

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in the Conference Room, Ty Nant, Prestatyn on Friday, 29th June, 2007 at 10.00 a.m.

PRESENT

Mr C.B. Halliday (Chair), Councillors P. Glynn and R.LI. Williams, Mr G.F. Roberts and Mrs P. White.

Councillor R.E. Barton attended as an Observer.

ALSO PRESENT

The Monitoring Officer and Administrative officer (C.I. Williams).

APOLOGIES

Councillor P.A. Dobb.

1. URGENT MATTERS

No items were raised which in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

2. MINUTES

The Minutes of the Standards Committee held on Friday, 2nd March, 2007 were submitted.

Matters arising:-

3. Attendance at Meetings. (a) SACRE – In response to a question from Mr G.F. Roberts regarding the provision of training, the Monitoring Officer confirmed that although training for Members was currently available, if requested, it would be more beneficial and less confusing to offer further training following the introduction of the revised Code of Conduct. At the request of the Chair, the Monitoring Officer agreed to provide details of proposals of how to address the issue of the provision of training for the respective Members.

4. Monitoring the Code of Conduct - The Monitoring Officer explained that although no comprehensive guidance notes had been produced as yet he would, as suggested by Councillor R.LI. Williams, provide copies of the guidance and protocol notes currently utilised by Members of the Planning Committee.

At the request of Mr G.F. Roberts, Members of the Committee agreed that future agendas for the Standards Committee include an Item on Matters Arising.

RESOLVED – that, subject to the above, the Minutes be received and approved as a correct record.

3. MEMBERSHIP

Members were informed that due to work commitments Mr Ian Lawson had regrettably resigned as an independent representative on the Standards Committee. The Monitoring Officer confirmed that the County Council had agreed the mechanisms to recruit a replacement Independent Member. He explained that this process was currently being undertaken and Members of the Standards Committee would be kept fully updated in respect of any progress made.

RESOLVED –that the position be noted.

4. ATTENDANCE AT MEETINGS

The Committee were informed that there were no reports to submit of attendance by Members of the Standards Committee at County, Town or Community Council meetings.

Resolved – that the position be noted.

5. DISPENSATIONS

A copy of a report by the Monitoring Officer, which sought dispensations for County Councillors in respect of education matters, had been circulated with the papers for the meeting.

The Monitoring Officer introduced the report and referred to the meeting of the Committee held on the 15th April, 2005 when dispensations had been granted to enable Governor Members to vote on matters relating to the management of school places.

He explained that he had not pursued the matter of the possibility of granting wider dispensations as the Welsh Assembly Government had embarked on a review of the Code of Conduct and it had been anticipated that the position of governors might be addressed in some manner in the new Code. It had also been considered that a new Code would be introduced prior to the Council having to take fundamental decisions relating to schools, he confirmed that this now seemed unlikely and the issue of dispensations would now require further consideration.

Reference was made to Section 81 of the Local Government Act 2000 which dealt with the disclosure and registration of Members' interests and sets out the basic framework which required registers of interest to be maintained and prescribed how interests should be dealt with.

It was explained by the Monitoring Officer that he had circulated a letter to Councillors outlining the need for Governor Members to seek dispensations to vote on matters relating to the management of school places. He confirmed that not all Councillors had responded and that Members would not be permitted to participate

in debates if they had not been included on the list of Members who had been granted a dispensation. The Monitoring Officer assured Members of the Committee that a further letter would be circulated stressing the need and importance of Governor Members to seeking the required dispensations.

In response to questions regarding Councillors rights to speak and vote on matters which have an impact on the bodies on which they serve, it was explained by the Monitoring Officer that Councillors who were governors of schools or of further and higher education bodies were deemed to have an interest by virtue of paragraph 12 of the Code of Conduct. To enable the Councillors to vote on matters which had an impact on the various bodies on which they served, a dispensation would be necessary under the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001. Members' attention was invited to Appendix 1 to the report which included the regulations which set out the circumstances in which dispensations could be granted.

The Monitoring Officer explained that circumstances which had arisen in the case of Governor Members had been those set out in Regulation 2(a) and 2(i) and that the whole spectrum of education and learning had been and continued to be very much in the public eye. He confirmed that the granting of dispensations would enable democratically elected Members to participate fully in the broader public interest and particularly in the achievement of the vision for the County. Members were also informed that, as in previous instances, dispensations be qualified to exclude the very personal and pecuniary interests as outlined in the Monitoring Officers report.

During the ensuing discussion, Members supported the suggestion made by Mr G.F. Roberts that an explanation note, outlining and detailing the right to speak, be circulated to the respective Members.

