

The investigation of complaints  
against Former Councillor Louise Thomas  
of Mumbles Community Council

A report by the  
Public Services Ombudsman for Wales  
Case: 202106524 & 202106588

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## Introduction

Report by the Public Services Ombudsman for Wales on the investigation of complaints made against Former Councillor Louise Thomas of Mumbles Community Council, of breaches of the Council's statutory Code of Conduct for Members.

This report is issued under section 69 of the Local Government Act 2000.

## Summary

The Ombudsman received 2 complaints from the then-Chair of Mumbles Community Council (“the Council”) that a Former Councillor had breached the Council’s Code of Conduct. It was alleged that the Former Councillor had submitted a series of vexatious complaints to my office which had been targeted against a small group of the Council’s members. It was further alleged that the Former Councillor covertly recorded a confidential session of a Council meeting and offered to play the recording to a member of the public.

The Ombudsman found that the Former Councillor had made 9 complaints about Council members to her office in 7 months. The Ombudsman considered none of the complaints to have merit, that some were frivolous while others were malicious and/or vexatious, which may amount to a breach of paragraph 6(1)(d) of the Council’s Code of Conduct.

The Ombudsman found that the Former Councillor recorded a confidential session of a Council meeting but concluded that no evidence had been provided that the Former Councillor had shared the recording with a member of the public. However, the Former Councillor had messaged a member of the public and offered to play the recording for him, which may have brought her office and the Council into disrepute, suggestive of a breach of paragraph 6(1)(a) of the Council’s Code of Conduct.

The Ombudsman concluded that the Former Councillor’s conduct may amount to breaches of paragraphs 6(1)(a) and 6(1)(d) of the Council’s Code of Conduct and referred her report to the Monitoring Officer of Swansea Council for consideration by its Standards Committee.

## The complaints

### The first complaint

1. On 21 December 2021 my office received a complaint (“the first complaint”) from Dr Martin O’Neill, who was Chairperson of Mumbles Community Council (“the Council”) at the time, that Former Councillor Louise Thomas had failed to observe the Code of Conduct for Members of the Council. It was alleged that Former Councillor Thomas had submitted a series of vexatious complaints to my office which had been targeted against a small group of Councillors. A copy of the first complaint is attached at Appendix 1.

### The second complaint

2. On 23 December 2021 Dr O’Neill submitted a further complaint (“the second complaint”) that Former Councillor Thomas had failed to observe the Council’s Code of Conduct. It was alleged that Former Councillor Thomas had covertly recorded a confidential session of a Council meeting and offered to play the recording to a member of the public. A copy of the second complaint is attached at Appendix 2.

### Legal background

3. As required by Part III of the Local Government Act 2000 (“the Act”), the Council has adopted a Code of Conduct for Members which incorporates the provisions of a Model Code of Conduct contained in an order made by the Welsh Ministers. A copy of that Code of Conduct is at Appendix 3. Council members are required to sign an undertaking that, in performing their functions, they will observe the Council’s Code of Conduct. Former Councillor Thomas gave such an undertaking on 10 May 2021 and 10 May 2022. Copies of those declarations are attached at Appendix 4.

4. Section 69 of the Act provides the authority for my investigation and the production of this report.

## My investigation

5. Having considered the complaints as made to me, I concluded that it was appropriate to investigate whether Former Councillor Thomas had failed to comply with any of the following provisions of the Code of Conduct:

- 5(a) – Not to disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so.
- 6(1)(a) – Not to conduct herself in a manner which could reasonably be regarded as bringing her office or authority into disrepute.
- 6(1)(d) – Not to make vexatious, malicious, or frivolous complaints against other members or anyone who works for, or on behalf of, her authority.

6. Former Councillor Thomas was informed of my office's intended investigation on 1 February 2022 (copy letter at Appendix 5).

