

Rex

V

Nerys Bethan Lloyd

Sentencing remarks

Tuesday 23 April 2025

1. It is now almost exactly three and a half years since Andrea Powell, Morgan Rogers, Nicola Wheatley and Paul O'Dwyer lost their lives in the weir in Haverfordwest on the River Cleddau and Gemma Cox, Melody Johns, Ceri O'Dwyer and Jemma Dugdale nearly lost theirs.
2. We have heard such moving accounts from the family members of those who died, statements which I fear barely scratch the surface of their devastation at the loss of their loved ones, cut off in their prime with so much to live for and look forward to. The full extent of their grief and understandable anger which is still raw, is just not possible to put into words. Three people have lost their spouses and endured the pain of telling six young children that their mother or father was dead. Seven parents are suffering the trauma of losing a child and many, many other wider family members, grandparents, siblings, in-laws and each of their circles of friends are impacted, grieving such tragic losses.
3. Andrea and her husband Mark, her partner of 19 years, moved back to Wales with their young son three years earlier for the quality of life and their families

and their careers were flourishing. She was 41 years old. Described as a kind, joyful, happy person, a wonderful wife, a fantastic mother, devoted daughter and perfect friend, she still managed a career as a dental therapist and was about to re-train in cleft palate treatment. She could make everyone laugh and made the best apple crumble. Her son Finn lost his mother when he was just seven years old and every landmark and milestone he passes without his mother is so keenly felt by him and Mark. Before her death Andrea had registered as an organ donor and that thoughtfulness and generosity meant that after her life support was withdrawn on 5 November, five other people's lives were saved. I saw the pride with which her mother Jenny wears the Order of St. John medal that Andrea received for her gift of life to others.

4. Morgan was only 24 years old, stepping into adulthood with everything ahead of her. She was glowing in a very promising new relationship, had moved into her own flat and was enjoying life with her cherished group of friends. She was training to join the fire and rescue service to fulfil her dreams of helping other people as the kind, gentle and caring person that she was. Time has stopped still for her mother since her only daughter's death. The soul has been ripped from the family.
5. Nicola had only just turned 40 when she died leaving her two year old daughter and seven year old son and her husband Darren, who is bereft. Nicola's funeral was three days before their daughter's third birthday. Darren has lost the love of his life – the most warm, radiant, trusting person who saw the best in everyone – and he endures the pain of knowing she could not share with him the excitement of Ffion starting nursery in her new school uniform. It has been unbearable for him. So too for Nicola's mother, Sue Dyke, for whom Nicola was

her rock and her best friend, especially after losing her husband a few years earlier.

6. Paul was also full of energy and an outdoor and water sports enthusiast who loved surfing and also paddle boarding. He was an electrical engineer and former Territorial Army sergeant. He was a brilliant husband and father to his three children – his son James describes him as his biggest inspiration. He was always a willing helper to whoever needed it and fixed everything around the house for his parents and was a fabulous brother to Leanne. Ceri describes her husband as the kindest man with the biggest heart and you get a sense of his enthusiasm for life from the texts and WhatsApp messages in the case papers. Ceri's life has been shattered by the events of that day and his death. She is left with her own trauma from also being on the trip and narrowly escaping death, coping alone with her grief and that of the children and being unable to continue her career as a social worker, and struggled to function at times. It has been all the harder for her because Paul was partly responsible for what happened as a co-instructor, but he also lost his life by jumping back into the water in an attempt to save others, and she describes her grief so complex and overwhelming. It is further complicated by her being your next door neighbour and her having also been on the trip.
7. Quite understandably the mental health of everyone has been deeply affected by what happened that day.
8. Nothing that I can say, or do and no sentence that I impose today will feel sufficient to the families and friends of those who died whose lives were so tragically cut short.

9. Nerys Lloyd, you pleaded guilty on 5 March 2025 to four offences of gross negligence manslaughter and one offence of failing to discharge your legal and statutory health and safety duty to ensure that, as far as was reasonably practical, you ran your stand up paddle board tour on 30 October 2021, so as not to expose others to risks to their health and safety. You accept all the evidence in the prosecution case and by doing so, accept your responsibility for the tragedy that took place and its consequences. This has spared the survivors from a trial which would have forced them to relive the harrowing events of that day and subjected them to yet more delay and trauma.

