



City and County of Swansea

Minutes of the **Standards Committee**

Multi-Location Meeting - Gloucester Room, Guildhall / MS

Teams

Friday, 13 October 2023 at 10.00 am

Present: Mike Lewis (Chair) Presided

Councillor(s)

O G James

Councillor(s)

M B Lewis

Councillor(s)

Co-opted Member(s)

Carlo Rabaiotti
Michaela Jones

Co-opted Member(s)

Janet Pardue-Wood
Mark Rees

Co-opted Member(s)

Officer(s)

Huw Evans
Adrian Jeremiah

Head of Democratic Services
Associate Lawyer

Also present

Louise Thomas
Leigh McAndrew
Matt Phelps
Sara Keeton

Former Mumbles Community Councillor
Office of the Public Services Ombudsman for Wales
Office of the Public Services Ombudsman for Wales
Witness & Mumbles Community Councillor

Apologies for Absence

Councillor(s): L G Thomas

5 **Disclosures of Personal and Prejudicial Interests.**

In accordance with the Code of Conduct adopted by the City & County of Swansea, the following interests were declared:

- 1) Councillor O G James declared a Personal Interest in Minute 7 "Public Services Ombudsman for Wales Referral - Alleged Breach of the Code of Conduct by a Former Community Councillor".

6 **Minutes.**

Resolved that the Minutes of the Standards Committee held on 23 June 2023 be approved and signed as a correct record subject to Town Councillor Carlo Rabaiotti being shown as being present.

7 **Public Services Ombudsman for Wales Referral - Alleged Breach of the Code of Conduct by a Former Community Councillor.**

The Monitoring Officer submitted a report which sought consideration of the Public Services Ombudsman for Wales (PSOW) referral to the Monitoring Officer for the Standards Committee to consider in relation to an alleged breach of the Code of Conduct by former Community Councillor Louise Thomas.

The Chair welcomed all to the Committee and introduced the Committee Members and Officers.

The Chair stated that the Committee had previously adopted the Standards Committee Hearing Procedure. He outlined the three stages of the process that would be followed:

- Stage 1 – Finding of Fact.
- Stage 2 – Did the Councillor Fail to follow the Code.
- Stage 3 – Breach of the Code / Consideration of Sanctions.

Stage 1 - Finding of Fact

The Chair queried if there was any disagreement with the Undisputed facts listed in the Public Services Ombudsman for Wales report. Louise Thomas stated that she disputed Paragraphs 47 & 49 of the report:

- i) *Paragraph 47 "Former Councillor Thomas did not attend training on the Code of Conduct, even though she had been booked onto One Voice Wales training courses."*

Louise Thomas agreed that she had not attended the One Voice Wales, Code of Conduct training; however, she had attended a Code of Conduct training course with an alternative provider. Louise Thomas stated that she had attended Code of Conduct training in June.

The Chair stated that the Committee would consider this issue later in the meeting.

- ii) *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 a breach of the Code of Conduct had been presented."*

Louise Thomas disputed this fact. Leigh McAndrew confirmed that the Paragraph was accurate. The Chair clarified that the Paragraph related solely to the Ombudsman's findings and not to Louise Thomas' belief that her complaints were valid. Following the clarification, Louise Thomas accepted the Paragraph as fact.

The Chair queried if there was any disagreement with the Disputed facts listed in the Public Services Ombudsman for Wales report. Louise Thomas stated that she now accepted Paragraph 56 as an Undisputed fact. Louise Thomas accepted that Community Councillor Erasmus did not attend the vote count on Friday, 6 May 2022.

Leigh McAndrew, Office of the Public Services Ombudsman for Wales referred "The investigation of complaints against Former Councillor Louise Thomas of Mumbles Community Council" as outlined in Appendix B of the report and made representations to the Committee.

Louise Thomas made her representations to the Committee.

Leigh McAndrew & Louise Thomas were asked questions by Members of the Standards Committee. They responded accordingly.

The Chair referred to Pages 269 & 270 of the Agenda Pack. Those pages indicate that Louise Thomas received a copy of the Public Services Ombudsman for Wales draft report on 21 February 2023 and had a deadline to submit any comments to the Ombudsman by 14 March 2023. The Chair asked Louise Thomas whether she accepted these facts and why she did not reply to the Ombudsman.

Louise Thomas confirmed receipt of the Ombudsman's draft report and stated that she had not responded to the draft report as she no longer lived in Wales, was very busy and that there had been a family bereavement.

The Standards Committee retired to consider Stage 1 - Findings of Fact. The only issue disputed related to Louise Thomas having attended Code of Conduct training.

Closed Session

(Standards Committee Members & Swansea Council Officers remained)

The Committee discussed the issues relating to the investigation.

Open Session

(Louise Thomas, Officers of the Public Services Ombudsman for Wales & Members of the Public returned)

The Chair stated that the Standards Committee had deliberated the findings of fact as set out in the Public Services Ombudsman for Wales (PSOW) report. He stated that One Voice Wales had confirmed that Louise Thomas had not attended Code of Conduct training. He also stated that Swansea Council had confirmed that it had not held any Code of Conduct training courses during the period in question.