7. During the investigation my office obtained copies of minutes and other relevant documents from the Council (Appendix 6). My Investigation Officer also obtained relevant documents from Swansea Council (Appendix 7). Statements were obtained from the following witnesses:

- Dr O'Neill – Former Chairperson of the Council (Appendix 8).
- Mumbles Community Councillor Carrie Townsend-Jones (Appendix 9).
- Mumbles Community Councillor Sara Keeton (Appendix 10).
- Mumbles Community Councillor Pamela Erasmus (Appendix 11).
- Mr Jason Williams, Chairperson – Mumbles Skatepark Association<sup>1</sup> (Appendix 12).

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<sup>1</sup> A special interest group set up to support the redevelopment of the Skate Park – see Appendix 12.

8. Copies of all statements and documents referred to in this report are available in the appendices.

9. The evidence found by my investigation has been put to Former Councillor Thomas, enabling her to review that evidence before responding to the questions which were put to her. Former Councillor Thomas was subsequently interviewed by my Investigation Officer on 21 September 2022 online, via Microsoft Teams. A transcript of the interview is available at Appendix 13.

10. I have given Former Councillor Thomas the opportunity to comment on a draft of this report which included my provisional views and finding. Former Councillor Thomas did not submit any comments in response to the draft report.

### **My guidance on the Code of Conduct**

11. I have issued Guidance for members of local authorities in Wales on the Model Code of Conduct (“my Guidance”). I include at Appendix 14 extracts of my Guidance which are relevant to these complaints, and which were in place at the time of the events.

12. My Guidance states that Community Councillors “may have sight of information of a confidential or sensitive nature, such as personal or commercially sensitive information” and that, as a general rule, members “should treat items discussed in the confidential sections of meetings (‘exempt’ items) as confidential”.

13. My Guidance advises members that their “actions and behaviour are subject to greater scrutiny than those of ordinary members of the public” and that when “considering whether a member’s conduct is indicative of bringing their office or their authority into disrepute, I will consider their actions from the viewpoint of a reasonable member of the public”.

14. Additionally, my Guidance states that members “must not make complaints against other members...which are not founded in fact, and which are motivated by malice (a desire to do them harm) or by political rivalry”.

15. My Guidance says that there have been instances where members made complaints about rivals “where the evidence of any breach [was] weak or non-existent”. My Guidance makes clear to members that the Code of Conduct “should not be used by members to pursue their political or private differences” and they should “avoid making complaints which have little or no substance (frivolous complaints) which are designed mainly to annoy the person complained about”. Such complaints can have “an adverse impact on relations within the Council”.

## Events

16. Former Councillor Thomas signed her Declaration of Acceptance of Office on 10 May **2021**. She requested Code of Conduct training and was booked onto One Voice Wales<sup>2</sup> training courses, but did not attend any training (Appendix 6, page 33).

### The first complaint

17. Former Councillor Thomas attended her first Council meeting on 11 May.<sup>3</sup> On 12 May Former Councillor Thomas made 3 complaints to my office about her fellow Councillors; Councillor Carrie Townsend-Jones; Councillor Sara Keeton; and Councillor Pamela Erasmus (Appendix 15, pages 110 to 115, 119 to 124, and 128 to 133). Former Councillor Thomas complained that the 3 members had failed to show respect and consideration to others (in breach of paragraph 4(b) of the Code of Conduct) when they (as members of a Council Committee) offered employment to an applicant without consulting the whole Committee or Council.

18. My office responded to Former Councillor Thomas’ complaints on 26 May (Appendix 15, pages 116 to 118, 125 to 127, and 134 to 136 respectively). Former Councillor Thomas was advised that my office applies a 2-stage test when deciding whether to investigate a Code of Conduct complaint. At the first stage, the aim is “to establish whether there is direct evidence that a breach of the [Code of Conduct] has occurred”. At

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<sup>2</sup> One Voice Wales is a membership organisation which represents Community and Town Councils in Wales, offering training and support.

