



Report of the Monitoring Officer

Standards Committee – 13 October 2023

Public Service Ombudsman for Wales Referral – Alleged Breach of the Code of Conduct by a former Community Councillor

Purpose:	To consider the report of the Public Service Ombudsman for Wales (PSOW) in relation to an alleged breach of the Code of Conduct by a former Community Councillor which has been referred to the Monitoring Officer for determination by the Standards Committee
Policy Framework:	Terms of Reference of the Standards Committee; Local Government Act 2000; Local Government Investigations (Functions of Monitoring Officer and Standards Committee) (Wales) Regulations 2001; Local Government (Standards Committee, Investigations, Dispensation and Referral) (Wales) (Amendment) Regulations 2016
Consultation:	Legal, Finance & Access to Services
Recommendation(s):	It is recommended that Standards Committee: 1) Consider the report of the PSOW attached at Appendix B and make a determination as to whether or not the former Community Councillor has breached the Code of Conduct. 2) If the Standards Committee determine that the former Community Councillor has breached the Code of Conduct what sanction, if any, should be imposed on the former Community Councillor.
Report Author:	Adrian Jeremiah
Finance Officer:	N/A
Legal Officer:	Adrian Jeremiah
Access to Services Officer:	N/A

1. Background

- 1.1 The PSOW may investigate any alleged breach of the Code of Conduct by a Member under section 69 of the Local Government Act 2000. The purpose of any such investigation is to decide whether:
- a) There is evidence of any failure to comply with the Code of Conduct;
 - b) Action needs to be taken in respect of the matters which were the subject of the investigation;
 - c) The matters which are the subject of the investigation should be referred to the Monitoring Officer of the relevant authority concerned;
 - d) The matters which are the subject of the investigation should be referred to the Adjudication Panel for Wales for adjudication.
- 1.2 The duties and powers of the Monitoring Officer and the Standards Committee in relation to any misconduct complaints referred by the PSOW are set out in the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 ('the Regulations').
- 1.3 The terms of reference of the Standards Committee as set out in the Constitution include:
- 17 (g) to consider allegations of breaches of Code of Conduct made against Members.
- 1.4 At their meeting on 18th February 2021 the Standards Committee approved the Standards Committee Hearing Procedure which is attached at Appendix A.

2. Referral

- 2.1 Pursuant to the powers under s 69 Local Government Act 2000, the PSOW has investigated allegations of breaches of the Code of Conduct relating to former Councillor Louise Thomas of Mumbles Community Council and on 21 March 2023 referred the matter to the Monitoring Officer for determination by the Standards Committee.
- 2.2 Mumbles Community Council has adopted a Code of Conduct for members which incorporates the provisions of the model code contained in an order made by Welsh Ministers.
- 2.3 Although former Councillor Thomas ceased to be a member of the Council following her resignation on 18 July 2022 and is no longer resident in Wales, the PSOW notes at paragraph 77 of her report that it remains open to former Councillor Thomas to stand for office in Wales

at any time and that, for the reasons given in the report, it is her view that referral to the Standards Committee is in the public interest.

- 2.4 At the Standards Committee meeting on 23 June 2023 the background to this matter was set out in a report prepared by the Monitoring Officer following the referral by the PSOW dated 21 March 2023. At the Standards Committee meeting dated 23 June 2023 the members of the Standards Committee after considering the evidence felt that there was sufficient evidence to proceed to the next stage of the process and the former Councillor be given the opportunity to respond. The Committee would consider the arrangements for a Hearings Panel to hear and determine the matter.
- 2.5 The PSOW Investigation report at Appendix B sets out the legal framework, details of the allegations made, the investigation undertaken, the PSOW findings as to the facts and the conclusions drawn. Appendix C sets out the materials considered by the PSOW in preparing the report.
- 2.6 The former Community Councillor has been invited to agree that she has breached the Conduct but to date has not done so. The former Councillor has been notified of the time, date and venue of the Standards Committee meeting and has been invited to attend the Standards Committee meeting. The former Councillor has provided the materials at Appendix D in support of her position and/or in mitigation (should the Standards Committee determine that there has been a breach of the Code of Conduct).
- 2.7 Mr Leigh McAndrew of the PSOW will present the report at Appendix B. The witnesses referred to in the PSOW report will attend the Standards Committee. Mr McAndrew of the PSOW has provided preliminary comments to the Standards Committee as set out in his letter dated 11 August 2023 at Appendix E.
- 2.8 The Committee is therefore asked to consider the PSOW Investigation Report attached at Appendix B together with the appendices at C, D and E and make a determination either:
 - a) That there is no evidence of a failure to comply with the Code of Conduct;
 - or
 - b) That former Councillor Thomas has failed to comply with the Code of Conduct, and if there is such a determination, what sanction, if any, should be imposed.

3. Legal Implications

- 3.1 The ethical framework of Members is derived from the Local Government Act 2000 and the Members Code of Conduct as created by the Conduct of Members (Model Code of Conduct) (Wales) Order 2001.

3.2 After any Hearing, the Panel is required to give notice of its determination to Councillor Thomas, the complainant and the PSOW and to produce and publish a report on the outcome of the investigation (Regulation 13 of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001).

4. Financial Implications

4.1 There are no financial implications associated with this report.

5. Equality and Engagement Implications

5.1 There are no equality and engagement implications associated with this report.

Background papers: None

Appendices:

Appendix A	Standards Committee Hearing Procedure
Appendix B	PSOW Investigation Report
Appendix C	Appendices to the Investigation Report
Appendix D	Materials provided by former Councillor Thomas
Appendix E	Letter from Mr Leigh McAndrew of the PSOW dated 11 August 2023