

## **Decision Report of the City & County of Swansea Standards Committee held on 13 October 2023**

### **In Relation to an Alleged Breach of the Code of Conduct by Former Community Councillor Louise Thomas**

#### **1. Introduction**

- 1.1 This is the determination of the City and County of Swansea Standards Committee in relation to a complaint of breach of the Code of Conduct by Former Councillor Louise Thomas of Mumbles Community Council.
- 1.2 The determination follows receipt of a report issued by the Public Service Ombudsman for Wales (the Ombudsman) under s 69 Local Government Act 2000 dated 21 March 2023 following which the matter was referred to the Council's Standards Committee for consideration.
- 1.3 The Standards Committee determined its adjudication by way of an oral hearing on 13 October 2023 which was conducted at the Gloucester Room, the Guildhall, Swansea, SA1 4PE (independent member Michaela Jones attended remotely via MS Teams). The Public Service Ombudsman was represented by Mr Leigh McAndrew and Mr Matt Phelps. Former Councillor Thomas attended the committee.

#### **2. Allegations**

- 2.1 The allegations contained within the Ombudsman's report were that former Councillor Thomas had breached the Council's Code of Conduct as set out below:

“complaints made by former Councillor Thomas to the Ombudsman were frivolous and, in regard to complaints made against Councillors Keeton and Erasmus, malicious and vexatious. She failed to accept the guidance provided by my officers, did not seek further guidance, and did not utilize the Council's Local Resolution Procedure, suggestive of a breach of paragraph 6 (1) (d) of the Code of Conduct” (as set out in paragraph 72 of the Ombudsman's report dated 21 March 2023).

“informing a member of the public that she had covertly recorded a confidential Council meeting, and offering to play the recording to him, is likely to bring former Councillor Thomas' office and/or authority into disrepute, suggestive of a breach of paragraph 6 (1) (a) of the Code of Conduct (as set out in paragraph 76 of the Ombudsman's report dated 21 March 2023).

#### **3. Hearing**

- 3.1 The Standards Committee adopted a Standards Committee Hearing Procedure for considering alleged breaches of the Code of Conduct referrals on 18 February 2021.

- 3.2 On 23 June 2023 the Standards Committee determined that there was sufficient evidence to proceed to the next stage of the process and that former Councillor Thomas be given an opportunity to respond to the allegations and the investigation report from the Ombudsman.
- 3.3 Former Councillor Thomas confirmed that she wished to have an oral hearing under the Procedure. The Ombudsman's office also confirmed that they wished to attend to present their report to the Committee. A Standards Committee meeting was arranged for 13 October 2023.

#### **4. Stage 1 – Findings of Fact**

- 4.1 At the Standards Committee meeting on 13 October 2023 former Councillor Thomas agreed the undisputed facts set out in the Ombudsman's report dated 21 March 2023 as follows:

Paragraph 46: Former Councillor Thomas was a member of the Council from 10 May 2021 until 6 January 2022 and again from 10 May 2022 to 18 July 2022.

Paragraph 48: Former Councillor Thomas made 9 complaints to my office about her fellow members in 7 months.

Paragraph 49: None of the complaints made by former Councillor Thomas to my office passed the 2-stage test and were therefore not investigated as no evidence of the breach of a code of conduct had been presented.

Paragraph 50: Former Councillor Thomas was advised by my office to consider my Guidance, to seek guidance from the Clerk, the Monitoring Officer of Swansea Council, and One Voice Wales before making complaints, and to seek training on the Code of Conduct.

Paragraph 51: Former Councillor Thomas did not seek guidance from the Monitoring Officer of Swansea Council or the Clerk of the Council prior to making any of her complaints to my office.

Paragraph 52: Former Councillor Thomas recorded a confidential part of the Council's Special Meeting held on 3 December 2021 and offered to play it to Mr Williams.

Paragraph 53: Former Councillor Thomas did not play the recording of the meeting to Mr Williams. She shared the recording with the Police, Audit Wales and my office.

Paragraph 54: Former Councillor Thomas was aware at the time she offered to play the recording to Mr Williams that her actions were likely to amount to the breach of the Code of Conduct.

Paragraph 55: Former Councillor Thomas resigned from the Council on 6 January 2022 and again on 18 July 2022. She no longer lives in Wales.

- 4.2 At the Standards Committee meeting on 13 October 2023 former Councillor Thomas agreed the disputed fact set out in paragraph 56 of the Ombudsman's report: Did Councillor Erasmus attend the vote count and ignore former

Councillor Thomas, as alleged. Former Councillor Thomas informed the Standards Committee members that she now agreed that Councillor Erasmus was not present at the vote count on Friday 6 May 2022.

