



Robyn Jones

Rheolwr Gwasanaethau Cyfreithiol/Dirprwy Swyddog Monitro Legal Services
Manager/Deputy Monitoring Officer

Appendix

G

Our ref: 1179 / 201000146

Ask for: Andrew Walsh

Your ref:

☎ 01656 641152

Date: 15 June 2010

✉ Marilyn.morgan@ombudsman-wales.org.uk

Councillor Barrie Durkin
Aber Falls Hotel
Abergwyngregyn
Llanfairfechan
LL33 0LD

Dear Councillor Durkin

I refer to previous correspondence concerning my investigation into the complaint made against you by Mr Lewis-Roberts and enclose for your information a copy of a letter I have received from Mr R Jones, the Council's Legal Services Manager and Deputy Monitoring Officer. In view of its contents, I have decided to suspend my investigation until receipt and assessment of the Council's omnibus complaint.

I will contact you again once the assessment process has been completed

Yours sincerely

Andrew Walsh
Director of Investigations

Appendix

H

Our ref: 1179/201000914

Ask for: Mrs A Ginwalla

Your ref:

☎ 01656 641133

Date: 24th August 2010

✉ Annie.ginwalla@ombudsman-wales.org.uk

Councillor B Durkin
Aber Falls Hotel
Abergwyngregyn
Llanfairfechan
LL33 0LD

Dear Councillor Durkin

I refer to our letters dated 15th June 2010 and 10th August 2010. [REDACTED]
[REDACTED]
[REDACTED] He has decided also that the investigation into the complaint made against you by Mr Lewis-Roberts should now continue.

The investigations will be conducted in tandem and he has asked me and my colleague Mrs A Ginwalla to carry them out.

[REDACTED]
[REDACTED]
[REDACTED]. The resumed investigation of Mr Lewis-Roberts's complaint will be as outlined in my letter of 3rd June 2010. Should the focus of either investigation change, I will let you know. My letter of 3rd June 2010 also outlined the investigation process which still applies.

At this stage, I am not seeking comment about either complaint. However, should you decide to make any comment, please bear in mind that such comment may feature in any report the Ombudsman may prepare at the conclusion of the investigation.

I should tell you also that the Ombudsman regards any communication between this office and you as confidential. As such, any communication should be disclosed only to any adviser you may choose to consult. Wider distribution, especially into the public domain may be considered contrary to the provisions of paragraph 5(a) of the Council's Code of Conduct.

I will contact you again once the evidence gathering stage of the investigation is complete. In the meantime, should you have any queries about the investigation process, please contact me.

Yours sincerely

Andrew Walsh
Director of Investigations

I



**Ombudsman
Ombwdsmon**

PUBLIC SERVICES OMBUDSMAN FOR WALES
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

Report Appendix I

Appendix

J

Transcript of "Wales This Week" program of 3 November 2008.

3:57 - 4:02 (DLR discussing view from 'The Bonc' with wife)

"...also puffin island and you can see the yacht racing in the summer, it is fabulous."

4:11 - 4:25 (DLR discussing 'The Bonc' with wife)

"No you can't no, see I wouldn't do that say all I am going to do is leave it for the time being until such time as we want to move and buy and you know build a bungalow that's it."

4:33 - 4:39 (DLR and wife discussing 'The Bonc')

"Now don't forget I have to thank Paddy French for us buying this land."

4:53 - 5:01 (DLR discussing being a Councillor)

"I enjoyed it I really enjoyed it because I love helping people doesn't matter who they are or what they are or anything that's why I became a councillor and I was successful at it in my opinion."

5:23 - 5:36 (DLR talking about 'Radical Independents')

"When we formulated the radical independents we had an agreement between the four of us. I am sure the others can tell you. We did our own thing in other words we didn't comply with a whip in any form."

10:07 - 10:19 (DLR discussing Shepherds Hill Plot 1)

"I said I will do my best for them and they said we want to move because the garden is getting to big and I said ok then and that's what I went on and I got them planning permission."

10:30 - 10:42 (Cllr Durkin commenting on DLR on Wales This Week program Sept 2006)

"The planning officers were constantly trying to tell David Lewis Roberts that his advocacy wouldn't stand up it was not a cluster, it was never a cluster."

16:47 - 17:00 (DLR discussing criticisms made by Cllr Durkin)

"I went downstairs to make a cup of tea and I dialled 1471 and guess what I've got it on tape I actually put it on a little recorded I'd got and it was Mr. Durkin's telephone I contacted the police they did a full report."

17:23 - 17:37 (Cllr Durkin)

"I think I am fairly rational um I believe I'm intelligent enough to as it were to cast such rubbish aside."

18:15 - 18:34 (Cllr Durkin speaking about Standards Committee decision on Wales this Week program July 2007)

"It would be wrong of me to say I am not disappointed um its really something I expected."

"No, all its done is taught me a lesson to moderate my language."

19:42 – 20:20 (DLR discussing 'The Bonc' at Shepherds Hill)

"what happened was that the then owner of the land unbeknown to me, um I believe yourself went there and said to him he sold 5 pieces of land to 5 separate people and I asked him quite openly if you've got a piece of land cos obviously I'm not getting any younger although we love the home we've got we've been here since 1978 obviously i have always had an ambition to build a log house. I am talking about a log house from Finland not for anyone else just for us, two bedroomed and he said 'yes I've got some land' bigger than I wanted but having said that it was the opportunity to purchase it.

Appendix

K

4.5.18 Matters within the remit of more than one Scrutiny or Overview Committee

Where a Scrutiny or Overview Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny or Overview Committee, before submitting its findings to the Executive and/or Council for consideration, the report of the reviewing Scrutiny or Overview Committee shall be considered by the other Scrutiny or Overview Committee for comment. Those comments shall be incorporated into the report which is then sent to that body for consideration.

4.6 Planning Matters Procedure Rules

CONTENTS

- 4.6.1 Introduction
- 4.6.2 Decision making on planning applications
- 4.6.3 Pre-determination discussions by officers with applicants
- 4.6.4 Lobbying of and by councillors
- 4.6.5 Seating and speaking arrangements at meetings of the Planning and Orders Committee
- 4.6.6 Public meetings relating to development proposals
- 4.6.7 Councillors who are members of the Planning and Orders Committee and who are also town or community councillors
- 4.6.8 Correspondence received by councillors
- 4.6.9 Registration and declaration of interests
- 4.6.10 Development proposals submitted by councillors and officers
- 4.6.11 Officers' report to the Planning and Orders Committee
- 4.6.12 Decisions contrary to officer recommendation
- 4.6.13 Appeals against Council decisions
- 4.6.14 Conduct of officers

4.6.15 Councillor/officer relationship

4.6.16 Site visits by the Planning and Orders Committee

4.6.17 Gifts and hospitality

4.6.18 Training

Appendix

4.6.1.19 Protocol for site visits by the Planning and Orders Committee

4.6.1.20 Role of the Committee Chairperson

4.6.1 Introduction

4.6.1.1 Determining planning applications is an important duty undertaken by the County Council. These rules set out how the Council as local planning authority will deal with planning applications. The rules apply to both councillors and officers.