The facts

10. When Andrea Powell, Melody Johns, Morgan Rogers, Nicola Wheatley, Ceri O'Dwyer, Gemma Cox and Jemma Dugdale signed up for the Pembrokeshire Tour paddle boarding trip with your company, the Salty Dog Co Limited they were expecting a fun weekend staying two nights together in an Airbnb in Tenby and an easy paddle, suitable for beginners and unconfident paddleboarders, as well as the more experienced, run by fully qualified instructors. This would take them on an 11 mile trip along the river Cleddau lasting about 4 hours from upstream in Haverfordwest behind Morrisons to the Jolly Sailors pub in Pembroke. That was all they were told about the route. They also knew that if the winds were not right, there would be a walking trip instead, followed by an optional sea dip at the end. In the group chat you and Paul both reassured everyone and calmed anxieties by stressing how easy and manageable the tour would be. All the participants, many of whom were also your friends, put their trust in you. All apart from Ceri paid to be on the tour, but there would have been minimal profit.

11. The type of outing that the group was expecting is well illustrated by the fact that four participants were not wearing wetsuits and must have thought that they would not be getting wet and one had decided that a life jacket was not necessary. You entered the water first, shortly before 9am, followed by the rest of the group with Paul taking up the rear. There was laughter and cheering, pop dance music was playing on a speaker strapped to one of the boards and the group was singing along. It was going to be a relaxed, fun day out as part of weekend with plans for Halloween dressing up that night.
12. There had been no safety briefing beforehand, none of the participants had the right type of leash for their boards in these conditions and you did not have any next of kin details. No consent forms had been obtained from any participant. You did not assess the level of the participants' experience and abilities. There had been no mention to the group of a weir on the river and how to deal with it and no discussion of tidal or river conditions whatsoever. The group understood that the wind and weather conditions would be the deciding factor whether the outing would be on the water or a walk. You and Paul knew about the weir in Haverfordwest but you had not checked it, either that day or in the previous few days.
13. The river was in full spate and fast flowing and within a few minutes you were the first to reach the weir. Over 50mm of rain had fallen in the previous three days and Met Office weather warnings had been in place continuously since the morning of 26 October with heavy rainfall the previous night. National Resources Wales had issued a high risk of flooding alert two days earlier, which remained in place and covered the period that you and the group were on the water. This obviously meant that an immense force of water - two tonnes or

2000 kg - was passing over each metre of the length of the weir every second. It was one hour after low tide so that there was a 1.3m drop over the weir for the volume of water above the weir to crash down onto the low tidal water below and it was very noisy. The weir was not visible until the group were close to it and only you and Paul knew it was there. Before the weir there were steps to the left leading up to a path for portage so boards and canoes and such like could be walked round the weir. The steps were still visible but were not as clear as they had been when you and Paul had done a recce two and a half months earlier in different conditions when the water levels were lower.

14. I have watched and rewatched the CCTV footage of the incident many times in order to get the best understanding of what happened at the weir. The footage is too distressing to be shown in court so Mr Watson described it to us yesterday instead. Having studied it I am sure that you made no attempt to investigate or paddle to the steps which were visible from the river, but I accept that you may have looked over in that direction and not recognised where the steps were or remembered how short the distance was from the steps to the weir. Nor do you appear to make any attempt to warn the others of the upcoming weir but Ceri's statement records that you shouted to the others to hang back and to then follow, before you lined up your paddleboard at right angles to the weir in the middle of the river, sank to your knees at the front of the board and went down the narrow fish ramp in the middle of the weir that you knew was there. You were not suddenly sucked into the weir system in an out of control way as you later claimed. The fish ramp would have been invisible to the others until they were on top of it. None of them would have known why you were telling them to head for the middle. Of those who have survived only Ceri heard your

instructions and tried to repeat them to the others as they approached, but without knowing about the fish ramp and how to deal with it your instructions were vague and meaningless and could not have been acted upon because the flow and strength of the current.

15. Having successfully navigated the fish ramp you were swept down a little way and turned to look back. The CCTV shows that you tried to paddle back towards the others as they came over the weir 40 seconds later, but the current was too strong and you could not do so. Even if you had tried to warn they would not have heard you over the din of the water. They had been given no instructions or warning beforehand and, for them, the weir came out of nowhere and they were immediately upon it, travelling at speed with nothing for it but to brace themselves. Navigating a paddle board over a weir in these conditions is not possible.

