our previous findings in relation to the events of the meeting, our view of the matter was that the Clerk had not alleged that she had been bullied because she had been asked a question but, rather, because of the manner in which her advice had been challenged and the fact that the Respondent had demanded that certain information should have been provided immediately. On the basis of our previous findings, that part of the complaint had no merit.
- 3.39 In the Respondent's further email of 15 June, she claimed that she did not dispute the Clerk's advice and that her assertion that she was not given a fair opportunity to provide the information was factually untrue [631]. It was clear, however, from her own evidence to the investigation that she had not agreed with the Clerk's advice [358-362] and we also concluded that the minute of the Respondent's demand for the information there and then was likely to have been accurate.

Incident 6

- 3.40 After the Clerk's return from her illness absence in September, on 24 October 2022, the Respondent sent an email to Councillor Wathan and the Mayor in which she stated that, despite her having let staff know previously about her eyesight issues, no reasonable adjustments had been made for her as she had requested, contrary to the requirements of the Equality Act [644-6]. In the email, she said that she had raised the issue verbally with the Clerk and Deputy Clerk and in writing with Sharlene Lewis. She claimed that her disability had been disclosed to everybody when she had asked for a dedicated seat within the chamber. She complained that minutes had been sent to her in too small a font for her to be able to read.
- 3.41 On 26 October, Councillor Wathan directed the Clerk to provide the following adjustments; the provision of documents to the Respondent in font size 16, the provision of designated places for Councillors at meetings and for the details of the Respondent's health to remain confidential [686].

- 3.42 The issues here concerned the accuracy of the Respondent's statements within her complaint of 24 October; had she advised the Clerk, the Deputy Clerk and/or Sharlene Lewis that she had eyesight issues and that reasonable adjustments were required, either in terms of her attendance at council meetings and/or adjusting the font for written materials that she received?
- 3.43 The Clerk said not (paragraph 13 [471-2] and [680-4]). She said she was never asked for adjustments, either directly or indirectly through Sharlene Lewis and/or the Deputy Clerk.
- 3.44 The Deputy Clerk's evidence echoed the Clerk's and was consistent on the point (paragraphs 1-3 [650]), but she had received an email from the Respondent on 23 March 2022 which had concerned the provision of a seat in meetings due to "*worsening sight issues*" [662]. No request to her had been made in respect of the font size of documents [654] and Sharlene Lewis had been off sick between June 2022 January 2023 [656].
- 3.45 During the PSOW investigation, the Respondent stuck by her initial email and maintained that she had made "*an application*" to have papers provided to her in font 16. She said that she had raised it in writing to Sharlene Lewis on 9 February 2022 and verbally to the Clerk and Deputy Clerk [383]. There was, therefore, a stark difference in evidence on that issue.
- 3.46 That evidence, however, unravelled. The email of 9 February 2022 to Sharlene Lewis only concerned her attendance at meetings in person and had contained nothing about the font size of documents [417-8]. When she was interviewed, she initially stated that she had asked the Deputy Clerk for documents in a larger font [849], but then seemed to indicate that she had not been specific [850]. When pressed, she accepted that she had not asked the Clerk personally at all [852].
- 3.47 On the basis of that evidence, we had little difficulty in accepting that the accounts of the Clerk and Deputy Clerk on these issues were probably correct. We concluded that the Respondent's inclusion of the reference to the Clerk in her email to Councillor Wathan had been incorrect and, at best, reckless.

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

4.1 The Code of Conduct

4.1.1 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) and (d);

“(1) You must –

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;*
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.”*

4.2 The Respondent’s Submissions

4.2.1 The Respondent’s only submissions, beyond the evidence which she had provided to the Ombudsman, were contained within the emails referred to above. Although some were filed beyond the date required in the Listing Direction, they were nevertheless circulated, read and considered.

