

<b>Meeting :</b>	<b>Standards Committee</b>
<b>Date:</b>	<b>16 January 2012</b>
<b>Title:</b>	<b>Wales Standards Conference 2011</b>
<b>Purpose :</b>	<b>To present information to members about the conference and seek an opinion regarding the arrangements for the next conference</b>
<b>Author:</b>	<b>Dilys Phillips, Monitoring Officer</b>

1. The Wales Standards Conference 2011 was held at Llandrindod on 5 October. The conference was organised by Powys County Council.
2. Gwynedd Council were represented at the conference by Councillor Keith Greenly-Jones, Mr Malcom Jones, Dilys Phillips (Monitoring Officer), Iwan Evans (Deputy Monitoring Officer) and Siôn Huws (Propriety Officer). Mr Sam Soysa was present on behalf of Snowdonia National Park Authority Standards' Committee. Katherine Owen, Clerk of Caernarfon Town Council was also present.
3. An Agenda for the Conference is enclosed and it will be noted that a panel session was held in the morning with a mock hearing in the afternoon.
4. Peter Davies, Chairman of the Adjudication Panel for Wales explained in his presentation that this year the annual report of the panel was only available online. (It can be found on [www.adjudicationpanelwales.org.uk](http://www.adjudicationpanelwales.org.uk)). He looked at the tendencies regarding referrals to the Panel over the last 8 years and noted that the number referred to the Panel had increased last year. He also noted that there was an increasing tendency to have legal representation before the Panel and that this led to lengthy hearings. He wished the Panel to operate in an "inquisitorial" rather than an "accusatorial" manner.
5. Several statistics were also presented by Peter Tyndall, Public Services Ombudsman for Wales, but contrary to the referrals to the Panel, the trend for the number of complaints made to the Ombudsman was downwards, in respect of community and county councils alike. He referred to the ethical framework and noted the following points:
  - That the Code was not always used for the intended purposes
  - That elements of the Code required amending.
  - That he had asked the Welsh Local Government Association to lead a group to look at the possibility of having an alternative arrangement for member on member allegations.

- That he was concerned about the cost of tribunals and that authorities should consider restricting the indemnity conferred on members.
6. Reg Kilpatrick is Director of the Local Government and Public Service Department of the Welsh Government. He explained that the Government had no intention of legislating on standards issues during this term. His message was that the present framework should be made to work better. There was no intention to follow the approach adopted in England; the Minister was of the opinion that a statutory framework regarding standards was required but that some issues regarding process remained to be resolved. He believed that the responsibility for raising awareness of the code and behaviour, and also about self-regulation, rested with councillors. He also was concerned about the cost of cases presented to the Adjudication Panel for Wales or standards committees.
  7. In his presentation Clarence Meredith, Powys County Council Monitoring Officer, raised various points regarding the operation of standards committees. He explained that Powys Standards Committee had looked at matters regarding interests in planning applications for wind farms and that their early guidance had been of benefit to the Council. Regarding the re-structuring of schools they had granted general dispensations, where there was no financial interest. They had also considered monitoring councillors' attendance at committees. He raised the question of the possibility of a separate Code for community councillors.
  8. In the second half of the morning session (question and answer session) three points were discussed:
    - a) The Cost of cases brought to the Adjudication Panel or Standards Committees. Peter Tyndall suggested that a cap of £20,000.00 should be put on an indemnity. Peter Davies agreed with the principle on the basis that the procedure at a tribunal encouraged self-representation, but that the sum suggested was far too high. It was seen that 2/3 of Authorities had insurance to pay these costs and that this complicated the idea of restricting the indemnity.
    - b) Local arrangements for dispute resolution. Peter Tyndall suggested that some cases, in particular complaints by members about members, were suitable to be resolved by local arrangement, which could include group discipline. This happened already at some authorities and this could be developed into a national framework. Others were of the opinion that it put too much pressure on monitoring officers or group leaders and that it would not work effectively in every Council.

A different Code or changes to the Code. The main point made was the importance of training, whatever the code was and that training should be compulsory.

- 9 At the afternoon session, contrary to previous years, a mock hearing was held, led by Peter Keith Lucas of Bevan Brittan Solicitors. Some of the points which were raised were:
  - a) The importance of having some form of pre-hearing to manage the case or to give instructions on the procedure.
  - b) The importance of giving reasons for the decision of the committee (if enough evidence had not been received to come to a reasonable conclusion the hearing should be adjourned in order to obtain further evidence).
  - c) That a sheet of questions for the committee to satisfy itself upon should be provided, and that it would be beneficial to give a copy to the parties beforehand.
  - ch) The idea of giving an indication of the type of sanction the committee was considering and inviting observations from the parties as a plea in mitigation.
10. A decision has not been reached regarding the timing or the location of the next conference and the opinion of the committee is sought regarding the two matters.
11. Regarding timing, the local council elections will be held in May 2012 with the possibility that there could be some change in the membership of standards committees and the likelihood of changes in membership of councils. Some changes are also likely to the standards framework in particular the local arrangements for dispute resolution. An autumn conference would be timely to present these matters. On the other hand waiting till spring 2013 would allow standards committees to have some experience and would give a period of relative rest between conferences.
12. The first three conferences were organised by Ceredigion County Council at Aberystwyth and Aberaeron. The following two conferences were organised by Cardiff County and City Council in Cardiff and the last conference was held at Llandrindod organised by Powys County Council. Generally conferences in mid Wales are easier for everyone to travel to within a day, however a large audience attended the two held in Cardiff. None of the northern authorities have organised conferences to date and there is the possibility of sharing the work by organising in conjunction with one or more authorities.

### **RECOMMENDATION**

13. The Committee is requested to:
  - a) Note and accept the report
  - b) Express a view on the timing and location of the next conference.

# Standards Conference Wales 2011

## Improving Standards

### CONFERENCE PROGRAMME WEDNESDAY 5<sup>TH</sup> OCTOBER 2011

9.15am – 9.50am	<b>Registration &amp; Tea/Coffee</b>
9.50am – 10.00am	<b>Welcoming Address</b> Chief Executive - Powys County Council Jeremy Patterson
10.00am – 10.50am	<b>Panel – Session 1</b> Chair of ACSeS – Kate Berry <b>Chair</b> Chair Adjudication Panel for Wales - Peter Davies Ombudsman's Office Wales - Peter Tyndall Monitoring Officer – Clarence Meredith Welsh Government - Reg Kilpatrick
10.50am – 11.05am	<b>Tea/Coffee</b>
11.05am – 12.30pm	<b>Panel – Session 2</b> <ul style="list-style-type: none"> <li>• Questions to the Panel</li> <li>• To debate the question 'What changes would you make to the existing Members' Code of Conduct?'</li> </ul>
12.30pm – 1.30pm	<b>Lunch</b>
1.30pm – 3.00pm	<b>Mock Hearing part 1</b> Peter Keith-Lucus
3.00pm – 3.15pm	<b>Tea/Coffee</b>
3.15 pm – 3.45pm	<b>Mock Hearing part 2</b>
3.45pm	<b>Close</b> Powys County Council Standards Committee Chairman - Peter Swanson