16. Paul who had better visibility of the weir from his standing position behind tried to direct the group instructing them to get the front of their boards and head left, but it was far too late for anyone to take any meaningful preventative action.

17. One by one in no more than 20 seconds the group fell down the face of the weir into the water below where they were sucked into the hydraulic jump or spin – a recirculating flow or tow back like a washing machine. Somehow Melody, Gemma, Jemma and Ceri managed to get out of the hydraulic spin, possibly helped by being bumped out by others landing behind them. The ankle leashes attached to the boards of those stuck in the hydraulic spin, which are totally unsuitable for fast flowing water, made it even harder for them to get free. Andrea, Nicola and Morgan could not escape the volume and tremendous power of the water from the 1.3m drop over the weir.

18. Paul was able to steer to the right side of the weir and lifted himself and his board out of the water onto the bank and you saw him from where you were further down the river. When he saw the others trapped in the spin below, he jumped back into the water with his board to try to save them. He was unable to do so and Andrea, Nicola, Morgan and he all drowned.
19. The scene was witnessed by a number of passers by who called the emergency services. One of them, Joel Williams, climbed over the railings and repeatedly threw a lifebuoy attached to a rope to Paul, but Paul was unable to grab it and the rope became enmeshed with one of the paddleboards. When Joel saw a woman which was Andrea, floating out of the towback of the weir, he immediately ran downstream, stripped off and dived off the river bank wall to try to save her. He managed to get her to the slipway where he was helped by another passerby, Alun Maddocks and they both performed emergency CPR until the emergency services arrived and took over. All this happened out of your sight as you were a little further downstream after a bend in the river helping Melody, Gemma and Jemma back onto their boards, calming them and directing them to stick together and find a safe bank to land on. It appears you did not realise the seriousness of the situation.
20. When Ceri screamed for your help after she had seen Nicola floating face down in the water, you paddled over to help her get Nicola onto her board and out of the water and immediately commenced CPR, but by then it was too late. You then went to Gemma Cox who had pulled Morgan out of the water and helped her with CPR which was again too late. You gave Gemma your phone to call the emergency services whilst you continued with CPR. Paul's body meanwhile was swept two miles downstream before it was found. Only Andrea was

resuscitated on the river bank, no doubt due to the bravery of Joel Williams in rescuing her from the water and performing CPR, but by then she had already suffered catastrophic brain damage and she passed away six days later on 5 November 2021.

21. Your first reaction was to say to yourself that you were finished and in a conversation with your wife inadvertently recorded on her phone a couple of hours later you told her it was 100% your fault and you probably should not have gone on the water. Your first account to the police at the scene that afternoon suggested you had tried to lead the others down the channel in the middle of the weir but that they had gone down the waterfalls either side. You also blamed Paul. Two hours later you told the police that health and safety had been conducted beforehand, all the participants were intermediate level, consents had been given, you and Paul had conducted a recce that morning and you were happy with the conditions, flow and level of capabilities of the participants. You said that the health and safety documents were back at your house. None of this was strictly accurate.

22. When you were arrested a week later you did not provide answers to the police questions, but sought to control the narrative by providing a prepared statement. You provided passwords for your various electronic devices, social media accounts and bank account details. In your prepared statement you say that you decided to go ahead with the tour after you saw the stars in the sky and that there was no wind in the early morning of 30 October. You provided a different account about your approach to the weir to your first account. On the day, you said that when you came to the weir you went first and got everyone to follow you. But your account had changed a week later and you said that you

had told the others to wait while you investigated the steps at the side of the weir but were then suddenly sucked into the weir system. I reject the later account which is inconsistent with both the CCTV evidence and the evidence of the survivors.

23. When you were interviewed again nearly a year later in August 2022 you firmly placed the blame on Paul who you said would undertake all the risk assessments and safety briefings. You also denied instructing Ceri to follow you down the middle of the weir, which I find was untrue. But it is to your credit that at one point you later accepted in conversation with Ceri that as it was ultimately your business, it was also your responsibility.

