

NOTICE OF DECISION

TRIBUNAL REFERENCE NUMBER: APW/003/2023-024/AT

APPELLANT: Former Councillor Louise Thomas

**RELEVANT AUTHORITIES: Mumbles Community Council
(principal authority-City and County of Swansea).**

1. An Appeal Tribunal convened by the President of the Adjudication Panel for Wales has considered an appeal by former Cllr Louise Thomas against the decision of the City and County of Swansea's Standards Committee on 13th October 2023 that:

1.1 Former Councillor Thomas had breached Paragraphs 6(1)(a) and 6 (1)(d) of the Code of Conduct of Mumbles Community Council.

1.2 That former Councillor Louise Thomas be formally censured pursuant to Regulation 9 of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended) for breaching paragraphs 6 (1)(a) and 6 (1)(d) of the Code of Conduct.

1.3 That had former Councillor Louise Thomas still 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.

2. The Standards Committees determination followed its consideration of a report by the Public Services Ombudsman for Wales ("the Ombudsman") under the terms of sections 69(4)(c) and 71(2) of the Local Government Act 2000 dated 21st March 2023 and a determination in accordance with the 'Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001'.

3. The Standards Committee, at a hearing on 13th October 2023, considered two complaints made against the Appellant by Dr Martin O'Neill, the Chair of Mumbles Community Council that she had failed to observe the Code of Conduct by firstly submitting a series of vexatious complaints to the Ombudsman's office and secondly, had covertly recorded a confidential

session of the Council and offered to play the recording to a member of the public.

4. The Standards Committee made a number of findings of fact;
- a. Former Councillor Thomas was a member of the Council from 10th May 2021 until 6th January 2022 and again from May 2022 to 18 July 2022.
 - b. Former Councillor Thomas made nine complaints to the PSOW's office about her fellow members in seven months.
 - c. None of the complaints made by former Councillor Thomas to the PSOW's office passed the two-stage test and were therefore not investigated as no evidence of breach of the code of conduct had been presented.
 - d. Former Councillor Thomas was advised by the PSOW's office to consider the Ombudsman's 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.
 - e. 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 the Ombudsman's office.
 - f. Former Councillor Thomas recorded a confidential part of the Council's Special Meeting held on 3rd December 2021 and offered to play it to Mr. Jason Williams.
 - g. Former Councillor Thomas did not play the recording of the meeting to Mr. Williams. She shared the recording with the Police, Audit Wales and the Ombudsman's office.
 - h. 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.
 - i. Former Councillor Thomas resigned from the Council on 6th January 2022 and again on the 18th July 2022. She no longer lives in Wales.
 - j. Former Councillor Thomas informed the Standards Committee members that she now agreed that Councillor Erasmus was not present at the vote count on Friday 6th May 2021, and she thereby agreed what had previously been a disputed fact.
 - k. Former Councillor Thomas did not attend Code of Conduct training.

5. The Appellant was granted permission to appeal to the Adjudication Panel for Wales (APW) by written decision of the President of the APW dated 26th October 2023 on a narrow ground that made it clear that the Appellant cannot challenge the factual findings of the Standards Committee or how the Standards Committee hearing was conducted. The President noted that the Standards Committee had not explained its reasoning as to why the facts that it found established, on the balance of probabilities, that the Appellant made frivolous, malicious and vexatious complaints, and whether the findings as a whole show that the appellant had breached paragraphs 6(1)(a) and 6(1)(d) of the Code of Conduct. The issue of sanction was also reopened so that the Appeal Tribunal could consider whether a censure or no action should be recommended.

6. The Standards Committee's findings were that the Appellant had breached the following paragraphs of the Code of Conduct. That you must;

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

7. The Appeal Tribunal heard from former Councillor Thomas and Mr Leigh McAndrew on behalf of the Public Service Ombudsman for Wales. The Appeal tribunal's decision is to endorse the decision of the Standards Committee that;

7.1 Former Councillor Thomas had breached Paragraphs 6(1)(a) and 6 (1)(d) of the Code of Conduct of Mumbles Community Council.

7.2 That former Councillor Louise Thomas be formally censured pursuant to Regulation 9 of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended) for breaching paragraphs 6 (1)(a) and 6 (1)(d) of the Code of Conduct.

7.3 That had former Councillor Louise Thomas still been a serving Community Councillor, the Appeal Tribunal would have recommended that the Standards Committee impose a 6-month suspension, which is the maximum period of suspension that the Committee could impose.

8. The Authority and its Standards Committee are notified accordingly.

Signed: *R. Payne*

Date; 14th March 2024

Tribunal Judge Richard Payne
Chairperson of the Appeal Tribunal

Sian McRobie
Panel Member

Dean Morris
Panel Member