4.2.2 There was, in particular, a statement from her within one of her emails of 8 January [1221-1230] which, whilst not addressing each incident in any chronological or systematic fashion, did contain some submissions in relation to some of the incidents. In relation to Incident 2, she alleged that the Clerk *“tried to delay and frustrate the process under the guise of it being a difficult SAR to undertake”* [1224]. In relation to Incidents 4 and 5, she reiterated her position set out above. Most of the document, however, contained allegations against the Clerk and her conduct which had been borne, she said from a deep seated dislike of her, submissions that there was a political agenda against her and concerns about the PSOW’s investigation which she had aired through the subsequent emails discussed above.

4.3 The Ombudsman’s Report

4.3.1 It was contended that the following breaches of the Code of Conduct had occurred in relation to each numbered incident;

Incident 1; paragraphs 4 (b), (c) and 6 (1)(a);

The PSOW submitted that the evidence in the witness statements and the minutes supported the proposition that the Respondent had been annoyed with the Clerk’s advice which had caused her to leave the meeting in a way which demonstrated her annoyance to others (paragraph 109 [78]). This, it was said, demonstrated a lack of respect and consideration, contributed to an overarching pattern of behaviour that amounted to bullying and, because it took place in public, also brought her or her office into disrepute because the conduct had been capable of undermining the confidence of the public and/or staff in the Council;

Incident 2; paragraphs 4 (b) and (c);

As above, the PSOW asserted that similar breaches occurred when the Respondent wrote in an intimidating and threatening tone in January 2022 in respect of her SAR (paragraph 161 [101]).

Incident 3; paragraphs 4 (b) and (c);

The PSOW clearly did not accept the Respondent's suggestion that she had been attempting to stand up for the integrity and professionalism of the Clerk when she discussed with her what the former Clerk had said in front of others, particularly because those who witnessed the conversation had been uncomfortable and had found it strange. It had been, according to the Clerk, another attempt to stir up trouble and ought to have been viewed in the same light as the other allegations (paragraphs 113-8 [79-81]).

Incident 4; paragraphs 4 (b), (c) and 6 (1)(a);

On the basis of the facts put forward by the PSOW, the same breaches under paragraph 4 were alleged and, because of the public nature of the confrontation, a further breach under paragraph 6 (1)(a) was alleged mirroring the approach taken in respect of Incident 1 (paragraph 168 [106]).

Incident 5; paragraphs 4 (c) and 6 (1)(d);

Not only was it alleged that the Respondent's complaints constituted further acts of bullying, but it was also contended that they were vexatious and/or malicious within the meaning of paragraph 6 (1)(d) (paragraph 162 [102]).

Incident 6; paragraphs 4 (c) and 6 (1)(d);

Similarly, the PSOW contended that the Respondents complaint of 25 October had been malicious and/or vexatious within the meaning of paragraph 6 (1)(d) (paragraph 165 [103]).

4.4 Case Tribunal's Decision

Incident 1

- 4.4.1 The Tribunal concluded that the Respondent's conduct on 9 June 2021 demonstrated a lack of respect for the Clerk within the meaning of paragraph 4 (b) of the Code on the basis of the findings set out above. Paragraph 1.37 of the *Guidance from the Public Services Ombudsman for Wales in relation to the Code of Conduct* ('the Guidance') encouraged councillors to "*work as a team with their Clerk within a culture of mutual respect and consideration to serve the community.*" We considered that the Respondent had lost sight of that requirement more as her relationship with Mrs Edwards deteriorated. The Guidance further required the Respondent "*to afford...officers the same courtesy and consideration they show to others in their everyday lives*". We considered that the Respondent had not done so.
- 4.4.2 Harassment and bullying within the meaning of paragraph 4 (c) imparted a more serious level of conduct than that which paragraph 4 (b) covered. The conduct could include, according to the Guidance, "*attempts to undermine an individual*" (paragraph 2.14). The Tribunal gave particular attention to paragraphs 2.16 to 2.20 of the Guidance and, whilst we did consider that the Respondent's conduct

across all of the incidents amounted to harassment (and some in isolation), we did not consider that it would have been appropriate to find the Respondent to have been in breach of that paragraph in respect of the single incident on 9 June 2021. Indeed, the PSOW's report dealt with the allegation on the basis of Respondent's overall conduct.