4.6.1.2 Most applications will be determined by planning officers acting on behalf of the local planning authority and the Council's Planning and Orders Committee will determine all other applications. The rules as to whether officers or the Committee will determine applications are contained in Part 3 of this Constitution - which includes a provision that the local councillor (that is the councillor in whose ward the proposed development is located) may require that an application which might otherwise be decided by officers should be submitted to the Planning and Orders Committee for determination, provided that the councillor indicates this in writing to the Head of Development Control within 21 days of the date of the notification letter. In the case of those applications classified as 'fast-track' economic ones, the period within which to refer it to the Committee will be only 14 days.

4.6.1.3 Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also highly contentious because its decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking a decision) and the legal nature of development plans and decision notices. It is important, therefore, that the process is characterised by open and transparent decision making.

4.6.1.4 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that local planning authorities should make planning decisions affecting these interests, openly, impartially, with sound judgement

and for justifiable reasons. The process should leave no grounds for suggesting with any justification that a decision has been partial, biased or not well-founded in any way.

4.6.2 Decision Making on Planning Applications

4.6.2.1 Decisions on planning applications are sometimes referred to as regulatory or quasi-judicial decisions and this means that those making such decisions must

4.6.2.1.1 take into account all relevant planning considerations

4.6.2.1.2 ignore irrelevant or non planning considerations

4.6.2.1.3 act impartially, fairly and not take into account any political considerations

4.6.2.2 Planning law requires local planning authorities to determine planning applications in accordance with the Statutory Development Plan unless material planning considerations indicate otherwise. The emphasis in determining applications is upon a 'plan-led' system.

4.6.2.3 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process and opposing views are often strongly held by those involved.

4.6.2.4 Those persons determining planning applications have a duty to take into account representations made to the local planning authority as a result of consultation with interested bodies or as a result of public notice or neighbour notification. In doing so it is necessary to decide which representations are material to the decision to be made, and, if so, what weight to attach to them. This conclusion should not be reached by the Planning and Orders Committee until all the facts have been presented in the officer's report to the Committee.

4.6.2.5 Councillors must not give a commitment in relation to any planning matter prior to its consideration at Committee. It is recognised, however, that councillors will from time to time be approached individually by applicants, agents and objectors in relation to planning proposals. These rules are intended to assist councillors in dealing with these approaches and is designed to ensure that the integrity of the decision making process is preserved.

4.6.2.6 Failure to follow these rules without good reason could be taken into account in investigations into possible maladministration and any investigation regarding the conduct of councillors and officers.

4.6.3 Pre-determination Discussions by Officers with Applicants

4.6.3.1 In any discussions on planning issues, it will always be made clear at the outset, that such discussions will not bind the local planning authority to make a particular decision, and that any views expressed are based on the officers' provisional professional judgement but do not commit the local planning authority to any particular decision.

4.6.3.2 Any advice given will be consistent and based upon the Development Plan and other material considerations. Furthermore any advice given shall be impartial, the best that the officer can give in the circumstances and shall highlight any apparent problems.

4.6.3.3 No Councillor should take part in the officers' discussions with applicants at any stage prior to determination of the application. Where this does occur, a complaint may be made against the councillor to the Council's Monitoring Officer.

4.6.4 Lobbying of and by Councillors

4.6.4.1 Councillors who are Members of the Planning and Orders Committee

4.6.4.1.1 Councillors who are members of the Planning and Orders Committee are likely to be approached by applicants, objectors and others interested in the outcome of planning applications. Because of the quasi-judicial or regulatory nature of planning decisions, councillors on the Committee should not allow themselves to be lobbied by anyone - whether for or against an application. If approached they should inform the person seeking to lobby them that if they discuss the application with the person seeking to lobby them, this will disqualify them from taking part in the decision on the application. Instead potential lobbyists should be advised to contact either the local councillor (see 4.6.4.3 below) or an appropriate officer within the Planning Department.

4.6.4.1.2 Councillors who are on the Planning and Orders Committee should not organise local support or opposition to a planning proposal if they later wish to take part in the decision on the application.

4.6.4.1.3 In taking into account the need to make decisions impartially, councillors on the Planning and Orders Committee should not favour or appear to favour any person, company, group or locality and should not declare which way they intend to vote in advance of the meeting. To do so without all relevant information and views would be unfair and prejudicial. If the councillor feels that the public would believe he/she had come to a conclusive view on the planning matter or application before the meeting, or that he/she has been lobbied by an interested person then he/she should not take part in the debate, nor vote on the issue - this is without prejudice to his/her right to address the committee as provided for in section 4.6.5.2 of these notes.

4.6.4.1.4 Where the Monitoring Officer or his/her representative believes that a councillor has prejudiced his/her position by expressing a conclusive view on an application before its determination by the Committee, the Monitoring Officer or his/her representative will advise the councillor that it would be inappropriate for him/her to take part in the debate, or vote on the application. The final decision, however, rests with the councillor - subject to any external scrutiny.

4.6.4.2 Councillors who are not members of the Planning and Orders Committee

Councillors who are not members of the Planning and Orders Committee should not be lobbied, whether by applicants, objectors or anyone else interested in the outcome of a planning application. If approached such councillors should inform the person seeking to lobby them that they should either contact the local councillor (see 4.6.4.3 below) or an appropriate officer in the Planning Department. If such a councillor is lobbied he/she should not lobby councillors who are members of the Planning and Orders Committee and he/she will not be entitled to speak at meetings of the committees.

4.6.4.3 Local Councillors

4.6.4.3.1 There are exceptions to the lobbying rules set out in 4.6.4.1.1 and 4.6.4.2 in relation to the local councillor i.e. the councillor in whose ward the proposed development is located.

4.6.4.3.2 If the local councillor is not a member of the Planning and Orders Committee then he/she can legitimately be lobbied by an applicant, objector or anyone else interested in the outcome of a planning application. If such councillor is lobbied then, provided that he/she does not have an interest to declare in accordance with the Council's Code of Conduct for Councillors, he/she will be entitled to make representations to and address the Planning and Orders Committee. However he/she must not themselves lobby, whether directly or indirectly, councillors who are on the Planning and Orders Committee.

