

REPORT TITLE	Standards Panel decision of 15 th June 2017 concerning Cllr Louise Reecejones and Further Review.
REPORT OF	Interim Assistant Director – Law and Governance Monitoring Officer

REPORT SUMMARY

The Standards Panel of 15th June 2017 determined that Cllr Louise Reecejones had breached the Members' Code of Conduct. The Panel decision required a number of actions to take place, including reporting the outcome to this public meeting. The decision was subject to a request for appeal which was not successful. This report sets out the steps that have, or have not, been taken by Cllr Reecejones and others in responding to the actions required.

RECOMMENDATIONS

That the Committee:

- (a) Receive and consider the decision of the Standards Panel of 15th June 2017 attached as Appendix A.
- (b) Note the actions of the Political Group in response to the panel's request
- (c) Consider the failure of Cllr Reecejones to comply with the actions determined by the Standards Panel
- (d) Receive and consider the opinion of the original investigating officer opinion and that of the further investigating officer, appointed to conduct the review initiated by the Standards Panel and further complaints, that Cllr Reecejones:
 - (i) has been, and continues to be, an unreliable witness;
 - (ii) has attempted to mislead both the investigator conducting the review and the monitoring officer in attempting to enforce the sanctions of the Standards Panel; and

- (iii) has continued to use her position and influence as a councillor to victimise the complainants by making false allegations against them via social media and to others

in breach of her obligations under the Members Code of Conduct

- (e) recommend that, in reviewing the Council's Whistle-Blowing Policy under the Constitution, regard be had to the position of whistle-blowers who are neither employees or directly associated with the Council or its contractors.

1.0 The Decision of the Standards Panel

- 1.1 The Standards Panel of 15th June met to consider an investigation into allegations that Cllr Louise Reecejones had breached the Members' Code of Conduct of Wirral Council. The Decision Notice and the minute is attached as **Appendix A**.
- 1.2 The background to the allegations are that the complainants were whistle-blowers concerning suspicions of financial mishandling and potential fraud conducted in relation to a grant paid by the Dept. for Education via the Council to a charitable body. The Council's internal audit investigation concluded that the invoices identified by the whistle-blowers were indeed false. The audit report named Cllr Reecejones as being at fault; the report concluded that there was very compelling evidence to suggest that Cllr Reecejones had created and altered documents in order to deceive the Council to disguise financial mismanagement and that in several instances there was either compelling or very compelling evidence to suggest this was for a fraudulent purpose.
- 1.3 A subsequent police investigation found no evidence that there had been any personal gain and, therefore, the Crown Prosecution Service determined that there were no charges to be brought. The Council's internal audit findings stand, however, and the authority has sought to recover an identified proportion of the grant monies.
- 1.4 The complainants subsequently submitted allegations against Cllr Reecejones that, in response to their actions as whistle-blowers, she undertook a series of actions to victimise them and cause them harm. These allegations were referred to an external investigator, whose findings upheld the allegations as set out in the investigator's report appended to the Panel minutes.
- 1.5 The hearing before the Standards Panel resulted in the decision set out in the Decision Notice, namely that the Panel:
 - 1. accepted the Investigator's Report (set out **Appendix B**);
 - 2. agreed with all the conclusions of the Investigator as set out at paragraph 10.1 of the Investigator's Report, namely:

- a. in respect of complainant 1, Tamsin Coates, the Panel found Councillor Reecejones to be in breach of the Code of Conduct in making an unjustified complaint to Tamsin Coates' employer and pursuing her own personal agenda in her capacity as a councillor. Councillor Reecejones failed to treat Tamsin Coates with respect and conducted herself contrary to the council's duty to promote and maintain high standards of conduct.
 - b. in respect of complainant 2, Jessica Smyth, the Panel found Councillor Reecejones to be in breach of the Code of Conduct in making an unjustified complaint to the organisation for which Jessica Smyth volunteers and alleging that Jessica Smyth's tweets and conduct amounted to harassment/stalking. Councillor Reecejones failed to treat Jessica Smyth with respect and conducted herself contrary to the council's duty to promote and maintain high standards of conduct.
 - c. in respect of complainant 3, Overchurch Residents Association, the Panel found Councillor Reecejones to be in breach of the Code of Conduct as a result of her failure to advise anyone (particularly the Police and the council's Internal Audit team) that in her view the invoice in question was fraudulent and was an attempt to undermine the Association. Councillor Reecejones failed to treat the Association with respect and conducted herself contrary to the council's duty to promote and maintain high standards of conduct.
 - d. in respect of complaint 4, found Councillor Reecejones to be in breach of the Code of Conduct because she referred to the standards investigation in respect of this matter in a letter to Wirral Leaks which was subsequently repeated in Private Eye. This was a breach of the duty of confidentiality arising under the Protocol for dealing with complaints against Members and contrary to the council's duty to promote and maintain high standards of conduct.
3. agreed to refer the issues and concerns raised by the Investigator at paragraph 10.2 on page 72 of the Report, to the Council's Monitoring Officer for consideration; and to determine whether any further action is necessary in relation to the issues raised.