4.4.3 There was the further allegation under paragraph 6 (1)(a) to consider. When considering whether a member's conduct could reasonably have been regarded as having brought their office or the authority into disrepute, the Guidance suggested that their actions ought to have been considered from the viewpoint of a reasonable member of the public (paragraph 2.32). The paragraph was not to have been applied as a factor to a councillor's freedom of expression, but the making of "*unfair or inaccurate criticism in a public arena*" was the mischief which it sought to prevent (paragraph 2.34).

4.4.4 On the basis of the factual findings set out above, however, we did not consider that this incident crossed the threshold for a breach of paragraph 6 (1)(a) to have been demonstrated. Members of staff who knew the dynamic between the Clerk and the Respondent took more from the Respondent's actions than a reasonable member of the public might have in the same circumstances.

Incident 2

4.4.5 Again, the Respondent's correspondence of 20 January 2022 was disrespectful and threatening and a clear breach of paragraph 4 (b) of the Code of Conduct. In relation to the further breach alleged under paragraph 4 (c), we refer to paragraph 3.17 above; even the Respondent had accepted that her email might have seemed threatening and/or harassing to the Clerk. We were satisfied that a breach of paragraph 4 (c) had also been committed.

Incident 3

4.4.6 The comments made in relation to Incident 1 apply equally here in relation to the alleged breaches of paragraphs 4 (b) and (c). This was an attempt to cause trouble and was seen as such by others in the room but it was not, in isolation, to have been properly seen as an act of harassment.

Incident 4

4.4.7 A breach of paragraph 4 (b) was clearly made out on the evidence. We further considered that this incident was sufficient, in and of itself, to have constituted harassment under paragraph 4 (c). The Respondent's conduct had been insulting (for example, her comment about the Council needing to get 'proper advice'), it was intimidating (the demand for the Clerk to supply information immediately) and, in our judgment, it was a deliberate attempt to undermine her in a public forum.

4.4.8 In reaching that conclusion, we considered the perspective of the victim and the Respondent and, in particular, whether the Clerk was reasonably entitled to have believed that she was being bullied (paragraph 2.15 of the Guidance). We also considered the status of the victim and the context in which the conduct occurred, namely that of a town council (paragraph 2.16 of the Guidance).

4.4.9 We also considered that this incident was one which crossed the threshold under paragraph 6 (1)(a). The evidence of those present was sufficient to indicate that the conduct was sufficiently high-handed so as to have brought the Respondent's office and/or the Council into disrepute at least in the eyes of its staff. This was not the way that the public would have expected a councillor to have behaved in a formal meeting.

Incident 5

4.4.10 The Tribunal considered that the Respondent's complaints of 14 and 15 June had been disingenuous and were further shots fired in the conflict between them.

4.4.11 The real issue to determine here was whether the complaints had been vexatious, malicious or frivolous within the meaning of paragraph 6 (1)(d). We considered that they had, based upon the factual findings set out above. Paragraph 2.44 of the Guidance referred to the need to avoid "*making complaints which have little or no substance (frivolous complaints) which are designed mainly to annoy the person complained about.*" We considered that to have been an accurate description of the Respondents complaints here.

Incident 6

4.4.12 The contents of the Respondent's communication to Councillor Wathan on 25 October had been inaccurate. That said, it was difficult for the Tribunal to conclude that the inaccuracy had been deliberate. The Respondent clearly had raised one of the issues in writing with Sharlene Lewis and the Deputy Clerk (attendance at meetings in person due to her failing eyesight), but the balance of the evidence certainly indicated that she had not raised that issue with the Clerk or any issue in relation to the font size of documents with anyone. Was it vexatious for her to have said so or, at the least, frivolous within the meaning of paragraph 6 (1)(d). Whilst her email was demonstrated to have been incorrect, we did not consider that the evidence necessarily justified a finding that it had been deliberately written to cause the type of nuisance contemplated by that paragraph in the Code.

4.5 Taking the evidence in relation to Incidents 1, 2, 3, 5 and 6 together in the context of the broader history and relationship between the Respondent and the Clerk, we considered that there was sufficient evidence of a pattern of behaviour towards Mrs Edwards to justify a finding under paragraph 4 (c) in relation to those incidents together, in addition to finding in respect of Incident 4.