Before the tour

24. Neither you or Paul had undertaken the courses to qualify you to instruct SUP activities on rivers with flow, nor in spate or near a weir, but the courses you had attended covered risk assessment management, health and safety duties and the need for attention to the environment and weather. You knew the dangers of using ankle leashes on rivers and in flowing water and the need for quick release system waist leashes to avoid paddleboarders being dragged underwater. On 30 October, none of you had the right leashes.

25. You and Paul did a recce of the route in mid August 2021 in very different conditions to 30 October.

- It was one hour after high tide, meaning that the water level on the coastal side of the weir was just 0.4m lower than the inland side, unlike the 1.3m drop on 30 October
- The River Cleddau was calm and very slow moving with significantly less volume of water;

- The water levels were low and the fish ramp was clearly visible from a distance;
- There were no flood alerts;
- There had been no rainfall in the previous 24 hours

26. Consequently as very experienced paddleboarders it was easy for you both to go down the fish ramp and it was easy to paddle to the side of the river to portage, or carry, the boards around the weir if you had wanted. But that recce was no guide whatsoever to conditions on 30 October.

27. The dangers of weirs are common knowledge. The watersports and river guides, books, websites warn of the dangers of the Haverfordwest Weir on the River Cleddau especially at high water levels, with high potential for loss of life. Information about where to get out and walk round the weir, or where to start below the weir was freely available. There were many warning signs posted along the river entry points.

28. In the lead up to the tour you had done some internet research into tide times, river levels and the met office but there was no evidence of anything like a proper risk assessment. Rather than water safety, you seemed most concerned about the risk of a head wind that would make paddling hard. As it can be seen from your messages on 25 October you did not do a recce at low tide that Paul had expected you to do.

29. Although the messages between you and Paul beforehand do not provide a complete picture because you will also have been talking to each other, it is clear that you intended for the group to go over the weir down the fish ramp which would be more interesting than carrying boards round the weir. Paul researched alternative routes that would avoid crossing the weir, all of which

were dismissively rejected by you and he deferred to you as the company owner to decide the final route. He raised valid concerns, such as the drop over the weir given the low tide, that you ignored. Your interest appeared to be more in an exciting route than safety. The decision to go ahead seems to have been based solely after checking the wind speed and direction on the morning of the tour before you set off from the Airbnb.

30. En route to the start, you and Paul went to look at the river in the town centre while the others waited in the van. You would have seen how fast flowing the river was from where you stood on the red footbridge by the clocktower. But you both failed to look at the weir, which could not be seen from where you were standing, but if you had walked just a very short distance of less than 5 minutes, along the footpath you would have been able to see it.
31. It was obvious to everyone who saw the river and the weir that day how very dangerous it was, carrying with it a very high risk of death for a paddleboarder approaching it. It should have been obvious to you too since the river levels were so high and the river flowing so fast, but had you bothered to look, you would have been in absolutely no doubt.
32. Apart from one of the group knowing from casual conversation on an earlier trip that there would be a weir, none of the others knew about it, or had any instruction about how to deal with it. You had an idea of the ability of some of the group from previous trips and lessons you had given them, but the abilities of two of them were unknown to you and you made no attempt to assess their level of competency. You did not check to see if Paul had given a safety briefing or what it would include.

About you

33. You will turn 40 in two days time. You joined the South Wales police after leaving university. You were a trained firearms officer in the force, well versed in the importance of health and safety and risk assessments. You are also a trained RNLI volunteer and will have been on countless health and safety courses and conducted many risk assessments at work and as with the RNLI where the thoroughness of your paperwork was noted.
34. You have no previous convictions but on 19 October 2021 you accepted a caution for the offence of fraud concerning a fraudulent vehicle insurance claim. Prior to accepting a caution you had been suspended from work for a number of months, but by the time of this tour you had self-certified as sick from work with stress and anxiety, but had not provided a requested doctor's fit note.
35. In July 2010 you set up the Salty Dog Company Limited with yourself as the only director and majority shareholder and the Police Force gave you permission to do so. It was wholly your business and you sold sports goods, clothing and accessories and offered stand up paddleboard hire and lessons, tours and events. You had organised 6 SUP tours in 2021 before this one and were hoping to make the company sufficiently financially viable for you to be able to leave the police force. You were hoping to expand the business and had applied for local authority funding for a children's SUP club. You organise outdoor swimming events on Aberavon beach and litter cleans and you promote and encourage outdoor activities and cold water swimming as an aid to well being and mental health at the Aberavon Beach Hub which you set up. This has provided a sense of community and a source of strength for many and you are rightly proud of your achievements.