4.6.4.3.3 If the local councillor is a member of the Planning and Orders Committee then he/she has a choice, i.e.

either

(i) to inform the person seeking to lobby them that if they discuss the application with the person seeking to lobby them, this will disqualify them from taking part in the decision on the application, although they will be entitled to address the Planning and Orders Committee in the same way and subject to the same conditions as set out in 4.6.4.3.2,

or

(ii) to refer the person seeking to lobby them to a councillor who represents an adjoining ward and who is not on the Planning and Orders Committee and for the purpose of these rules such a councillor will be regarded as a local councillor.

4.6.4.3.4 Local councillors, as referred to in these rules, may not become involved in making any representations at meetings of the Planning and Orders Committee or participating in decision making on planning applications if they have an interest to declare in accordance with the Council's Code of Conduct for Councillors - regardless as to whether or not they are on the Planning and Orders Committee. If a local councillor is in this position he should refer any potential lobbyists to a councillor who represents an adjoining ward and who is not on the Planning and Orders Committee and for the purpose of these rules such a councillor will be regarded as a local councillor.

4.6.4.4 Where letters of 'neighbour notification' of a planning application are sent to properties not in the same ward as the application site, then the councillor who represents those properties may also speak as a local councillor at the committee. This rule only gives the right to speak at the Committee and confers no other rights on that councillor as a local councillor.

4.6.5 Seating and Speaking Arrangements at Meetings of the Planning and Orders Committees

4.6.5.1 When attending meetings of the Planning and Orders Committee councillors who are not members of the Committee should sit quite separately from councillors who are on the Committee - whether or not they intend addressing the Committee - and should not communicate with those councillors who are on the Committee who will be making decisions. The objective of this rule is to emphasise the quasi-judicial nature of the Committee's proceedings when considering planning applications.

4.6.5.2 The right to address the Committee shall also apply to any member of the Planning and Orders Committee (including the local councillor) who has been lobbied or who may have already expressed a conclusive view on an application or who has spoken on the application at Town or Community Council level or the local councillor or the councillor who represents an adjoining ward as referred to in 4.6.4.3.3(ii). However if this right is exercised the councillor on the Planning and Orders Committee should comply with paragraph 4.6.5.1 above when consideration is given to the particular matter and may not participate in the decision making and should declare at the meeting why he/she is not participating in the decision.

4.6.5.3 The Committee Chairperson will conduct business at the meeting in accordance with the attached Appendix.

Appendix

L

file 3 - Digital recorder

RECORD OF INTERVIEW

Interview with: David Aeron Lewis-Roberts .

Interviewer: Andrew Walsh

Interviewer: Annie Gwynall

Date: 5 October 2010

Location: Anglsey CC Business Centre .

Start time: 1.30 .

Finish time: 2:05 .

	<u>Complaints</u> .
	ltr. undated post Feb 2010 .
	Allegation. untrue. when see programme will make sense .
	Did you help constituents? HITV presenter .
	Of course. @ @ when see programme will make sense .
AW .	Only achan 2008 can look at. Cant go back .
	Glad about that
	Rde or member in planning .
	impartial, not form a view .
	advise - indicate policy
	if not PC can actively supporting an app .
	if PC - can

Signature: 

Signature witnessed by:

Continuation of Record of Interview with:

fiercely independent.

Euntd went + told could not predetermine
could not corrupt entire community

When at PC went with an open mind.
Always waited for the officers to finish
and determine afterwards. Sometimes
opt who trouble for this.

PC for short time. Not have to declare
an interest - certainly don't think so.

Came off PC because of Dink + things
said about DLR. Not sure how long on it
Robyn Jones would know.

AW Allegation in undated ltr is that DLR
was able to corrupt PC with unity?

Deny it completely - How could I corrupt a whole
planning committee. Think this was ever said in
response to allegation to PSOW.

Other members would go against me because I
would speak out.

Signature: Signature
witnessed by:

Continuation of Record of Interview with:

this is sparked his vendetta against DLR. Copy of email given, this is why he came at me.

Man in Caerw + Nantwich rang him, to warn.

Asked returning officer if okay to raise this question.

taken advice re Durkens comments & MTV - Carter Spake in London.
No fit No fee case.

One of few udep's on PC would not be able to influence others as in party blocks. No, they didnt like me.

Druid blog:

Does own 9 acres of land - did declare it. Did buy rough land to prevent loss of view. Not worth £10 million. No planning consent so land not valuable. paid £15k for it.

AW Land in UDP?

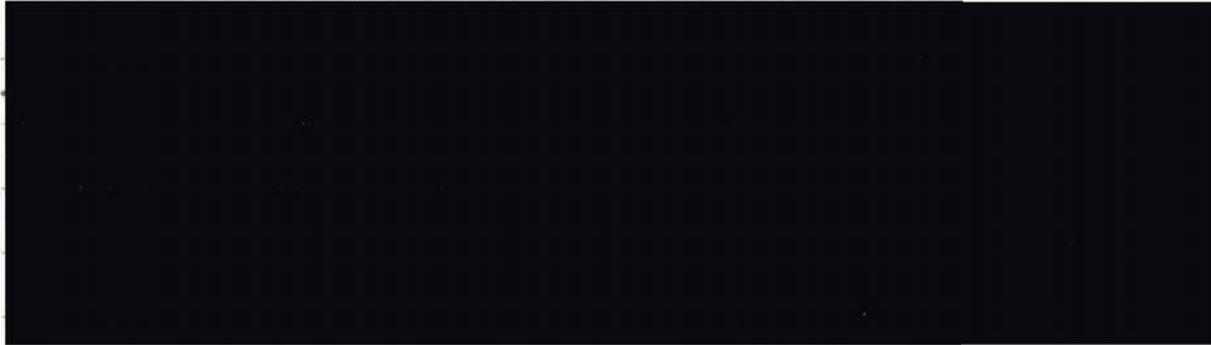
Yes, No, UDP Stopped.

AW In LDP?