<sup>3</sup> <https://mumbles.gov.uk/admin/resources/council-minutes-annual-meeting-11-may-2021-2-1.pdf>



the second stage, my officer considers “whether an investigation or a referral to a standards committee or the Adjudication Panel for Wales is required in the public interest”.

19. It was noted that Councillor Erasmus had informed my office that she had not been involved with the matters complained about (Appendix 15, page 126). Former Councillor Thomas was advised that the complaints she had made appeared to be “about maladministration relating to the recruitment process”, rather than a breach of the Council’s Code of Conduct. The complaints therefore did not pass the first stage of the 2-stage test as no evidence of a breach of the Code of Conduct had been presented. Former Councillor Thomas was advised to consider my Guidance, and that it was open to her “to seek guidance from the Monitoring Officer of Swansea Council prior to submitting complaints” to my office.

20. On 27 May Former Councillor Thomas made 3 further complaints to my office against Councillors Townsend-Jones, Keeton, and Erasmus (Appendix 15, pages 137 to 144, 148 to 151, and 155 to 158). Former Councillor Thomas complained that:

- Councillors Keeton and Townsend-Jones had been rude to her and ignored her at a vote count; other Council members had told her they had experienced bullying from Councillors Keeton and Townsend-Jones; they had displayed “catty” behaviour during a Council meeting and had made inappropriate posts on social media.
- Councillor Erasmus had been rude to her and ignored her at a vote count; other Council members had told her they had experienced bullying from Councillor Erasmus; she had displayed “catty” behaviour during a Council meeting and had made inappropriate comments in the Council’s WhatsApp group (a text messaging application).

21. My office responded to Former Councillor Thomas’ complaints on 9 July (Appendix 15, pages 145 to 147, 152 to 154, and 159 to 161). None of the complaints passed the 2-stage test. It was noted that Councillor Erasmus provided persuasive evidence to my office which supported her account that she did not attend the vote count complained about (therefore, she could not have ignored Former Councillor Thomas at

the vote count – Appendix 15, page 160). The evidence provided by Councillor Erasmus was a contemporaneous message she had sent to Councillor Keeton’s husband stating, “Won’t make the count. Can’t walk” (Appendix 18).

22. Former Councillor Thomas was reminded of paragraph 6(1)(d) of the Code of Conduct regarding vexatious, malicious or frivolous complaints.

23. On 28 July Former Councillor Thomas complained about an email sent to Council members by Councillor Erasmus (Appendix 15, pages 162 to 165). My office responded to the complaint on 6 August (Appendix 15, pages 166 and 167). The complaint did not pass the 2-stage test.

24. On 29 July Former Councillor Thomas made a complaint against Councillor Keeton, the substance of which was that she had felt excluded from a Council matter as her colleagues had not directly asked her to be involved, and that Councillor Keeton had said she did not trust her (Appendix 15, pages 168 to 177). My office issued its response on 25 August and again, the complaint did not pass the 2-stage test. My office wrote to Former Councillor Thomas and said:

“This is the eighth complaint that the Ombudsman has now considered from you. None have been taken forward for investigation and largely have related to personal issues between you and other members of the Council. It should also be noted that the Code of Conduct specifically states that members must not make vexatious, malicious or frivolous complaints against other members, or anyone who works for, or on behalf of your authority (Paragraph 6(1)(d)). I recognise that you are new to your role, therefore, before you consider submitting any further complaints, it may be helpful to you to familiarise yourself with the Code of Conduct (your Clerk should be able to provide you with a copy) and the Ombudsman’s Code of Conduct guidance, available on our website...It is open to you to take advice from your Clerk, the Monitoring Officer of [Swansea Council], or One Voice Wales (if your Council is a member) about whether behaviour you have encountered is likely to amount to a breach of the [Code of Conduct] and whether an investigation might be in the public interest. You may also be able to obtain training on Code of Conduct matters from those sources” (Appendix 15, page 179).