36. Since the commission of these offences you have thrown yourself even more into sport and physical activity, competing in IronMan events, three peaks challenges, both playing and refereeing rugby matches and have raised money for charity.
37. You have an active presence on social media and appear to the outside world to have carried on as if nothing had happened. But your marriage has fallen apart although you and Hannah remain living in the same house, which is next door to where Paul and Ceri live on Aberavon beach.
38. I have read the very many testimonials provided on your behalf and can see the high esteem that you are held in by your friends and that you have helped others, including your teenage niece, who you took in and cared for. You are seen as selfless and trustworthy, with a strong sense of duty and are well supported by your circle of friends.

Delay

39. There has been much anguish caused by the long wait that the victims and their families have had to endure to hear you plead guilty last month and to be sentenced today. Whilst the families have seen you out and about when their loved ones are gone, the delay and today's hearing has weighed heavily on you too.
40. The considerable delays in this case were not your fault. It took 2 years and 11 months for you to be charged in October 2024 because of the complexity of the case and the other investigations and enquiries that were being undertaken. After your first appearance in the magistrates court in December 2024 there was a further short delay while you awaited legal aid for which you were not to blame. I accept that you needed legal advice before deciding to plead guilty,

given the complexity of the case which amount to exceptional circumstances under paragraph F1 of the guidelines. You then pleaded guilty at the first available opportunity in this court and should receive the full one third credit for your pleas.

Gross negligence manslaughter sentencing guidelines

41. There is a disagreement between you and the prosecution about whether your culpability or blameworthiness under the sentencing guidelines for gross negligence manslaughter is high or medium which I must decide.
42. By your guilty pleas you accept that there was a serious and obvious risk of death by your breach of the duty of care that you owed to Paul and each of the four participants that day which made a significant contribution to the four deaths and that the circumstances were truly exceptionally bad. The issues are whether you also showed a blatant disregard for a very high risk of death that resulted from your negligent conduct and if you were in a leading role, or equally responsible with Paul.
43. From all the evidence I am sure that it was no firm plan to portage the weir. Going down the fish ramp was what you and Paul did on 19 August and in your messages with Paul beforehand it is apparent that that is what you also wanted to do on 30 October. If it had been your plan to portage the weir you would have surely explained it to the group or asked Paul to, to let them know that within just a few minutes of getting into the river they would need to go to the left hand bank to portage their boards past the weir. You would have checked and re-familiarised yourself with the exit point and where the group would need to start steering left. It is also clear from the CCTV that you went straight for the middle

of the river, without any attempt to try to get to the side of the river. I find that there was no clear plan to walk round. You had rejected Paul's suggestions to either step down or start the tour beyond the weir as too boring and your messages talk of you wanting to go down the ramp. From the bodyworn footage you yourself appeared to tell the police that you had led them down the middle of the river when first asked what had happened. Nor did you make any mention of intending to walk round when you gave your next account later that afternoon.

44. I accept that in the moment you may have considered the possibility of portage when you told the group to hang back, but that you decided not to do so, perhaps because you could not see the landing platform below the steps or because you thought the current was too strong to reach the bank. But by then it was far too late anyway. I find that it was either a plan to go down the fish ramp or there was no plan at all. Either way it showed a blatant disregard for a very high risk of death.

45. The Haverfordwest Town weir presented an obvious and extreme danger, which was well-known and clearly signed. You knew it was low tide and that there would be a significant drop over the weir at a time when there had been very heavy rain and that the river was swollen with a high volume of water. Flood warnings were in place. You could see from the red footbridge how fast the river was flowing and failed to look at the weir for yourself. Even from the footbridge you could hear how tumultuous the water was going over the weir, but you carried on with the plan regardless. That, combined with your apparent lack of any attention to the group's health and safety – the wrong leashes, no assessment of the experience or abilities of those new to the group, lack of any

paperwork or safety briefings, next of kin details for example, when you had been trained in risk management as a South Wales police officer licenced to carry firearms and had received rigorous training from the RNLI. You knew what you should do, but you failed to do it.

