

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