5. SUBMISSIONS ON ACTION TO BE TAKEN

5.1 The Respondent's and Ombudsman's submissions

5.1.1 The Respondent made no submissions on this issue.

5.1.2 The PSOW explicitly avoided submissions on the issues too (see the end of the letter of 8 January [207]).

5.2 Case Tribunal's Decision

5.2.1 The Case Tribunal considered the *Sanctions Guidance* issued by the President of the Adjudication Panel for Wales under s. 75 (1) of the Local Government Act ('the Sanctions Guidance') and went through the five stage process within it.

5.2.2 Under the first stage, the Tribunal did not consider that it could take no action in relation to the breaches. They were too numerous (10) and, whilst not the worst that the Tribunal had seen, they were certainly not technical. The Respondent had behaved either intentionally or recklessly and the Clerk had been caused significant upset. As defined within paragraph 36 of the Sanctions Guidance, there had been "*systematic harassment*".

5.2.3 Since the Respondent was no longer a member of the Town Council, no purpose was served by a suspension. The Tribunal therefore considered that the likely sanction to have been applied was that of disqualification.

5.2.4 The Tribunal considered mitigating and aggravating factors under the second stage of the process. All the facts of the case and, in particular, the following aggravating factors;

- (i) The Respondent was an experienced councillor and subsequently went on to be mayor of the Council;
- (ii) Her conduct had not been isolated and/or a one off incident. The matters set out above reflected a pattern of behaviour which had extended over the years;
- (iii) We did not find any evidence of provocation or goading;
- (iv) In hindsight, even the Respondent appeared to accept that some of her behaviour might have been perceived as intimidating and she ought therefore to have realised that it could have constituted a breach of the Code;
- (v) The Respondent appeared to show no recognition, insight or regret about her behaviour. Much of the material that she had produced to the PSOW and to the Tribunal in the recent past showed that she was still blaming everybody else for what had happened and that she had no apparent willingness to rectify her behaviour;
- (vi) No apology had been given nor had there been any attempt to repair the relationship with the Clerk;
- (vii) She had failed to heed the previous advice of PSOW in relation to similar conduct;
- (viii) The Respondent had failed to cooperate with the Panel and this Tribunal as set out above.

5.2.2 The Tribunal considered the following mitigating factors;

- (i) The Respondent's personal circumstances, including her physical and mental ill-health. Although never properly supported by medical evidence and/or a diagnosis or detailed timeline, there was no reason for the Tribunal to gainsay her assertion that she had had "*a very difficult time in relation to my health in the past several months with a number of admissions to hospital and operations, as well as struggling with my*

- mental health*" (her statement of 8 January 2025 [1221]). We considered that this may have impacted upon her conduct during the relevant period;
- (ii) Her past record of good service. Although there had been referrals to the PSOW which had resulted in her having been required to refresh herself in respect of the Code, she had never been in receipt of any formal sanction;
 - (iii) The Respondent had clearly been dedicated, hard-working and considerate in many aspects of her role as a councillor, as reflected by the numerous references that were provided;
 - (iv) The Respondent cooperated with the PSOW in relation to the investigation.

5.2.3 The Case Tribunal unanimously concluded that the appropriate sanction in all of the circumstances was for the Respondent to be **disqualified for a period of 21 months** from being or becoming a member of the Authority on all allegations concurrently.

5.2.4 The Tribunal did not consider that there was any further adjustment appropriate at the fourth stage of the sanctions process. In particular, we did not consider it appropriate to apply the disqualification to her role as a councillor within Bridgend County Borough Council in the absence of any evidence to suggest that she was not fulfilling that role appropriately and professionally.

5.2.5 The Authority and its Standards Committee is notified accordingly.

5.2.6 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.

6. CASE TRIBUNAL RECOMMENDATIONS

1.1 No recommendations are made.



Signed.....
John Livesey
Chairperson of the Case Tribunal

Date.....6 February 2025.....

Dr G Jones
Panel Member

Mr D Morris
Panel Member