46. I also find that you were in a leading role. You and Paul were not equals. It was your company and you called the shots as is clear from the WhatsApp messages between you both. Whilst he was a co-instructor he deferred to you and whilst he undertook some research about routes and trip details, you made the decisions. The fact he was suggesting alternative routes that avoided the weir, different to the one you had recced in August, demonstrates that he had concerns, but you dismissed out of hand each alternative he put forward. Paul may have been more active on the WhatsApp group than you, but that was consistent with his more administrative role. You were in the leading role and his role was subordinate and as the owner you set the tone of the company as regards safety standards.

47. I find that you not were motivated by financial gain or trying avoiding costs. All the participants knew that there would be a walk if paddleboarding was not suitable and would not expect a refund, so there was no financial incentive to press ahead and the tour probably barely covered its costs.

48. There are no other high culpability factors that apply, but nor are there any applicable lower culpability factors. This was not a momentary lapse, your whole approach to health and safety was lax. The combination of your leading role and blatant disregard for the very high risk of death that resulted from your decision to persist with that route and to lead the group over the fish ramp places the offending firmly in category B culpability under the guidelines.

49. No statutory or other aggravating factors apply that would lead to an upward adjustment to the starting point for the gross negligence manslaughter offences in counts 1- 4 of the indictment. Much has been made of the fact that you were running your Salty Dog business whilst first suspended from firearms duty and then off sick with stress and anxiety and continued to run it even after permission for your sideline business had been withdrawn by your employer. It is an unattractive feature of the case that does not reflect well on you, but it does not amount to an aggravating feature.

Mitigation

50. As for mitigation you have no previous convictions and the caution that you accepted for insurance fraud is not relevant. You attempted to assist Morgan and Nicola with CPR, as did the other survivors, and you have provided a number of witness statements that talk of your positive character. You have been always contributed to the community, whether by beach litterpicking, promoting cold water swimming and have a long standing history of raising money for charities.

51. There is a sharp point of difference between you and the prosecution as to whether you have remorse. I accept that you are desperately sorry for what happened that day and that you too lost close friends and your life has also been massively impacted. How could it not be? But being sorry for what happened is different from remorse, which is the emotion of a genuine and consistent acceptance of your role in what happened with guilt and shame.

52. Whilst on occasions you have said that you are to blame and accept responsibility, and you seem genuinely remorseful to some survivors who have remained your friends, you have also painted a false narrative in some parts

and persisted in disproportionately blaming Paul. The evidence is that he was trying to steer you away from the original planned route and that the misgivings about it were his, not yours. He too was partly responsible for what happened, but you were the owner and he fell into line when you did not agree to a safer route. He lost his life trying to save others and is not now here to answer for himself.

53. Your focus appears initially to have been as much on the effect of the tragedy on you as on the others affected. Your first recorded reactions were that you were finished and might go to jail, rather than thoughts for the victims. Since then you have described yourself as suffering survivor's guilt and your statement submitted in support of your mitigation dwells both on what you have lost as well as what the victims have lost. I appreciate that we all have different ways of dealing with grief and yours was to present a confident front and save your anguish and distress for only the most private moments. I do not find that your continued social media presence and life as normal presentation was a deliberate snub to the victims. It was your way of coping. But you can, I hope, with hindsight appreciate how insensitive it was in such a close knit community. Also how your well-publicised charitable fundraising sporting activities appeared as virtue-signalling to the victims families who are left dealing with your desperately inadequate public liability insurance policy.

54. You have also continued to misrepresent what happened in other ways, such as in your account to the probation officer recently, for example saying that you were not part of the WhatsApp group where some group participants had shared their inexperience and lack of confidence at paddleboarding when you

were an active participant, and by saying that you had a list of next of kin which you had left at home which was simply untrue.

55. But I accept now that you do now have genuine remorse and are coming to terms with your role in what happened that day but it has taken time and missteps along the way which has exacerbated the impact on the grieving families, but I give you what credit I can. It has taken you too time to accept.

Manslaughter

56. The starting point for one offence of gross negligence manslaughter under the guideline in high culpability category B is eight years with a range of six to 12 years. If just one person had died from your gross negligence your sentence after trial would have been seven years, to reflect your mitigation and lack of aggravating features.