25. On 20 December, Former Councillor Thomas made a further complaint against Councillor Keeton (Appendix 15, pages 180 to 184) (a ninth complaint about her fellow members in 7 months and a fourth against Councillor Keeton). The complaint stated:

“If you are interested I have just made an official complaint to the legal department over a secret finance meeting I attended where we were asked to vote on a large amount of money (65,000) being paid upfront to Mavericks the company constructing the skate park before the lease had been approved. I have consulted a lawyer who stated this highly inappropriate [sic] and even illegal, as such have made an official complaint which I can prove. The reason for this some labour [sic] councillors want to say the skatepark will be underway, when we don't have the funds yet. They want this to advertised [sic] before the May elections, which is so unethical and risking tax payers money. I have nothing but awful dealings at Mumble community council [sic] and this must be made public, as we are accountable as such”.

26. Former Councillor Thomas resigned from the Council on 6 January **2022** (Appendix 16).

27. My office responded to Former Councillor Thomas' ninth complaint on 29 January (Appendix 15, pages 185 and 186). Again, the complaint did not pass the 2-stage test as no evidence of a breach of the Code of Conduct had been presented and my office concluded that the matters complained about related to the Council as a whole, which could not “be attributed to Councillor Keeton's individual conduct”.

28. Former Councillor Thomas re-joined the Council on 10 May and again resigned on 18 July (Appendix 16). Former Councillor Thomas moved away from the Swansea area to an area in England on 9 November (Appendix 17, pages 226 to 227).

### **The second complaint**

29. Former Councillor Thomas attended a Special Meeting of the Council on 3 December **2021** in which the Mumbles Skate Park was discussed (Appendix 6, pages 40 and 41).

30. The minutes of the meeting note that Former Councillor Thomas declared a personal interest relating to the Skate Park “as she is a close friend of the sister of leading skate park campaigners”. The minutes go on to note:

**“Exclusion of the Press & Public**

**RESOLVED** that the press and public be excluded from the meeting due to the confidential and commercially sensitive nature of the business to be transacted.

**Skate Park**

Using the earmarked reserve for the Skate Park and £13,678 from the reserves

**RESOLVED** that following the decision of Swansea Council to approve the community asset transfer of land at Llwynderw

i. We note that we have already instructed our solicitor to negotiate the lease with Swansea Council for a fee of no more than £2,500.

ii. We instruct our solicitor to either draft a suitable letter or contract in respect of stage one build of the skate park. The fee for this to be no more than £1,500.

iii. We authorise the signing the said letter or contract confirming our stage one order to Maverick to complete phase one of the skate park build at a cost of £124,090 plus £6,205 contingency fund.

iv. We authorise the second stage application to the National Lottery for a grant of £271,579 to cover stage two of the skate park build.

v. We engage Hurley and Davies to undertake project management of phase one of the skate park build at a cost of £5,953 plus principal designers role at a cost of £930.

As part of our budget plans for 2022/23:

vi. We commit to funding for annual maintenance at a cost of £6,000

vii. We commit to an annual sinking fund contribution of £7,822 per annum”.

31. On 20 December Former Councillor Thomas contacted Mr Williams, who is the Chairperson of the Mumbles Skatepark Association, on Facebook Messenger (an online messaging application) (Appendix 2). Former Councillor Thomas said:

“I am having a major issue with some information that is being held back...I am close to resigning over this, as I am really not that political. However, they are and I dont [sic] want to be say [sic] anything on [Facebook], as I know this could really backfire on [the Council]...what they are doing is dodgy and I wont [sic] be involved. They have had a confidential meeting on Friday the [3<sup>rd</sup>] of December, which excluded the public citing it was sensitive. The main purpose of the meeting was to raise the funding to pay Mavericks £68,000 now to secure the contract. However we dont [sic] own the lease yet, so that is regarded as super risky. I said just to wait until we get the lease then pay the contract then. I do not trust [Swansea Council] and I do not trust [the Council]...I am sick of it, and want to leave Swansea...You have to ask why the rush? Why not just wait until we get the lease, then pay. They said we need to do this now as they have some form of assurance from the lottery, only in this meeting this was disputed and it all became a little bit hazy. I have recorded this meeting as I know they will dispute this...They can report me for disclosing this, but I have read all the amazing and excited comments on [Facebook] and it makes my blood boil, that the possibility that this will be delayed until proper funding is sought is just awful...Honestly you cannot trust them I am willing to meet up and play the recording, if need be”.

## What witnesses said

### Dr O'Neill

32. Dr O'Neill said (Appendix 8):

- Former Councillor Thomas' complaints were vexatious and were used as intimidation against the members. The complaints affected the work of the Council and did not contribute to a "collegial attitude" between members. The complaints were putting the individual members under personal duress and distress.
- The complaint made against Councillor Keeton just before Christmas (paragraph 25) was "particularly pernicious", with the aim of causing worry and distress. The repeated complaints caused Councillor Keeton in particular a lot of stress.
- The Council has a Local Resolution Process and he offered to sit down with Former Councillor Thomas to resolve the disputes, but nothing was forthcoming from her.
- The Skate Park was a contentious issue. The Council had gone into closed private session at the meeting on 3 December as the contract and tender from the company Maverick was being discussed.
- As he understood it, Former Councillor Thomas had breached the Code of Conduct in making the recording of the closed session of the meeting available to people who were not at the meeting.

### Councillor Townsend-Jones

33. Councillor Townsend-Jones said (Appendix 9):

- She was "taken aback" by the complaint Former Councillor Thomas made within days of being appointed to the Council.
- She was "flabbergasted" by the second complaint made against her by Former Councillor Thomas and struggled to work out what was being said.

## Councillor Keeton

34. Councillor Keeton said (Appendix 10):

- The first complaint made against her by Former Councillor Thomas was “spurious”. She had been “surprised” when she was notified of the complaint.
- Former Councillor Thomas complained about Councillor Erasmus being on an interview panel which was a “surprise” as Councillor Erasmus had not been on the panel.
- She was “really surprised” to receive the second complaint about her actions at the vote count. Former Councillor Thomas had “targeted” Councillor Erasmus again, complaining that she had ignored her at the vote count. Councillor Erasmus was meant to be one of Councillor Keeton’s counting agents but could not make it to the vote count as she had an accident the day before.
- The complaint made against her on 20 December 2021 was “particularly hurtful” and she felt “targeted” as it was made during the Christmas period when she could not obtain any help or support. It was “really upsetting” due to it being made when she was expecting her family for Christmas. The complaint related to a Council decision but was made “personally” against her.
- The complaints have caused a lot of stress and have had a “significant negative impact” on her. It had been “constant bullying”.
- The amount of work created for my office by Former Councillor Thomas was “unacceptable”.

## Councillor Erasmus

35. Councillor Erasmus said (Appendix 11):

- Former Councillor Thomas’ first complaint about her had been a lie “from start to finish” as it related to the decision of a committee which Councillor Erasmus was not on. This complaint led her to think that

Former Councillor Thomas was “very dangerous” and that she “needed to be careful”. She said she was “bewildered and shocked” by the complaint.

- Former Councillor Thomas’ second complaint about her related to bullying but there had been “no specifics” for her to know what she was alleged to have done. She said the complaint made by Former Councillor Thomas was a “bullying and harassing tactic”.
- The complaints were politically motivated and were not factual or legitimate. They had later become personal.
- The complaint made about Councillor Keeton just before Christmas 2021 was “driven by spite” and Councillor Keeton had been “distraught” as a result.
- The complaints made by Former Councillor Thomas against her had a “huge impact” on her. The complaints were “distressing” and “dishonest” and responding to them was “time consuming”.