- 4.3 At the Standards Committee meeting on 13 October 2023 former Councillor Thomas disputed one of the undisputed facts set out in paragraphs 46 – 55 of the Ombudsman report's, i.e. former Councillor Thomas disputed paragraph 47 which stated "Former Councillor Thomas did not attend training on the Code of Conduct, even though she had been booked onto One Voice Wales training courses".
- 4.4 Former Councillor Thomas stated that she had attended a training event which was held remotely around June 2021. Former Councillor Thomas could not provide confirmation as to who the provider of the training event was, the date of the training or a certificate to confirm she had passed the training.
- 4.5 After considering the representations made by former Councillor Thomas, Mr McAndrew and causing further enquiries to be made with One Voice Wales and the Democratic Services Department of Swansea Council, neither of which could confirm that former Councillor Thomas had attended Code of Conduct training run by them around June 2021, the members of the Standards Committee retired to consider their decision.
- 4.6 The members of the Standards Committee re-convened after reaching a decision and informed former Councillor Thomas that the facts set out in the Ombudsman's report dated 21 March 2023 were agreed by her apart from the issue of Code of Conduct training. The members of the Standards Committee found there was no evidence to contradict anything said in the Ombudsman's report regarding the lack of Code of Conduct training and that they found on the balance of probabilities that former Councillor Thomas did not attend Code of Conduct training.

## **5. Stage 2 – Breach of the Code of Conduct**

- 5.1 Having made findings of fact the Standards Committee moved to stage 2 of the Standards Committee hearing procedure – Did the Councillor fail to follow the Code.
- 5.2 In accordance with the Standards Committee hearing procedure former Councillor Thomas made representations as to whether there had been a breach of the Code of Conduct, Mr McAndrew made representations as to whether there had been a breach of the Code of Conduct and former Councillor Thomas made final representations.
- 5.3 The members of the Standards Committee then retired to consider their decision as to whether former Councillor Thomas was in breach of the Code of Conduct.
- 5.4 After considering the contents of the Ombudsman's report dated 21 March 2023, the evidence contained in the Ombudsman's report, the agreed facts and representations made the Standards Committee re-convened and the Chair informed former Councillor Thomas that the Committee's was satisfied

that former Councillor Thomas had breached paragraphs 6 (1) (a) and 6 (1) (d) of the Code of Conduct.

## **6. Stage 3 - Sanction**

- 6.1 In arriving at their decision as to the appropriate sanction the Standards Committee heard representations from former Councillor Thomas and Mr McAndrew and took into account the Adjudication Panel for Wales Sanction Guidance.
- 6.2 The members of the Standards Committee retired to consider their decision as to whether to impose a sanction, and if so, the nature of the sanction and after a decision was made the members of the Standards Committee reconvened.
- 6.3 The Chair of the Standards Committee informed former Councillor Thomas that the members of the Standards Committee considered what, if any, sanction to impose against the background of the Adjudication Panel for Wales Sanction Guidance and its 5-stage approach which was a useful template although it was not binding on the Standards Committee. The members of the Standards Committee took into account the seriousness of the breaches of parts 6 (1) (a) and 6 (1) (d) of the Code of Conduct, the recording being made of a confidential meeting and the offer to share that recording, the refusal to accept evidence and the pattern of complaints to the Ombudsman over a number of months.
- 6.4 The Chair of the Standards Committee informed former Councillor Thomas that the members of the Standards Committee found the effect the complaints had on others, the lack of reflection, the absence of attending training on the Code of Conduct, the failure to take advice from the Clerk or the Chair of the Council and the failure to use the local Dispute Resolution Procedure, and that there was some element of planning in recording the confidential committee meeting to be aggravating factors.
- 6.5 The Chair of the Standards Committee informed former Councillor Thomas that the members of the Standards Committee found the inexperience of former Councillor Thomas, the fact that former Councillor Thomas co-operated with the Ombudsman and the fact that former Councillor Thomas may have genuinely held concerns as to what was going on at the Council to be mitigating factors.
- 6.6 The Committee considered the range of sanctions available and were mindful of the representations made by the Ombudsman both as to mitigating/aggravating circumstances and that the Ombudsman was of the view that a censure or limited form of suspension was in the public interest in this matter. The Committee also took into account the representations made by former Councillor Thomas and the fact that she had cooperated with the investigation by the Ombudsman.
- 6.7 The members of the Standards Committee resolved and informed former Councillor Thomas of the following:
  - a. That former Councillor Louise Thomas be found to be in breach of Paragraphs 6 (1) (a) and 6 (1) (d) of the Code of Conduct.