57. But I must sentence you for the deaths of four people. As the sentencing council totality guidelines make clear, it will often be the case that the notional sentence for any single offence will not adequately reflect the overall offending. Ordinarily some upward adjustment is required and may have the effect of going outside the category range appropriate for a single offence. But neither is it just nor proportionate to simply multiply the notional sentence for one, by four. I must sentence you to reflect all the offending behaviour that led to the four deaths by applying the totality principle, which is done by assessing the overall harm and your culpability and the mitigating factors that I have identified.

58. Let me make clear and I stress, you and Paul did not intend any harm to any of the participants who were your friends and you were horrified at what happened that day. There is absolutely no question of intent on your behalf and your criminality does not match the enormity of the tragedy.

59. But you chose to lead the group over a weir in conditions that could not have been more treacherous placing all of them in extreme danger. You did not tell them that there would be a weir and you gave them no choice but to go over it which inevitably caused this avoidable tragedy and loss of life. Neither you nor Paul were qualified to lead such a tour and your whole approach to basic health and safety was abysmal when you knew better and had been trained both in the police force and as a volunteer with the RNLI to know better as has already been set out.

Health and Safety offence

60. The mischief addressed by the health and safety offence is the risk of harm rather than the harm itself, that was caused by your breach of the statutory duty to take care. For this there are different victims to the gross negligence manslaughter offences. The victims are the survivors of the weir – Gemma, Jemma, Melody and Ceri – who were exposed to the very high risk of death that day because of your failures. The effects of that experience were profound and the level of their continuing trauma and survivors' guilt was apparent from their moving statements yesterday. Although this offence arises out of the same incident, it addresses a different aspect of your offending, with different victims and in order to do justice to the case for this offence you must receive a consecutive sentence.

61. The total sentence that I impose on you is **10 years and 6 months**. It is arrived at as follows.

62. Given the wholesale failure in the face of the overwhelming and obvious evidence of how highly dangerous it was and taking everything into account, if you had been found guilty by a jury after a trial, the shortest sentences

commensurate with the overall gravity of the four manslaughter offences would have been concurrent sentences **15 years imprisonment**. Since you have pleaded guilty at what was the earliest opportunity you are entitled to one third deduction so that the sentences I impose on you for each of counts 1 – 4 to run concurrently with each other is **10 years immediate custody**.

63. For the health and safety offence I assess your culpability for this offence as being very high under the sentencing council guidelines by your flagrant disregard of your duty to take reasonable care and as there was a high likelihood of death, it is level A harm. The starting point is 18 months custody with a category range of one to two years' custody. There are no aggravating features additional to the factors that are taken into account in the assessment of category, but you have the mitigation of your lack of previous convictions and positive character testimonials. A notional starting point after trial would have been 15 months. I make a further deduction to reflect totality with the manslaughter sentences to 9 months and then deduct for your guilty plea to reach a final sentence of **6 months custody**.

64. You will be released from custody no later than two-thirds of the way through your sentence, and the remainder will be served on licence in the community. As I am sure you already know, but it is my duty to inform you, you must comply with the conditions of your licence or you will be at risk of recall to prison to serve the remainder of the term in custody.

65. I do not make a director's disqualification order against you. These offences were not anything to do with the fact that you ran your business as a limited company, but to do with your gross negligence and disregard for health and

safety which would have been the same if you had been operating as a sole trader.

66. The statutory surcharge will apply.

67. I pay especial tribute to Joel Williams for his incredible bravery in jumping into the water to rescue Andrea and immediately starting CPR and for his cool headed attempts to get the lifebuoy to Paul. It is partly thanks to him that Andrea's organs could be donated to save others' lives. I will be recommending him for tangible recognition for what he did that day.

68. I thank counsel and their respective legal teams for all their hard work in preparing and presenting the case and to all the staff here at Swansea Crown Court especially our ushers, court clerk and delivery director, who have gone above and beyond to ensure smooth running and efficient hearings.

69. Finally I pay tribute once again to the families of the victims and the survivors. It was humbling and a privilege that they shared their searing, moving accounts with the court and displayed such dignity and courage in the midst of overwhelming grief. I thank you from the bottom of my heart.

70. Ms Lloyd, you may go downstairs and start your sentence.

Mrs Justice Stacey

23 April 2025