

REPORT TO:	Standards Committee
REPORT NO:	COGC/19/19
DATE:	6 June 2019
LEAD:	Sioned Wyn Davies, Monitoring Officer
CONTACT OFFICER:	Linda Roberts, Deputy Monitoring Officer (Tel: 292221)
SUBJECT:	Adjudication Panel for Wales Annual Report
WARD:	N/A

1. PURPOSE OF THE REPORT

To inform Members of the publication of the Annual Report 2017 – 2018 of the Adjudication Panel for Wales.

2. EXECUTIVE SUMMARY

- 2.1 The Adjudication Panel for Wales has published its Annual Report for the period April 2017 – March 2018. The report contains statistical information on the number of references and appeals referred to the Panel and those concluded during the relevant period. In addition, a summary of both Case Tribunals and Appeal Tribunals determined during the relevant period are provided in the report.
- 2.2 The functions of the Adjudication Panel are two-fold, firstly to form Tribunals to consider reports from the Public Services Ombudsman for Wales following investigation into allegations that a Member has failed to comply with the Code of Conduct for Members and secondly to consider appeals from a Member against decisions of Local Authority Standards Committees that they have breached the Code of Conduct for Members.

3 RECOMMENDATIONS

3.1 To note the contents of the report.

REASONS FOR RECOMMENDATIONS

To inform Members of the work undertaken by the Adjudication Panel for Wales.

4. BACKGROUND INFORMATION

- 4.1 The Adjudication Panel for Wales is an independent Panel established under Part III of the Local Government Act 2000 to determine allegations of breaches by elected and co-opted Members of County Councils, County Borough Councils, Community Councils and Fire and National Park Authorities in Wales.
- 4.2 The Adjudication Panel reports that the number of cases for the reporting period was relatively low and the number of references to case tribunals and appeals received over the last 5 years are shown in the graph on page 8 of the report and those determined in a graph on page 9. The respective outcomes for references and appeals are shown in charts on pages 9 and 10 from which it is clear that suspension remains the penalty most often applied.
- 4.3 Members will note from the graph on page 10 that the breaches of the Code most commonly arising over the 5 year period April 2013 – March 2018 are for:
- Failure to show respect/equality/bullying (16 cases)
 - Failure to disclose interest and/or withdraw (13 cases)
 - Bringing office/authority into disrepute (8 cases)
- 4.4 A summary of the cases determined during the relevant period is provided in the report. Members will note that following references from the Public Services Ombudsman for Wales, 2 case tribunal hearings took place. No appeals by members of decisions by Local Authority Standards Committees were made.
- 4.5 At the first hearing the case tribunal found that a councillor had failed to comply with the Code of Conduct by failing to show respect and consideration for others, and using bullying and harassing behaviour. The councillor was disqualified for a period of 14 months.
- 4.6 In the second tribunal hearing it was found that there had been numerous breaches of the Code of Conduct when a councillor had made serious allegations about various council officials and employees, disclosed confidential information to third parties, made representations on behalf of a close personal associate and improperly pressurised a council officer to assist him. The tribunal disqualified the councillor for a period of 18 months.

5. IMPLICATIONS

- 5.1 **Policy Framework** – A strong ethical framework and governance arrangements support the Council Plan objective of building and efficient and effective organisation that can best support local well-being. The Adjudication Panel for Wales forms a statutory element of the framework and governance arrangements external to the Council.
- 5.2 **Budget** – The report has no budgetary implications

- 5.3 **Legal** – By virtue of the Local Government Act 2000, Members are required to comply with the Council’s Code of Conduct for Members. Breaches of the Code may be referred to the Public Services Ombudsman for Wales who in turn may refer matters to the Adjudication Panel for consideration. The Adjudication Panel also considers appeals against determinations of Standards Committees within Wales.
- 5.4 **Staffing** – The report has no staffing implications.
- 5.5 **Equality/Human Rights – Equality/Human Rights** – Members are advised of their duty to consider the full Equality Impact Assessment which is available at <http://vmwinsqld/equalityisalive/Menu.aspx> report number CCS/EIA00165/2017. Members of the public can request a copy of the full Equality Impact Assessment from the Contact Officer named in the header box of this report.
- 5.6 **Risks** – this report does not give rise to any specific risks
- 6. CONSULTATION**
- 6.1 This report has not been subject to any consultation as it does not involve any decision-making or recommendations.

BACKGROUND PAPERS	LOCATION	WEBSITE INFO.
Adjudication Panel for Wales Annual Report 2017 - 2018	APW website	https://gweddill.gov.wales/docs/apw/publications/apw-annual-report-2017-2018-en.pdf