SANCTIONS

The Panel having found Councillor Reecejones in breach of the Members' Code of Conduct determined that the following sanctions be imposed (subject to any valid appeal being accepted):

- (a) The Monitoring Officer should write a formal warning letter to Councillor Reecejones reminding her of the need to comply with the Members' Code of Conduct;

- (b) Councillor Reecejones must apologise in writing to all the complainants for breaching the Members' Code of Conduct within 14 days of receiving this Decision notice;
- (c) The Labour Political Group Leader be asked to consider whether party disciplinary action should be taken against Councillor Reecejones and whether she should be removed (through Council) from all outside bodies to which she has been appointed;
- (d) The Monitoring Officer shall arrange both internal and external training for Councillor Louise Reecejones as soon as practicably possible. Should Councillor Reecejones fail to attend the training arranged, the Monitoring Officer shall report this fact to her Political Group Leader for consideration and action; and
- (e) The Panel's decision shall be reported to the next public meeting of the Standards and Constitutional Oversight Committee for consideration

2.0 REASONS FOR THE RECCOMENDATION

In relation to the decision, the following provides an update of next steps.

2.1 Relaying the decision (a) and appeal request

- 2.1.1 The decision was relayed to Cllr Reecejones by the then monitoring officer, Mr Tour, which resulted in a request for appeal by Cllr Reecejones on several grounds. The decision of Mr Tour was to deny the appeal, which was communicated via an email of 28th July 2017. The 14 day period within which Cllr Reecejones was to apologise for her actions then took effect.

2.2 Apology and training (b) & (d)

- 2.2.1 Mr McCourt wrote to Cllr Reecejones to ask whether she had complied with the action required of her. Her response by telephone was to say that a letter would be hand delivered that day, which was not received. A further communication by email resulted in a response by Cllr Reecejones of 16th September 2017 which stated, amongst other things, that the reported letter had been sent by email. No email could be found and a further email was sent to Cllr Reecejones on 18th September as referred to below.
- 2.2.2 During an interview with the investigator conducting the review, Cllr Reecejones passed on a copy of a letter and then a further letter by email. An email was then sent on 11th October 2017, which includes the following relevant passage:

“Ms Shaw has forwarded to me your email in which you state that you cannot find the email sent to me but that you “have however enclosed the letter attached that was enclosed as part of the email”.

“As stated in my email to you of 18th September, “I am not aware of having received a reply from you. If I have then I apologise and would be grateful to receive a copy of your reply and, indeed, evidence that you have complied with the standards panel’s decision and, at the least thus far, made a full apology to the complainants.”

“Your letter addressed to me, dated 15th August 2017 and provided to Ms Shaw by email yesterday, unfortunately does not refer to the principal outcome of the Panel, which is that you were in breach of the Members Code of Conduct and were required to make a written apology to the complainants for your actions. The training which was also required of you, and to which you do refer, is arguably somewhat pointless without that apology having been made.

“In respect of our correspondence and assertion that you had sent this letter to me, I have had my email inbox checked and can assure you I have never received it. You may also wish to note that the letter document you provided details that it was created yesterday [10th October 2017].

“Nonetheless, as stated, I am shortly to report to the Committee on the Panel’s decision. It is for that reason I have previously written to you, and do so again, given your failure to abide by the Panel’s decision. Before I report to the Committee, you may wish to make a comment.”

2.2.3 No direct reply has been received.

2.2.4 On 18th October 2017 Cllr Reecejones emailed Mr McCourt, stating:

“Dear Mr McCourt,

Enclosed are the three apologies as per the standards panel decision of June 15th 2017.

Please also send me details of training you have organised for me attend.”

Attached were undated letters and addressed to each complainant by name only. For example:

*Cllr Louise Reecejones
C/o Wallasey town hall
Brighton street
Wallasey
Ch44 4ED*

Dear Overchurch Residents Association,

I am writing to you as an outcome to the standards panel of 15th June 2017, I apologise for breaching the members code of conduct.

Yours Sincerely,

Cllr Louise Reecejones”

The other letters contained the same or less, but were additionally accompanied by a final statement that read:

“This letter is solely for the recipient and should not be for publication “

The document properties detail that the letters were created 18th October 2017.

2.2.5 Mr McCourt has replied, stating:

“Dear Cllr Reecejones,

Thank you for these copies. Please provide evidence that you have sent these apologies to their intended recipients as required. Once that has happened, I can report the same to the Committee.

May I also suggest that, in any event but particularly given the gravity of the finding of the Panel, your wording is not likely to be considered to be within either the letter or spirit of the Panel’s decision requiring you to undertake this action.

As stated previously, I am happy to arrange for training although feel this should at the very least coincide or follow your apology. Given your schedule, please provide me with available dates over the coming three months.

Regards,”

2.2.6 It is, therefore, my conclusion as monitoring officer that Cllr Reecejones has failed to act upon the requirements of the Panel’s decision.