Signature:

Signature
witnessed by:

Continuation of Record of Interview with:

AW	14 members of PC. Only 1 ^{Two} member?
	<p>Can't recall. We were fed up. 1 group put pressure on to join them - Anglersey Forward didn't like it - went to another group.</p> <p>Allocated jobs to themselves or executive, didn't like it so left.</p>
	<p>Formed a new "group / collective" John Arthur Jones, (listen to tape for other names) trying to find base for myself.</p> <p>It was all so corrupt.</p>
	<p>PC majority members of political groups? mainly - indep? Yes not in a position to influence.</p>
	<p>May 2004 - 2008 Councillor. Lost in 2008 because of Durkin.</p>
	
	<p>DLR asked if had been bankrupt</p>
	<p>served term of imprisonment - & put to electoral commission - outside of council</p>

Signature:



Signature

witnessed by:

DLR Yes.

Was land no pp, but in LDP?
Yes

Was it in LDP/UDP when acquired?

According to officers it was outside.
Not commercial operation for myself + wife.

AW. LDP not started at time acquired.
UDP? No, its not.

AW When LDP completed/approved?
May be within it.

Not member !. cannot decide or influence
whether in LDP or not.

AW Accept, if it is value it comes in LDP?
Yes - but never get planning on it for
multiple houses.

Maintain regular contact with PC?
No, know Hefin Thomas - not seen him
for 9 months

Go to PC in Benclyth - when it is on.
Not take an interest

Signature:

Signature
witnessed by:

Appendix

M

file 3 - Digital
 recorder

RECORD OF INTERVIEW

Interview with: David Aeron Lewis-Roberts

Interviewer: Andrew Walsh

Interviewer: Anne Gwalia

Date: 5 October 2010

Location: Angleray CC Business Centre

Start time: 1.30

Finish time: 2:05

Complaints

HTR. undated post Feb 2010

Allegation. untrue. when see programme will make sense.

Did you help constituents? HITV presenter
 Of course. @ @ when see programme will make sense.

AW. Only achan 2008 can look at. Cant go back.

Glad about that

Rdect member in planning.

impartial, not form a view.

advise - indicate policy

if not PC can actively supporting an app

if PC - can

Signature: 

Signature

witnessed by:

Continuation of Record of Interview with:

This is sparked his vendetta against DLR. Copy of email given, this is why he came at me.

Man in Caerw + Nantwich rang him. to warn.

Asked returning officer if okay to raise this question.

taken advice re Durkin's comments & HTV - Carter Spake in London.
No fit No fee case.

One of few udep's on PC would not be able to influence others as in party blocks. No, they didn't like me.

Druid blog:

Does own 9 acres of land - did declare it. Did buy rough land to prevent loss of view. Not worth £10 million. No planning consent so land not valuable. paid £15k for it.

AW Land in UDP?

Yes, No, UDP Stopped.

AW In LDP?

Signature:

Signature
witnessed by:

Continuation of Record of Interview with:

DLR	Yes.
	Year land no pp, but in LDP?
	Yes
	Was it in LDP/UDP when acquired?
	According to officers it was outside. Not commercial operation for myself + wife.
AW	LDP not started at time acquired. UDP? No, its not.
AW	When LDP completed/approved?
	May be within it.
	Not member !. cannot decide or influence whether in LDP or not.
AW	Accept, if in value it comes in LDP?
	Yes. but never get planning on it for multiple houses.
	Maintain regular contact with PC?
	No, know Hefin Thomas - not seen him for 9 months
	Go to PC in Benclyth - when it is on. Just take an interest.

Signature:



Signature

witnessed by:

From:- David Lewis-Roberts
dated 29th of October 2010 @ 16.45pm.
29 CRAIG Y DON,
BENLECH BAY,
ISLE OF ANGLESEY.
LL74 8TB.






Your Reference:- 1179/20100146

Code of Conduct Complaint against Councillor Barrie Kevin Durkin.

Further to your enclosures contained with your letter dated 28th of October 2010 I would welcome the inclusion of the following paragraph.

Between 2008 and the present the above named Councillor aquired land of his own being 5 (five) acres or thereabouts as contained in his Declaration of Interests (DOI) at Cae Bryniau Llanfaethlu. Isle of Anglesey. Due to his continuous campaign against my wife and myself can he answer, what is the difference therefore between us (my wife and myself) purchasing ANY LAND at all and his aquiring land. For what purpose did Barrie Kevin Durkin acquire that land as stated on his DOI whilst he was and is still a Councillor. The land is on the opposite end of The Island of Anglesey to his present ward that he purports to represent whilst he lives on the mainland in Gwynedd and nowhere on the Island of Anglesey.

Signature: 
of David Lewis-Roberts.

Signature witnessed by:(sign):- 
Print name and address: 

WITNESS STATEMENT

Statement of **DAVID AERON LEWIS ROBERTS**

Age if under 18: over 18

Occupation:

RETIRED

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief.

Signature:

Date:

27/10/10

I David Aeron Lewis of 28 Graig y Don, Benllech Bay, Isle of Anglesey, LL74 8TB make this statement in support of my code of conduct complaint against Councillor Barrie Durkin of Isle of Anglesey County Council.

My complaint against Councillor Durkin relates to comments he made about me in an undated letter sent sometime after 19 February 2010. This letter was sent to all members of the Isle of Anglesey County Council and the Chairperson of the Isle of Anglesey Recovery Board, it states that I "*was able to corrupt the planning Committee on a number of occasions with complete immunity.*"

Councillor Durkin states that I admitted influencing the planning committee during an interview with a journalist on the ITV Wales programme, Wales this Week of 3 November 2008. This allegation is untrue. During the interview I was asked by Mr Paddy French, the journalist, whether I helped any of my constituents to get planning. In response I said "*of course I did, it worked the other way round too, it was part of my job to look at the planning and work out in my mind whether it was feasible or not.*"

I said to him that "*if I thought it was any good I would support it or if not I would go against it.*"

The role of a member in planning is to be impartial, not to form a view but to be open to constituents to come along to, to advise and to indicate whether an application accords with planning policy or not. It is my understanding that if you are not a member of the Planning Committee, you could actively support that application. However, when you are a member of the Planning Committee you can only go so far in supporting an application. You have to, in my view, go to the Committee meeting with an open mind and have not predetermined the matter. My feeling was that I was fiercely independent, that until I went to the meeting and told the Committee what I felt I couldn't predetermine any application at all. It would then be up to the Committee as a whole to decide what to do. I do not understand how I would be able corrupt the entire committee as is alleged by Councillor Durkin.

When I went to the Planning Committee meetings, I would sit and listen to all the arguments and I would always wait until the officer had finished speaking. My view is that the officer may know something that I didn't. The officers also know the law. I would sit back and then say "*that my thoughts would be this or that*" and I would determine what decision to take there and then, depending on what I had heard. Having said that though, if I thought the officer was wrong, and many times I did, I would challenge them, as I consider that as was a part of my role. I would argue with the officers if I felt that their advice or application of the policy was wrong. I recall an occasion when this was the case and I addressed the committee as a whole to give my opinion.

