

Introduction

1. This is the report of the Neath Port Talbot County Borough Council Standards Committee on the outcome of an investigation into the conduct of Councillor Dean Lewis, a County Borough Councillor representing the Resolven and Tonna ward of Neath Port Talbot County Borough Council (“Councillor Lewis”).
2. This report has been produced in accordance with Regulation 13 of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001.
3. The investigation follows from a referral by the Public Services Ombudsman for Wales (“the Ombudsman”) which alleged that Councillor Lewis had acted in breach of the Neath Port Talbot County Borough Council Members Code of Conduct (“the Code of Conduct”).

Allegations

4. In her referral the Ombudsman indicated that her investigations had found that there was evidence to suggest that Councillor Lewis had breached the following provisions of the Code of Conduct–

***Paragraph 6(1)(a)** Members must not conduct themselves in a manner which could reasonably be regarded as bring their office or authority into disrepute*

Process

5. Both the Ombudsman and Councillor Lewis agreed that this matter was capable of being dealt with by way of written representations and consideration into the matter took place on 17th June 2024 by virtue of consideration of the papers at Civic Centre Port Talbot before the Standards Committee of Neath Port Talbot County Borough Council.

Findings of Fact

6. Councillor Lewis is one of two elected members for the Resolven and Tonna Ward of Neath Port Talbot County Borough Council having first been elected in May 2019 and re-elected in May 2022.
7. On election, on both occasions, he received a presentation on the requirements of the Neath Port Talbot County Borough Council Members Code of Conduct and signed an undertaking on the 10th May 2022 that he would in performing his functions as an elected member observe the Code of Conduct.
8. Councillor Lewis visited Resolven Rugby Club on the 14th January 2023 and drove home from the Rugby Club after consuming alcohol.

9. Later that evening, after he had arrived home, he was arrested on suspicion of driving his car whilst under the influence of alcohol. He was taken to Swansea Police Station where an alcohol test was conducted. The test showed that Councillor Lewis had 54 microgrammes of alcohol in 100 millilitres of breath. This exceeded the prescribed limit of 35 microgrammes of alcohol in 100 millilitres of breath.
10. On the 3rd February 2023, Councillor Lewis advised the Monitoring Officer of his arrest and the Monitoring Officer advised that Councillor Lewis should make a self-referral to the Ombudsman.
11. Councillor Lewis was charged by South Wales Police and released on unconditional bail pending a court hearing at Swansea Magistrates Court.
12. On the 6th June 2023, Councillor Lewis pleaded guilty in court to driving a motor vehicle when his alcohol level was above the legal limit. Councillor Lewis was disqualified from holding or obtaining a driving licence for fourteen (14) months and received a fine of six hundred and ninety-one pounds (£691), with the option of the disqualification being reduced by fourteen weeks (14 weeks) if Councillor Lewis completed an approved course.
13. Councillor Lewis did not appeal the conviction.
14. Councillor Lewis' conviction was not reported in the local press at the time.

Decision of the Standards Committee

15. The purpose of the ethical standards framework is to promote high standards amongst members of councils in Wales and maintain public confidence in local democracy.
16. The Standards Committee determined that Councillor Lewis did conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute and therefore breached the Code of Conduct in relation to paragraph 6(1)(a).

Reasons for Decision

17. The reason for making these conclusions were as follows (adopting the structure set out above):
 - (a) The Members Code of Conduct is based on principles to which members must have regard in undertaking their role as a member. The principles were designed to promote the highest possible standards and include a duty to uphold the law. Councillor Lewis was over the legal alcohol limit for driving and such behaviour is not of the standard expected of elected members.
 - (b) The Standards Committee note the guidance of the Ombudsman that states conduct which results in a criminal conviction will bring a member's council into disrepute even if the behaviour happens in the member's private life.
 - (c) Although the conduct occurred in Councillor Lewis' personal capacity and was not reported in the press, Councillor Lewis has discussed the incident with others, and

it is likely that several people in the locality know the events of that evening. Additionally, it is noted that a member of the public made the report to the Police. Councillor Lewis also claims to have received support from chairs of local community councils, which further demonstrates awareness in the locality of the conviction.