### Mr Williams

36. Mr Williams said (Appendix 12):

- He was “really concerned” about the messages he had received from Former Councillor Thomas. He did not want to be “dragged into issues relating to covert recordings of Council meetings” and, “in terms of transparency”, he did not think “anyone should be covertly recording meetings”.
- Former Councillor Thomas did not play or send a copy of the recording to him.

### What Former Councillor Thomas said

37. In an email dated 4 January **2022** (Appendix 17, page 192) Former Councillor Thomas said “May I remind you that I never lie about anything, I am astounded at the underhand goings on at MCC, I have



sought legal advice and you and [the Council] will be hearing from my lawyer. I have had quite enough of this kind of behaviour”.

38. On 7 January Former Councillor Thomas sent an email to my Investigation Officer stating, “I have resigned so this matter will be closed” (Appendix 17, page 193).

39. Former Councillor Thomas sent 2 emails on 2 February in which she said she had made a complaint about issues at the Council to South Wales Police and to Audit Wales (Appendix 17, pages 194 and 195).

40. In an email dated 7 February Former Councillor Thomas said that the Police had visited Dr O’Neill to warn him about comments he had made about Former Councillor Thomas (Appendix 17, page 196).

41. Former Councillor Thomas sent an email dated 9 June and said that Audit Wales was investigating the Council in relation to the Skate Park tender process. On the same day, Former Councillor Thomas emailed my office a copy of the recording she had made during the confidential section of the Council meeting held on 3 December 2021 (Appendix 17, pages 198 and 199).

42. On 10 June Former Councillor Thomas said she was “a victim of ostracising and unwanted treatment by some of these councillors”. She provided a link to a WalesOnline article about her which included the headline “Tory election candidate claims dogs have been ‘poisoned’, and dead rats thrown in her garden in shocking campaign of harassment”. She said in her email that “Its [sic] all very one sided and I am being singled out, just for asking the questions that need addressing” (Appendix 17, pages 200 to 218).

43. On 24 June Former Councillor Thomas forwarded an email she had received the day before from Councillor Townsend-Jones, stating, “Please find attached and [sic] an update on the kind of treatment I am being subjected to”. Councillor Townsend-Jones’ email to Former Councillor Thomas said that the Council has “a Social Media Policy which all councillors must abide by. It is available on the website but I have also attached it here” (Appendix 17, pages 219 to 225).

44. Former Councillor Thomas was interviewed on 21 September online via Microsoft Teams by my Investigation Officer (transcript available at Appendix 13). At interview, Former Councillor Thomas said:

- She had not attended training on the Code of Conduct because she had been quite busy at work.
- She “totally” understood not to divulge confidential information and she understood paragraphs 5(a), 6(1)(a) and 6(1)(d) of the Code of Conduct.
- She had considered my Guidance.
- She had not sought guidance from the Monitoring Officer of Swansea Council and did not need to seek guidance from the Clerk of the Council before making complaints to my office.
- The Council has a Local Resolution Procedure in place, but she considered it to be “just a little tick exercise, it means nothing”.
- She regarded what Councillors Townsend-Jones, Keeton, and Erasmus were like towards her as “bullying”. She had been “completely ostracised by these people”. She said that it was “absolutely lies” that Councillor Erasmus was not at the vote count and all 3 members had ignored her at the vote count.
- She referred to her concerns about the Council’s use of public money in relation to the Skate Park.
- The complaint made against Councillor Keeton in December 2021 was made as Councillor Keeton “was the one that was asking everybody to vote” and was “very much involved” in the Skate Park project.
- The members she had complained about would have been worried about her complaints because “they don’t like to be scrutinised”.
- The complaints about her fellow members were not personal but professional.

- She had not put the recording of the confidential part of the Council meeting into the public domain, but had shared it with the Police, Audit Wales, and my office.
- When she offered to play the recording to Mr Williams, she “[of] course, absolutely” knew it was a breach of the Code of Conduct. She understood the concerns Mr Williams raised in his witness statement about her offer to share the recording with him. She did not share the recording with him.