I was on the planning committee for a short time and I don't think I ever had to declare an interest in any matter before the Committee.

I completely deny Councillor Durkin's allegation that I was able to corrupt the whole planning committee. I do not know how I could do that. In fact there were a number of members of the planning committee that I would say hated me and would go against me for that reason. I would say that they hated me because I was fiercely independent.

Of the 14 members of the planning committee a number of members formed groups; the majority were for the major political groups. I was reluctant to join any of

the groups. At one time as I was trying to find my base, I with John Arthur Jones, Hefyn Thomas and John Rowlands formed our own collective but we didn't have a whip, we just decided to get some influence we had better do something together. It wasn't a group in the same sense as the political groups; it was more of a collective of members who think the same way. However, we did say that if you want to vote in a particular way, that it would be up to the individual. The collective was small and I would not have been in a position to influence the members of the other larger political groups at all. I would not have had the opportunity to influence others as they were largely in party blocks and I would say that the majority of them did not like me anyway.

I was a member of the County Council from May 2004 until May 2008. I did not know Councillor Durkin prior to my election but it seems like he took an instant dislike to me. I think that this dislike may have been instigated by questions, I raised with the electoral commission prior to his election to the County Council. The questions I raised on behalf of the constituents were whether he had ever served a term of imprisonment and whether he had ever been made bankrupt. I believe that this is the reason he took a dislike to me.

In terms of the Druid Blog site, the extract of 25 April 2010 states that I have '*benefitted from my corrupt activities and that I am sitting on nine acres of land in one of the most prestigious area of natural beauty on Anglesey worth with planning permission, without laying a brick some ten million pounds or so*'. I laughed at this comment. I do own nine acres of land and this was declared at the time. The reason I bought it was twofold. I have a lovely house now which overlooks the beach, some years ago a block of flats was built in front of it and which obscured part of our view. My wife and I vowed that this would never happen to us again and so when there was a chance to buy a piece of land we took it. I bought the nine acres for fifteen thousand pounds. The land is very rough and only good enough to keep horses on in my view.

I also bought it as it is my plan to one day build a real Canadian log cabin for my wife and I, our house is too big for us so this is our intention for our later years of life. It is not and was not ever purchased with the intention of making a commercial

gain. I do not have planning permission on the land and the land is certainly not as valuable as Councillor Durkin suggests.

I do believe that the land would be deemed development land within the Local Development Plan ("LDP") when this is passed, if the criterion regarding clusters as I understand it is applied. I am not sure what will be approved or when the LDP will be approved. The development of the LDP is taking place now as far as I am aware. However, I am not a member and I therefore do not have any influence on it. I cannot therefore decide whether this particular piece of land is in the LDP.

According to the officers at the time I bought the land, it was outside of the Unitary Development Plan ("UDP") and the LDP had not even been started. I just bought it for myself and my wife for our futures; it was not a commercial operation. I that accept when the LDP is passed, if our nine acres of land is included within it and we do obtain planning permission on it, the value could be significantly increased. It is however my intention to only ever build our log cabin on it and I take the view that we would not get planning on it for multiple houses in any event.

I am no longer a member of the County Council and I do not maintain any regular contact with members of the planning committee. I know Hefyn Thomas as we were in the same collective, and our wives know each other socially but I haven't seen him for 9 months or so. I do not socialise or meet with any members of the planning committee and have not done so since I left the Council. I still go to the planning committee meetings when they are in the Benllech area, just a matter of public interest.

Signature:



Signature witnessed by:



Appendix

N

BARRIE DURKIN
Cynghorydd - Councillor
Aber Falls Hotel
Abergwyngregyn
Llanfairfechan
LL33 0LD

ffon / tel: [REDACTED]
symudol / mobile: [REDACTED]

Dear, Colleague

I wrote to you on 19th, February, 2010, regarding a house built by the, Director of Legal Services/ Monitoring Officer, Lynn Ball, not to plan and in breach of a number of fundamental conditions which I first raised with Derrick Jones in July 2007, receiving nothing more, than a torrent of abuse and threats in reply.

Since then Lynn Ball, has had every opportunity to abide by those conditions, but deliberately chose not to do so, until I again raised the issue with Mr, David Bowles before Christmas 2009. For this, although fully vindicated, I have been victimised, persecuted, scandalised and unilaterally sacked from the ruling group because "*Cllr Durkin took a course of action which went against the interest of the group and the county council*"! By Cllr. Clive McGregor, Leader of the Group, and the Council.

This is the very same Councillor who wrote to Derrick Jones, in December 2008 stating, "*It pains me greatly but doesn't surprise me given that the issues surrounding "Craigwen" have eroded whatever trust and confidence there might be between the ruling administration and certain members of the Corporate Management team. It may be that we require a Police Investigation into the issue, as offences of Malfesance in public Office appear to be made out... It is then and only then, that confidence in the Isle of Anglesey County Council would be apparent!*"

So what's he done after making such serious allegations? Nothing, absolutely nothing. However, since then, he has helped attack the messengers and sold those of us with a passion to clean the council up, down the river, creating the perception that what we are left with is a lawless authority, leaving the wrongdoers to do what they want with impunity.

However, we now see, on behalf of Lynn Ball. "An application submitted retrospectively in order to regularise works, which have been carried out without the necessary planning consent at the request of the Planning Authority to be resolved at Wednesday's Planning Committee.

This in itself, again vindicates my complaint, **but does not explain why it has taken almost 3 years and yet another complaint from me to get Lynn Ball to do anything about it.** If this is the best example Lynn Ball as the Director of Legal Services/ Monitoring Officer can lead by, it's little wonder that the likes of ex, Councillor, David Lewis-Roberts, was being able to corrupt the Planning Committee on a number of occasions, with complete immunity (Which he has now admitted to) which David bowels wishes me to now report to the police!

The way forward is well underway, but that doesn't mean to achieve the ultimate goal, we must allow those involved in wrongdoing to get away with it, particularly, as we are now engulfed in allegations by members of the public, that some senior officers are involved in a fraudulent conspiracy appertaining to Town Improvement Grants and Housing Grants amounting to vast sums of public money.

If this sort of culture of wrongdoing is true then the sooner the Welsh Assemble takes over the running of the Council the better.

Cllr Barrie Durkin

Copy to the Chairperson of the Recovery Board.

Appendix

O

Cllr Durkin said...