Sanction

18. The Standards Committee were guided by previous decisions reported by the Ombudsman in their Code of Conduct Casebook and had due regard to the principles and five stage process identified in the Adjudication Panel for Wales Sanctions Guidance as part of their determination.
19. The Standards Committee acknowledged that in line with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 the maximum sanction they can impose is a six-month suspension. Having considered the facts of the case and the seriousness of the breaches of the Code of Conduct found, the Standards Committee recognise that the purpose of a sanction is to (a) provide a disciplinary response to an individual member's breach of the Code; (b) place the misconduct and appropriate sanction on public record; (c) deter future misconduct on the part of the individual and others; (d) promote a culture of compliance across the relevant authorities; and (e) foster public confidence in local democracy. These principles were considered by the Standards Committee in reaching its conclusions.
20. In considering the determination of any sanction which might be applied the Standards Committee determined that due to the significance of the incident, no action or informal action was not feasible due to the need to ensure that the Standards Committee promote the highest possible standards, which includes a duty to uphold the law.
21. The Standards Committee, by a majority, concluded that a public censure would not be appropriate as it would be important to send a message to councillors that such behaviour is not appropriate for elected officials, and it would be necessary to ensure that the public had confidence in local democracy and the only way to achieve this would be via a stronger sanction.
22. The Standards Committee concluded that a suspension of some duration was the appropriate course of action here. The Standards Committee considered the representations made by the Ombudsman both as to aggravating and mitigating circumstances. The Standards Committee also took into account the representations made by Councillor Lewis.
23. The Standards Committee, considered that the following were aggravating factors:
 - (a) A member of the public reported to the Police that Councillor Lewis had driven his car under the influence of alcohol;

- (b) It is likely that several other people in the locality know what happened though it is acknowledged that Councillor Lewis felt that perhaps he was a victim of someone targeting him as a result of his status as an elected member;
- (c) At the time of arrest and charge, Councillor Lewis did appear to be in denial about the offence he committed. He did not accept that his alcohol level was over the legal limit when he drove the car and did not accept that his behaviour may have breached the Code.
- (d) Councillor Lewis initially demonstrated a lack of insight into the impact of his criminal behaviour on the reputation of the Neath Port Talbot County Borough Council.

24. The Standards Committee though, considered by way of mitigation the representations put forward by Councillor Lewis and supplemented by the Ombudsman, those being:

- (a) Councillor Lewis was acting in his personal capacity when he drove his car under the influence of alcohol and was arrested by the Police;
- (b) The matter was not reported in the press;
- (c) Councillor Lewis pleaded guilty to the charge of driving a motor vehicle when his alcohol level was over the legal limit.
- (d) Despite initial views, Councillor Lewis subsequently acknowledged during this investigation that his conviction may have brought his office as a member into disrepute and acknowledges the importance of maintaining public confidence in local democracy;
- (e) Councillor Lewis now recognises the need for greater vigilance and responsibility, particularly in refraining from any alcohol consumption when driving;
- (f) Councillor Lewis self-referred to the Ombudsman and co-operated with the Ombudsman's investigation and is prepared to accept any appropriate punishment or endeavour imposed by the Standards Committee

and accordingly, were prepared to reduce the sanction that would be made accordingly in line with the guidance from the Adjudication Panel for Wales. The Standards Committee also recognised that this was the first time that Councillor Lewis had appeared before them and there had been no previous referrals from the Ombudsman.

25. Pursuant to Regulation 9 of the 2001 Regulations, the Standards Committee, by a majority, made a determination that Councillor Lewis should be suspended as a County Borough Councillor for a period of four (4) calendar months from the date that this notice takes effect and that on recommencing Councillor Lewis' duties following suspension Councillor Lewis undertake a refresher course on the Code of Conduct.

26. This Decision Notice is dated the 17th June 2024 and Councillor Lewis had twenty one (21) calendar days from this date in which to make an appeal.

27. No appeal was subsequently made and accordingly the suspension will take effect from the 9th July 2024 until the 8th November 2024.