2.3 Recommendation to Cllr Reecejones’ Political Group (c)

2.3.1 Attached as **Appendix C** is a letter from the relevant group whip. In summary, the political group had decided to suspend Cllr Reecejones from the Group indefinitely. On appeal to the regional party structure, this action was commuted to a suspension of four months, to 6th January 2018, on the condition that Cllr Reecejones makes the formal apology required of her.

2.3.2 The group whip has asked that any further evidence or allegations be referred to him for further consideration under the Labour Party’s internal disciplinary procedures.

2.4 Review of behaviours (para 3)

2.4.1 In accordance with the third paragraph of the decision of the Panel, the monitoring officer appointed Mrs Shaw, the Group Solicitor responsible for the Council's Safeguarding and Litigation Legal Team, to undertake a review.

2.4.2 On 28th July the Council's then monitoring officer received further allegations against Cllr Reecejones' from the complainants concerning her behaviour at the Panel and, in particular, continuing social media posts making false allegations against them. Mr Tour's decision was that, as these related to the same causal events and same matters already heard, those complaints concerning new social media posts should be included in the review rather than begin a whole panel process anew.

2.4.3 The result of that review is attached as a report in full at **Appendix D**. The conclusions of the review are:

- "Although nobody is actually named in the post, in light of the background history and the small community in which the complainants and Councillor Reecejones move it is my view that it is likely that others would know to whom Councillor Reecejones was referring and this could have had the effect of sullyng their reputations.
- "... it is my view that it can be argued that the act complained of, although not signed in an official capacity, was done in a manner which failed to maintain a clear distinction between her personal capacity and role as a councillor and therefore created a risk that there could be a negative impact on the Council and others..
- "I therefore find Councillor Reecejones to be in breach of the Council's Code of Conduct in relation to her post of 11 July 2017. This failed to treat the complainants with respect and engaged in conduct which was contrary to the Council's duty to promote and maintain high standards of conduct."
- "I am compelled to conclude that in her conduct in relation to this investigation Councillor Reecejones has failed to show respect to the Standards process and therefore to the need to maintain high standards of conduct as a councillor."

3. Other aspects

3.1 It has been raised that counter-allegations made by Cllr Reecejones against the complainants were made both directly and publicly, whereas by contrast the complainants held their silence as requested by the Council and police whilst formal investigations were being carried out. As referred to in the Panel's decision, it is stated by the complainants that those actions of Cllr Reecejones, given credence by her position as a councillor, led to one of the complainants losing their employment. It is raised by them that that chain of

events may not have led to the same outcome if the Council and/or the police had stated, at the relevant time, that they had considered the counter-allegations made by Cllr Reece Jones and declared them to be false and had done so in a manner that the complainants could have used to defend themselves.

3.2 For the Council's part, officers in meeting the complainants have undertaken the following, in respect of which the views of the Committee are sought.

- (1) To be considered as a complaint and tested against the standards or the Ombudsman's Office as to:
 - whether or not the Council had investigated a counter-allegation by Cllr Reece Jones at the relevant time; if so
 - whether or not it could or should have written to the complainants to let them know that they were the subject of an investigation which was considered to be unproven or without foundation; and if so
 - whether or not that communication could or should have been in a form that might be used by the complainants to defend themselves against the same accusations being made elsewhere.

- (2) That a recommendation would be made to expand the Council's whistle-blowing Policy to cover such situations that may arise again in respect of third parties who raise concerns about public funding or behaviours and who, as a result, may be the subject of victimisation

4. **IMPLICATIONS**

4.1 Section 27 of the Localism Act 2011 requires all relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority.

4.2 Section 28 of the Localism Act 2011 requires that each local authority must publish a code of conduct, based on the 'Nolan principles', and to have arrangements under which written allegations that a member or co-opted member of the authority has failed to comply with the authority's code of conduct can be investigated and under which decisions on the allegations can be made.

4.3 The Section goes on to state that if a relevant authority finds that a member or co-opted member of the authority has failed to comply with its code of conduct (whether or not the finding is made following an investigation under arrangements described above) it may have regard to the failure in deciding—

- (a) whether to take action in relation to the member or co-opted member, and
- (b) what action to take.

Such action might include censure by the local authority or the recommendation for removal of a member from a committee, but the authority can no longer disqualify or suspend councillors.

- 4.4 The Council's 'Protocol: Arrangements for investigating and making decisions in relation to allegations made under the Members Code of Conduct' were provided to the Panel and may be found as set out within the minutes attached as Appendix A.
- 4.5 Where in the exercise of a discretion the rights and interests of an individual are affected, the rules of natural justice apply. The local authority is under a duty to exercise its discretion fairly and without whim or bias and must give a reasonable opportunity to the parties concerned to put their case, although not necessarily in person or by representative. In this regard,
- (a) the investigator interviewed all parties and all parties were invited to the Panel hearing which heard oral and written submission. In undertaking the review, the appointed officer interviewed both the complainants and the subject Member, Cllr Reecejones;
 - (b) Cllr Reecejones has been invited to submit written comments to form part of this report, by email dated 11th October and again by email dated 17th October 2017; and
 - (c) both Cllr Reecejones and the complainants have been made aware of this meeting.