A comment was made as to whether I was the same Mr Durkin in a Daily Post report appertaining to a complaint to the Ombudsman by, lost his seat at the last election. ex councillor, David Lewis-Robert.

The Ombudsman came to the conclusion after saying "Mr Durkin had a duty as a community representative to draw to attention legitimate concerns" and "that he should do so in a way which does not breach obligations set out in the code of conduct"

That "In my view the language he has chosen (I'd said he was corrupt) is more than colourful, it goes beyond what could be reasonably regarded as the normal currency of political debate and is clearly libellous"

However, in a TV program which he had set up with ITV to try and discredit my good name, on 3.11.08. David Lewis Roberts openly admitted that he'd told lies, and admitted to everything I'd accused him of.

Unfortunately because of the ambience of immunity which still exists, David Lewis Roberts is now through his corrupt activities sitting on some nine acres of land in one of the most prestiges area of natural beauty on Anglesey worth with Planning permission, without laying a brick some, £10,000,000 or so. Who said crime doesn't pay? Now he's taking me to the Ombudsman again over the issue. Roll on adjudication panel, lets get it all out. we might get him in gaol yet.

Good Night all.

Cllr Durkin.

25 April 2010 22:33

Appendix

P

Questions - Councillor Barrie Durkin

1. Please confirm when you became a member of the Isle of Anglesey County Council.
2. Please confirm that the attached signed declaration of acceptance of office is one signed by you on 2 May 2008.
3. Please confirm that the attached signed undertaking to abide by the terms of the Code of Conduct is one signed by you on 3 June 2008. Both documents are attached at Appendix 1.

4. Please confirm your understanding of the following paragraphs of the Isle of Anglesey County Council's Code of Conduct for members;

- Paragraph 4(a)
- Paragraph 4(c)
- Paragraph 4(d)
- Paragraph 5(a)
- Paragraph 6(1)(a)
- Paragraph 6(1)(d)

5. What training on the Code of Conduct have you been offered since your election and by whom?
6. What training have you attended on the Code of Conduct and when?
7. Prior to becoming a member of the Isle of Anglesey County Council, what experience did you have as an elected/co-opted member of any other Council?
8. Would you describe yourself as an experienced member?

If so, please explain.

9. Please explain your involvement with "The Druid" blog site.
10. Mr. Lewis-Roberts has submitted an undated email in support of his complaint against you. A copy of this email is attached at Appendix 2. Are you the author of this email?
11. Mr. Lewis-Roberts alleges that on 6th April you sent this email to all elected members of the Isle of Anglesey County Council. Is this allegation correct?

12. If so, please confirm why you created/sent this email.

13. The email contains the following comments:

" it's little wonder that the likes of ex, Councillor, David Lewis-Roberts, was being able to corrupt the Planning Committee on a number of occasions, with complete immunity (Which he has now admitted to) which David Bowles (sic) wishes me now to report to the police."

What evidence do you have to substantiate these comments?

14. Why do you say that Mr. Lewis-Roberts has admitted corrupting the planning committee of the Isle of Anglesey County Council?

15. Are you a regular "blogger" on the Druid blog site?

16. Please list any usernames or blogger identity names that you use.

17. Mr. Lewis-Roberts had forwarded a copy of the Druid blog of 25 April 2010 created at 22.33 in support of his complaint. A copy of the same is attached at Appendix 3. The blog purportedly comes from you. Are you the author of the comments in the blog?

18. The comments attributable to you on the blog say that on the ITV program of 3 November 2008 Mr. Lewis-Roberts admitted that he told lies and admitted to everything you accused him of. What is your evidence for making this statement?

(I have been provided with a copy of the program, which I have viewed.)

19. You further say that Mr. Lewis-Roberts now owns through corrupt activities 9 acres of land which is allege is worth ten million pounds or so. What is your evidence for stating that Mr. Lewis-Roberts's ownership was through corrupt activities?

20. What is your evidence for saying that the land is worth ten million pounds?

21. [REDACTED]
[REDACTED]
[REDACTED]

22. [REDACTED]

23. [REDACTED]

24. [REDACTED]

25. [REDACTED]

26. [REDACTED]

27. [REDACTED]

28. [REDACTED]

29. [REDACTED]

30. [REDACTED]

[REDACTED]

31. [REDACTED]

[REDACTED]

32. [REDACTED]

33. [REDACTED]

34. [REDACTED]

35. [REDACTED]

36. [REDACTED]

37. [REDACTED]

38. [REDACTED]

[REDACTED]

39. [REDACTED]

[REDACTED]

40. Do you consider that your conduct since your election in 2008 amounts to a breach of the Code of Conduct for members as alleged by Mr. Lewis-Roberts?

If not, please explain why.

41. [REDACTED]

[REDACTED]

42. Please add any other comments you consider may be relevant to the investigation of the complaint.

Please submit your response by 1 March 2010.

Appendix

Q

**REPLIES ON BEHALF OF COUNCILLOR BARRIE DURKIN
IN RELATION TO THE 42 QUESTIONS SET BY
THE PUBLIC SERVICES OMBUDSMAN FOR WALES**

As requested in the Ombudsman's letter dated 15th February 2011, we set out below our responses to the questions set by the Ombudsman in relation to the complaints of David Bowles and David Lewis-Roberts.

1. 2nd May 2008.
2. We confirm that it is.
3. We confirm that it is.
4. We confirm that Councillor Durkin understands these paragraphs.
5. Councillor Durkin is unaware of having been offered any training in relation to the Code of Conduct since his election. (If the issue is thought to be of any significance to the application, we request evidence from the applicant David Bowles that Councillor Durkin was notified of any training sessions.)
6. Councillor Durkin is unaware of having attended any training in relation to the Code of Conduct since his election.
7. Councillor Durkin served as an elected Community Councillor for Llanfair Mathafarn Eithaf Community Council between 28th February 2005 and 3rd August 2006.
8. Councillor Durkin regards himself as a fairly experienced Member, having been a Community Councillor between March 2005 and August 2006, and having been a County Councillor since 2nd May 2008.