RESOLVED –that

- (a) *dispensations be granted to Members of the County Council to vote on matters where those Members declare interests as Governors of schools or further or higher education bodies in which they hold a position of general control or management or to which they have been appointed or nominated by the Council as a representative provided that the dispensation does not apply where the proposed decision could benefit or disadvantage the Member, one of the Member's family or friends or any person with whom the Member has a close personal association, and*
- (b) *an explanation note, outlining and detailing the right to speak, be circulated to the respective Members.*

6. COMMITTEE ON STANDARDS IN PUBLIC LIFE: ANNUAL REPORT 2006

The Monitoring Officer explained that extracts from the Committee on Standards in Public Life: Annual Report 2006 which he had considered pertinent to the Standards Committee had been circulated with the papers for the meeting.

He explained that he had felt it had been important to provide details relating to the Seven Principles of Life which included Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership, the Forward by Sir Alistair Graham, Chairman of the Standards in Public Life Committee.

He also referred to Appendix 1 to the report which provided information relating to the Committee and included details relating to:-

Terms of Reference

Status

Method of Working

Policy on Openness

Funding and Administration

Freedom of Information Act

Contact Details

In reply to concerns raised by Councillor R.LI. Williams that Councillors at local level did not enjoy the freedom afforded to Members of Parliament and Welsh Assembly Government Members, the Monitoring Officer explained that surveys were undertaken from time to time and that this issue could be raised utilising this process.

RESOLVED –that the report be received and the position noted.

7. MONITORING THE CODE OF CONDUCT

The Monitoring Officer informed Members that no date had yet been identified for the issue of the revised Code of Conduct. However, a meeting of Welsh Assembly Government Officials, the Local Government Ombudsman and Monitoring Officers had been held to discuss the issue of the revised Code of Conduct and a meeting of the Welsh Assembly Government Working Group would be held on the 17th July, 2007 to consider the matter.

He explained that the respective Monitoring officers had expressed concerns that it appeared that the new Code of Conduct would not be issued prior to the County Council Elections in 2008. It was also highlighted that there were a number of legislative complexities and reference was made to the recent case involving the Mayor of London, Ken Livingstone.

The Monitoring Officer stressed that the delays which had been experienced with regard to the issue of the revised Code of Conduct had been very frustrating and he agreed to report any future progress made to Members of the Standards Committee.

RESOLVED –that the report be received and the position noted.

8. FUTURE MEETINGS

The Monitoring Officer informed Members that the next meeting of the Standards Committee had been scheduled to be held, as previously agreed, at 10.00 a.m. on Friday, 14th September, 2007 with subsequent meetings to be held on the 2nd

November, 2007, 14th December, 2007, 25th January, 2008, 7th March, 2008 and 18th April, 2008.

Members were invited to inform the Monitoring Officer of any problems arising in respect of the dates listed in the schedule.

RESOLVED –*that the next meeting of the Standards Committee be held at 10.00 a.m. on Friday, 14th September, 2007.*

Meeting ended at 11.25 a.m.

Report to: Standards Committee
Report by: Monitoring Officer
Date: 21 December 2007
Subject: The Public Services Ombudsman for Wales' Annual Report 2006/07

1 DECISION SOUGHT

1.1 To note receipt of the annual report 2006/07 of the Public Services Ombudsman for Wales.

2 REASONS FOR DECISION

2.1 The Public Services Ombudsman for Wales has presented his first annual report following completion of the inaugural year of the new Ombudsman Service for Wales. The new office came into formal existence on 1 April 2006 and represents the merging of the previous posts of Commissioner for Local Administration in Wales (Local Government Ombudsman), the Health Service Commissioner for Wales, the Welsh Administration Ombudsman and the Social Housing Ombudsman for Wales.

2.2 The focus for local government is mainly on complaints of maladministration and allegations of breach of the Code of Conduct. However, the focus from the perception of the citizen is the provision of an improved complaints service for the public sector as a whole.

2.3 A full copy of the report can be viewed at the Public Services Ombudsman's website www.ombudsman-wales.org.uk. The full report warrants reading but for the purposes of this report I have extracted pages 6 – 10 which outline the Ombudsman's service, pages 24 and 25 which report on allegations of misconduct by local authority members and pages 26 – 29 which consider the accessibility and governance of the Ombudsman's service.

2.4 Allegations against members of misconduct

2.4.1 Although there has been a slight increase in the total number of allegations at County/County Borough level there has been a substantial drop in those at Community Council level.

2.4.2 It is pleasing to report that in the majority of cases the decision was not to investigate the allegation.

2.4.3 So far as Denbighshire is concerned, for the second year running the Ombudsman has referred no cases to me for investigation and report to the Standards Committee.