45. Former Councillor Thomas confirmed receipt of the draft report on 28 February **2023** (Appendix 17, page 228). She said she had family matters to attend to. She did not make any comments about the content of the report or indicate that she would comment if given further time.

### Undisputed facts

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.

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.

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

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.

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.

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.

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.

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.

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 a breach of the Code of Conduct.

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

### **Disputed facts**

56. Did Councillor Erasmus attend the vote count and ignore Former Councillor Thomas, as alleged?

### **Analysis of evidence**

#### **Did Councillor Erasmus attend the vote count and ignore Former Councillor Thomas, as alleged?**

57. My office fully considered the available evidence when assessing Former Councillor Thomas' complaint that Councillor Erasmus had ignored her at the vote count. The decision letter issued to Former Councillor Thomas made clear that evidence had been provided by Councillor Erasmus to demonstrate that she was not at the vote count (the message sent to Councillor Keeton's husband – see paragraph 21). Councillor Keeton said that Councillor Erasmus intended to be one of Councillor Keeton's counting agents but could not make it to the vote count as she had had an accident the day before.

58. Former Councillor Thomas has not provided any compelling evidence to suggest that Councillor Erasmus attended the count. On the balance of probabilities, I find that Councillor Erasmus was not at the vote count. This being the case, the complaint about Councillor Erasmus was based on an untrue account provided by Former Councillor Thomas and could therefore reasonably be considered to be malicious and vexatious.

## Conclusions

59. Former Councillor Thomas made 3 complaints to my office just one day after attending her first Council meeting (paragraph 17). The complaints did not meet the first stage of the 2-stage test as no evidence of a breach of the Code of Conduct was presented, and Former Councillor Thomas was advised to seek guidance before making further Code of Conduct complaints.

60. Those 3 complaints related to decisions made by the Council and were not about the individual conduct of the members. As the complaints were made against 3 members of a different political party to Former Councillor Thomas, this suggested that the complaints may have been political in nature. I also note that Councillor Erasmus had not been a member of the committee being complained about. I consider therefore that the complaints could reasonably be considered to be malicious and vexatious.

61. That Former Councillor Thomas' complaints were made so close to her first meeting casts doubt on the credibility of her statement that she only made complaints because she believed she had been bullied and ostracised. While I am sympathetic to Former Councillor Thomas' concerns that she had been harassed, I have seen no evidence to suggest that the members complained about were responsible for the harassment issues which Former Councillor Thomas referenced. It is therefore difficult to identify any relevance those issues have on the matters subject to this investigation.

62. Former Councillor Thomas failed to seek any guidance prior to making further complaints to my office, despite repeated suggestions by my officers that she do so. She also failed to attend any training on the Code of Conduct or to engage the Council's Local Resolution Procedure.

63. Former Councillor Thomas submitted a further 3 complaints (paragraph 20) that related to personal issues she had with Councillors Townsend-Jones, Keeton, and Erasmus. These complaints were low-level and frivolous.

64. I am particularly concerned that complaints were made against Councillor Erasmus when there was no evidence provided to suggest that she had been involved with the committee being complained about or in attendance at the vote count. Councillor Erasmus found the complaints to be “distressing”, “dishonest” and “time consuming” to deal with. In my view, as those complaints were not founded in fact, they could reasonably be regarded as malicious and Former Councillor Thomas intended those complaints to negatively impact Councillor Erasmus.

65. The further complaint made against Councillor Erasmus (paragraph 23) was again low-level, related to personal issues, and was frivolous, despite my office’s reminder to Former Councillor Thomas not to make frivolous, malicious or vexatious complaints.

66. I consider that the eighth complaint made by Former Councillor Thomas (paragraph 29), against Councillor Keeton, again related to low-level personal issues. This was a frivolous complaint, following a number of other frivolous, malicious and vexatious complaints made to my office by Former Councillor Thomas.