9. Councillor Durkin has no involvement in the Druid website other than that he has visited the website and has on occasions posted comments in relation to blog entries created by others. This is something that any visitor to the website is able to do. He has no greater involvement in the website than any other visitor.
10. We confirm that Councillor Durkin wrote this e-mail.
11. We confirm that is correct.
12. The following is submitted:
 - a. Councillor Durkin believed it was important to inform colleagues that David Bowles and other senior Officers were not willing to address the fact that errors and misdeeds had taken place, and that the Officers were instead trying to ignore and hide the issues. As expressed in the letter, Councillor Durkin had, in 2007, first brought to light that a property belonging to Officer Lynn Ball had not been built in accordance with the relevant planning permission. At the time, Councillor Durkin had been attacked by the then Managing Director for doing so, and nothing had been done to rectify the planning breaches. When the letter of 6th April was e-mailed, this followed Councillor Durkin having been criticised by the present Managing Director, David Bowles, for bringing up the planning issue again. As conceded by David Bowles and acknowledged in the planning report commissioned by the Ombudsman, Councillor Durkin's assertions regarding the planning permission were correct, and Lynn Ball was instructed to submit retrospective planning permission, which she did. Despite Councillor Durkin having been proved correct, he was nevertheless severely chastised and attempts were made to render him impotent by David Bowles.
 - b. As expressed in the e-mailed letter, Councillor Durkin was and is extremely concerned for the reputation of the Council, which had been seriously damaged over the years. He wished to assist in restoring that reputation, which he believed could only be done by dealing properly with errors and misdeeds of Members and Officers,

and thereby cleaning up the Council and restoring its integrity in the eyes of the public.

13. The following is submitted:

- a. We submit that David Lewis-Roberts called in departure planning applications (these are applications that are not in accordance with the approved development plan for the relevant area, and so would not normally receive planning permission) to the Planning Committee in a way that breached the Council's Constitution.
- b. A "Wales This Week" programme has been supplied to and viewed by the Ombudsman. In this programme, there is reference to a planning application relating to a "Plot 1" at Shepherds Hill. It appears to be undisputed that David Lewis-Roberts spoke to the owner of Plot 1 prior to the owner's planning application being considered; that David Lewis-Roberts then called in the application to the Planning Committee; that he spoke in favour of the application at the Committee and voted in favour of it; and that planning permission was subsequently granted.
- c. In the programme David Lewis-Roberts states the following in relation to his support for the application: "I said "I will do my best for them"; and they said "we want to move because the garden is getting too big", and I said "okay then", and that's what I went for, and I copped them the planning".
- d. The programme also contains an interview with a local resident named David Armour, who states that there were objections by constituents but that "as far as ... [David Lewis-Roberts] ... was concerned, he was pushing it through".
- e. The programme also refers to a view held by other Councillors that David Lewis-Roberts had been lobbied and that he should therefore have declared an interest and not participated in the decision-making process.

- f. We refer the Ombudsman to section 4.6 of the Council's constitution (a copy of which we attach at Appendix 1), in particular the following paragraphs:
- i. Paragraph 4.6.1.4: "One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that local planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting with any justification that a decision has been partial, biased, or not well-founded in any way".
 - ii. Paragraph 4.6.2.5: "Councillors must not give a commitment in relation to any planning matter prior to its consideration at Committee".
 - iii. Paragraph 4.6.4.3: If a local Councillor (i.e. a Councillor in whose ward the applicant's property is based) is a Member of the Planning and Orders Committee, then he/she has a choice, i.e. either:
 - (i) to inform the person seeking to lobby them that if they discuss the application with the person seeking to lobby them, this will disqualify them from taking part in the decision on the application ... or ...
 - (ii) to refer the person ... to a Councillor who represents an adjoining ward and who is not on the Planning and Orders Committee".
- g. Paragraph 4.6 of the constitution is clear that a Councillor who is a Member of the Planning Committee must not be lobbied by one of

his constituents and then subsequently take part in the decision-making process for that constituent's planning application.

- h. It appears that the following facts are not disputed by David Lewis-Roberts in relation to "Plot 1": he was a Member of the Planning Committee; the applicant was a constituent; David Lewis-Roberts spoke to the constituent beforehand, called in the application, spoke in favour of it before the Planning Committee, and took part in the decision-making process.
- i. It is submitted that, on David Lewis-Roberts' own account, he thereby committed a very serious breach of the Council's Constitution and planning rules.
- j. We furthermore submit that this was not an isolated incident. At Appendix 2 we attach various departure applications from David Lewis-Roberts for matters to be called in to the Planning Committee. We submit that, on each of these applications, David Lewis-Roberts has used wording which makes it clear that he had already decided that he would support the granting of the applications. This is expressed most blatantly in application reference 30C 570 (date 20/10/04), for which David Lewis-Roberts has written "Fully support this application and ... [if] ... under delegated powers recommend refusal I would wish to call in to Committee".
- k. In relation to all of these applications, it is submitted that David Lewis-Roberts subsequently spoke in favour of the applications at the relevant Committee meetings and voted in favour of them. We believe that this will not be disputed by David Lewis-Roberts, but if it is we can provide minutes of the relevant meetings.
- l. We attach at Appendix 3 correspondence between Councillor Durkin and Officers Jim Woodcock and E. Gwyndaf Jones. It can be seen that Councillor Durkin highlighted the issue of David Lewis-Roberts' applications; that E. G. Jones agreed that the form supplied did suggest pre-determination; and that E.G. Jones subsequently felt it necessary to write to all Members to prevent such applications in

the future as there were serious concerns about the propriety of such applications and the impression that they gave.

- m. We also attach at Appendix 4 a letter from Price Waterhouse Coopers which is highly critical of the number of such departure applications called in and passed by the Planning Committee, and highly critical of the conduct of the Planning Committee. It confirms that the behaviour of the Planning Committee was a serious concern and was seriously damaging the reputation of the Council. Councillor Durkin was not being "scurrilous" as David Bowles describes him; he was attempting to deal with genuine problems that were of serious concern to the Council and the public.
- n. At page 21 the report refers to the problem of allegations that Members of the Committee were not adhering to the Constitution; and, at paragraph 82 on that page, it highlights the rules that we contend David Lewis-Roberts admitted breaching on the Wales This Week programme. (The programme referred to in paragraph 83 is an earlier one than the programme supplied to the Ombudsman - such breaches were an ongoing problem.)
- o. As a consequence of the criticisms of the Planning Committee's manner of dealing with departure applications, the system was changed in 2008 so that generally they would be dealt with through delegated powers.
- p. It was actions such as the above that Councillor Durkin was referring to when he described David Lewis-Roberts as "corrupting the Planning Committee". It is submitted that he was justified in describing such breaches as amounting to corrupting the Planning Committee. Councillor Durkin is certainly not alone in his view that David Lewis-Roberts was committing serious breaches of the Constitution, as shown by the decision of Wales This Week to investigate the decisions of the Planning Committee and David Lewis-Roberts over a period of time and for more than one programme.