The Chair stated that the Committee had found no evidence that Louise Thomas had attended Code of Conduct training and on the balance of probability found that she had not received said training.

The Chair asked whether Leigh McAndrew still intending calling Mumbles Community Councillor Sara Keeton as a witness. Leigh McAndrew indicated that he did.

Louise Thomas indicated that she would like the opportunity to cross examine the witness as she disputed Community Councillor Sara Keeton's evidence. Louise Thomas stated that she believed all the Ombudsman's witnesses should be present for her to cross examine.

Closed Session

(Standards Committee Members & Swansea Council Officers remained)

The Committee discussed the issues relating to the investigation.

Open Session

(Louise Thomas, Officers of the Public Services Ombudsman for Wales & Members of the Public returned)

The Chair stated that the Committee had considered the question of calling and cross examining the witness. The witness would be setting out the personal impact that Louise Thomas had on Community Councillor Sara Keeton.

Leigh McAndrew stated that he was happy to rely on Community Councillor Sara Keeton's written witness statement.

The Chair stated that the witness would not be called at this time; however, the Committee reserved the right to call the witness should Louise Thomas be found to have breached the Code of Conduct.

Stage 2 - Did the Councillor Fail to follow the Code

The Chair asked Louise Thomas if she accepted that she had breached the following Paragraphs of the Code of Conduct:

- i) *Paragraph 6 (1) (a) "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute."*
- ii) *Paragraph 6 (1) (d) "You must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority."*

Louise Thomas indicated that she believed that there was no breach on either point. Louise Thomas made her representations to the Committee.

Leigh McAndrew, Office of the Public Services Ombudsman for Wales made representations to the Committee.

Leigh McAndrew & Louise Thomas were asked questions by Members of the Standards Committee. They responded accordingly.

Louise Thomas & Leigh McAndrew were afforded the opportunity to make any final relevant representations.

The Committee retired to consider their decision as to whether Louise Thomas had breached the Code of Conduct.

Closed Session

(Standards Committee Members & Swansea Council Officers remained)

The Committee discussed the issues relating to the potential breach of the Code of Conduct.

Open Session

(Louise Thomas, Officers of the Public Services Ombudsman for Wales & Members of the Public returned)

The Chair stated that the Committee had considered the contents of the Public Services Ombudsman for Wales report dated 21 March 2023, the evidence contained in the Ombudsman's report, the agreed facts and representations made by Louise Thomas.

The Chair stated that the Committee had found that Louise Thomas had breached Paragraphs 6 (1) (a) and 6 (1) (d) of the Code of Conduct.

Stage 3 - Breach of the Code / Consideration of Sanctions

The Chair stated that the Committee would proceed to Stage 3 of the hearing and invited representations from Leigh McAndrew, Public Services Ombudsman for Wales Investigating Officer and from Former Community Councillor Louise Thomas.

Leigh McAndrew made his representations and stated that there should be a sanction. He highlighted the Sanctions Guidance issued by the Adjudication Panel for Wales under Section 75 (10) of the Local Government Act 2000. He also outlined the mitigating and aggravating factors that the Committee should consider.

Louise Thomas made her representations and stated that there were lies in the statement and that the Witnesses should have been called for her to cross examine.

The Standards Committee did not ask questions of Leigh McAndrew or of Louise Thomas.

The Committee retired to consider their decision as to whether a sanction be imposed and if so, the nature of the sanction.

Closed Session

(Standards Committee Members & Swansea Council Officers remained)

The Committee discussed whether a sanction be imposed and if so, the nature of the sanction.

Open Session

(Louise Thomas, Officers of the Public Services Ombudsman for Wales & Members of the Public returned)

The Chair of the Standards Committee informed former Councillor Louise Thomas that the Standards Committee had considered what, if any, sanction to impose against the background of the Sanctions Guidance issued by the Adjudication Panel for Wales and its 5-stage approach. The guidance was not binding on the Committee; however, it was a useful template. The Standards Committee considered the seriousness of the breaches of Paragraphs 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 Public Services Ombudsman for Wales over several months.

The Chair stated that the 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 Mumbles Community 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.

The Chair stated that the 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.

The Chair stated that the Committee had 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 considered the representations made by Louise Thomas and the fact that she had apologised for her actions and cooperated with the Ombudsman's investigation.

Resolved that:

- 1) Former Councillor Louise Thomas be found to be in breach of Paragraphs 6 (1) (a) and 6 (1) (d) of the Code of Conduct.
- 2) Former Councillor Louise Thomas be formally censured for breaching Paragraphs 6 (1) (a) and 6 (1) (d) of the Code of Conduct.
- 3) Should Former Councillor Louise Thomas still have been a serving Community Councillor, the Standards Committee would have imposed a 6-month suspension, which is the maximum period of suspension that the Committee could impose.

8 Workplan 2023-2024.

This item was deferred to the next meeting.

The meeting ended at 1.59 pm

Chair