67. Additionally, Former Councillor Thomas appears to have targeted her concerns about the Council as a whole directly at Councillor Keeton, without giving a reasonable justification for doing so. The timing of the complaint, just before Christmas 2021 (paragraph 25), meant that Councillor Keeton was notified of the complaint shortly before Christmas. Councillor Keeton said this had a significant personal impact on her. Former Councillor Thomas was, by this point, familiar with our process and knew the complaint would be shared upon receipt. The timing and content of the complaint (which clearly did not relate to the individual actions of one Councillor) could reasonably be considered vexatious.

68. I do not agree with Former Councillor Thomas’ view that her complaints were professional and not personal. The complaints made to my office were overwhelmingly related to personal issues between her

and her fellow members. Her complaints also referenced the political parties of her fellow members, suggesting that her complaints were also political in nature.

69. Despite clear direction from my officers, Former Councillor Thomas persisted in making low level, frivolous complaints about her fellow members to my office. Not only do frivolous and vexatious complaints have a negative impact on those being complained about and the Council, but they also create significant work for my office and take resources away from dealing with serious complaints.

70. The Council has a Local Resolution Procedure in place and Former Councillor Thomas should have utilised it in relation to her low-level complaints about her fellow members, rather than complaining directly to my office. This would have given all parties the opportunity to talk through their issues before they escalated further. Continuing to make complaints about her fellow members to my office is likely to have made personal and working relationships within the Council worse.

71. Former Councillor Thomas has failed to reflect on her actions or consider, from her fellow members' perspectives, the significant negative impact which her frivolous and unfounded complaints had on them.

72. I consider Former Councillor Thomas' complaints to my office to have been 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 utilise the Council's Local Resolution Procedure. Former Councillor Thomas' actions are suggestive of a breach of paragraph 6(1)(d) of the Code of Conduct.

73. Former Councillor Thomas acknowledged that she knew at the time she offered to play the recording of a confidential part of a Council meeting to Mr Williams that this would likely breach the Code of Conduct.

74. In offering to play the covert recording of the confidential section of the Council meeting to Mr Williams, Former Councillor Thomas was willing to breach the Code of Conduct knowingly and flagrantly, which is of significant concern. I acknowledge and share Mr Williams' concerns about the covert recording of confidential parts of meetings.

75. That said, I have seen no evidence to suggest that Former Councillor Thomas played or provided a copy of the recording to a member of the public. Former Councillor Thomas did send the recording to the Police and Audit Wales due to her concerns about financial mismanagement. I do not consider that such action would be likely to amount to a breach of paragraph 5(a) of the Code of Conduct.

76. However, 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. The covert recording and comments made to Mr Williams understandably made him "really concerned". Former Councillor Thomas' actions are therefore suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.

77. When investigating complaints and deciding whether further action is required, I must consider the public interest and the overriding purpose of the ethical standards regime in Wales, which is to uphold standards of conduct in public life and maintain confidence in local democracy. I have taken into account that Former Councillor Thomas is no longer a member of the Council and no longer resides in Wales. However, it is open to Former Councillor Thomas to stand again for office in Wales at any time, she has failed to acknowledge that her complaints to my office were frivolous and/or vexatious, and she was willing to knowingly and flagrantly breach the Code of Conduct in her correspondence with a member of the public. Her complaints to my office had a significant negative impact on her fellow members. I am therefore satisfied that it is in the public interest and appropriate for me to refer this matter to the Standards Committee of Swansea Council.



## Finding

78. My finding under section 69 of the Act is that my report on this investigation should be referred to the Monitoring Officer of Swansea Council, for consideration by its Standards Committee.

*M.M. Morris.*

**Michelle Morris**

Ombwdsmon Gwasanaethau Cyhoeddus/Public Services Ombudsman

21 March 2023

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