- q. Regarding the last line in the excerpt from Councillor Durkin's e-mail, it is submitted that, in a meeting between Councillor Durkin and David Bowles in November 2009, David Bowles agreed that what David-Lewis Roberts had involved himself in was corrupt, and he said Councillor Durkin should report it to police.
14. As explained in the response to question 13 above, it is submitted that, on David Lewis-Roberts' own account in the Wales This Week programme, he effectively admitted to breaching the Council's Constitution and planning rules.
15. Councillor Durkin has never posted a blog entry on The Druid website. He has inserted comments relating to other individuals' blog entries (as can any visitor to the website). Councillor Durkin estimates that he has posted comments on 3 or 4 occasions. He is also aware that entries have been posted by other persons claiming to be him.
16. Councillor Durkin believes he has identified himself by the words "County Councillor Barrie Durkin" or "Councillor/Cllr Durkin" when he has posted comments in the past. As explained above, he is aware that others have posted comments purporting to be him.
17. We confirm that Councillor Durkin is the author.
18. In relation to this question the following is submitted:
- a. In the Wales This Week programme, David Lewis-Roberts is recorded asserting that Paddy French gave him the idea of buying a 9-acre plot of land in the same area as the plots for which he had assisted planning applications. Specifically, he states: "Now don't forget I have to thank Paddy French for us buying this land".
 - b. When it is put to David Lewis-Roberts by the programme-makers that this cannot be true, he acknowledges that what he said was untrue, albeit adding that it had been said as "a joke". It is not clear how the statement could constitute "a joke", and no explanation of how it could do so is provided by David Lewis-Roberts. Regardless of this implausible claim, it remains the case

that David Lewis-Roberts accepts that his statement was untrue. It is accordingly submitted that David Lewis-Roberts accepted on the programme that he had lied, regardless of his entirely unconvincing attempt to mitigate the position,

- c. David Lewis-Roberts also admitted on the television programme that, in relation to "Plot 1" at Shepherds Hill, he spoke to the applicant prior to the application being considered, that he then called in the application to the Planning Committee, that he spoke in favour of the application at the Committee, and that the planning permission was granted. This meant David Lewis-Roberts was admitting to precisely the involvement in the planning process that Councillor Durkin had accused David Lewis-Roberts of having undertaken. (Please see question 13 above for details of how this breached the Council's Constitution).

19. and 20. The following is submitted:

- a. Councillor Durkin's point about the value of the property was that the relevant land would easily be worth in the region of £10,000,000 if planning permission for development were granted. Councillor Durkin had extensive knowledge of the value of land in that area at the time. It is submitted that the 8/9 acres could be split into 100 plots and that each plot would then be worth in the region of £100,000. The land could even be split into more than 100 plots (12-15 plots per acre), which would result in a value greater than £10,000,000. Councillor Durkin was not putting forward anything near the maximum figure. Evidence for the accuracy of these calculations can be supplied if needed.
- b. Regarding the phrase "through corrupt activities", the statement made by Barrie Durkin was that he was in possession of land worth £10,000,000 through corrupt activities. His point was that the value of the land was the result of corrupt activities. We submit that the likelihood of David Lewis-Roberts obtaining the planning permission that would make the land worth £10,000,000 had been significantly increased as a result of the planning precedents established in the area through the departure applications called in

by David Lewis-Roberts. As explained in question 13 above, these planning permissions were called in and supported by David Lewis-Roberts in a manner that constituted a serious breach of planning rules and the Constitution. (The fact that David Lewis-Roberts called in applications in the vicinity of his 8/9 acres is mentioned in the Wales This Week programme. We believe David Lewis-Roberts would not dispute that he called in departure applications in the area of his land, but further evidence that he did so can be provided if necessary.)

- c. We also point out that in the Wales This Week programme it was put to David Lewis-Roberts that, at the time that he was calling in and supporting departure applications, there were rumours that he had reached a deal with a landowner in the area to purchase several acres; and that opponents believed this was the reason why he was so determined to create planning precedents in the area.
- d. To summarise, Councillor Durkin's point was:
 - i. the land was potentially worth £10,000,000;
 - ii. all that was needed for this potential to be realised was that David Lewis-Roberts be granted the relevant planning permission for development; and
 - iii. the likelihood of such planning permission being granted had been significantly increased by the various departure applications that David Lewis-Roberts had called in and supported in the area of his land.
- e. We submit that, although Councillor Durkin omitted the word "potentially" in relation to the value of the land, his statement was not misleading. We submit it is correct that David Lewis-Roberts had ended up with land that would be worth £10,000,000 with the granting of planning permission, and that such a grant had been made much more likely through his actions.

[REDACTED]

b. [REDACTED]

c. Turning to the provisions of the Code that are alleged to have been breached, we submit the following:

i. In relation to David Lewis-Roberts' complaint:

1. Alleged breach of paragraph 4(b): All the statements made by Councillor Durkin regarding David Lewis-Roberts are justified on the evidence, and the statements were made with the aim of restoring the reputation of Anglesey Council. The requirement for respect and consideration is not breached by simply voicing justified criticisms.
2. Alleged breach of paragraph 4(c): We submit that Councillor Durkin has not breached this requirement. We reiterate that Councillor Durkin's statements have been substantiated. The criticisms have been valid and were not made with an intention to bully or

harass, simply to establish the truth for the future good of the Council and public.

3. Alleged breach of paragraph 4(d): It is not clear what David Lewis-Roberts' grounds are for alleging this paragraph has been breached. We would require clarification before responding to this.
4. Alleged breach of paragraphs 6(1)(b) and (c): It is not clear what David Lewis-Roberts' grounds are for alleging these provisions have been breached. These paragraphs do not preclude Councillors from voicing concerns in ways other than those cited in the provisions. Councillor Durkin has referred matters internally and to the Ombudsman in the past. We would require clarification of David Lewis-Roberts' argument before responding further.
5. Alleged breach of paragraph 6(1)(d): Councillor Durkin's comments have not been frivolous or vexatious, and they have not been motivated by malice. Again it is submitted that Councillor Durkin's comments have been justified, and made for the ultimate good of the Council and Anglesey. All statements have been substantiated, made in good faith and with a positive purpose in mind.
6. Alleged breach of paragraphs 7(a) and (b)(i), (ii), (iii), (iv), (v) and (vi): It is not clear what David Lewis-Roberts' grounds are for alleging that these provisions have been breached. We would require clarification before responding to this.

ii. ~~In relation to David Bowles' complaint regarding dealings~~

~~with the Council~~

~~in relation to the Council's handling of the complaint~~

~~and the Council's response to the complaint~~