3 POWER TO MAKE THE DECISION

Consideration of the Ombudsman's Annual Report complements the Committee's oversight of the Members' Code of Conduct.

4 COST AND STAFFING IMPLICATIONS

None arising directly from this report.

5 FINANCIAL CONTROLLER STATEMENT

There are no financial implications for the Council resulting from this matter.

6 CONSULTATION CARRIED OUT

The Annual Report is being presented to both the Standards Committee and the Corporate Governance Committee.

7 IMPLICATIONS FOR OTHER POLICY AREAS INCLUDING CORPORATE AND THE VISION

The external and independent assessment of allegations against councillors by the Ombudsman supports the Committee in achieving its objectives of ensuring consistent compliance with the Code of Conduct. Consequential high standards of conduct contribute to the achievement of the vision for the County.

8 RECOMMENDATION

That members note and receive the Ombudsman's Annual Report.

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APPENDIX 1

(i) PAGES 6 – 10

(ii) PAGES 24 – 29

Introduction



This is the first Annual Report of the Public Services Ombudsman for Wales.

The new office came into formal existence on 1 April 2006, the Public Services Ombudsman (Wales) Act 2005 having merged the four distinct ombudsmen posts which I previously held as Commissioner for Local Administration in Wales, Health Service Commissioner for Wales, Welsh Administration Ombudsman, and Social Housing Ombudsman for Wales.

It is a pleasure to be able to report that the inaugural year of the new Ombudsman service for Wales has gone smoothly, and that more people than ever before have used the service. I have been fortunate to be able to build on a year of shadow running as Public Services Ombudsman for Wales (PSOW) – the passage of the legislation having been sufficiently advanced to justify operating, from the beginning of 2005-6, my nominally separate roles so far as possible as a combined operation under the PSOW banner.

The publicity which the advent of the new service received at the beginning of 2005-6, and consequently greater awareness amongst members of the public that the service existed, had a dramatic effect on the number of complaints brought to me during 2005-6, which increased by almost a third over the previous year. 2006-7 has shown that the increased level of demand was no flash in the pan: there has been a further significant increase in the number of complaints to me of maladministration or service failure – although I am happy to say that the impact on the overall workload for my office has been partially offset by a marked reduction in the number of allegations that members of community councils have breached the code of conduct.

The essence of my role is to investigate independently and impartially complaints from members of the public, and to seek appropriate redress for them if I uphold the complaint. But it is also important that I ensure that any wider lessons from my investigations are learnt. It is for that reason that some of my investigations lead to public interest reports – 21 in the past year - and that I have a power to issue formal guidance to bodies in my jurisdiction about good administrative practice. I am mindful of the plethora of statutory guidance and advice on good practice which public bodies have to contend with, and don't intend to add to it too often. Complaints handling and redress are obviously an area of administrative practice on which the Ombudsman is well placed to give guidance. During the year, I issued formal guidance to local authorities on complaints handling, developed in partnership with the Welsh Local

Government Association, Solace Wales and Citizens' Advice Cymru. I collaborated with One Voice Wales on the advice on complaints procedures which they issued in March 2007 to community and town councils.

I also contributed to the work which the Welsh Assembly Government has done towards raising standards in the public service across Wales through "Making the Connections", and is doing to integrate a new system of redress for the less severe instances of clinical negligence with a revised NHS complaints system. I was a member of a working group assisting the Parliamentary Ombudsman to draw up her important new document "Principles of Good Administration". I shall be looking to promote those principles, which I believe are universal, in Wales in the year ahead.

This annual report is also an important vehicle for highlighting areas where my investigations have shown that there is room for improvement: I highlight as a topic of particular concern in this report that some local authorities are not tackling problems of anti-social behaviour as effectively as they should.

It is important that I in turn learn from feedback about the way in which I and my staff perform our role. During the year I set up a formal complaints mechanism for members of the public to complain about the service offered by my office. I also commissioned ORS to undertake a "customer satisfaction survey" amongst complainants. Unsurprisingly, those whose complaints had been upheld tended to have a markedly more favourable view of all aspects of the service than those whose complaints had not! Nonetheless, the results of the survey were valuable and for the most part encouraging. I intend to continue such surveys in future years, and to use this year's results as a baseline against which to measure progress. One area in which I believe there is scope to do better is the time taken to deal with complaints. This year's report shows significant improvement on last year's figures, but we are not yet fully achieving the targets I have set. Feedback from bodies in my jurisdiction is also important. During the year I held seminars in North Wales and West Wales as a vehicle for discussing with bodies in jurisdiction the changes brought about by the PSOW Act, and having a dialogue about their experience of the ombudsman service.

I am grateful once again to my staff for their enthusiasm, hard work and team spirit. It has been a pleasure to work with them.



Adam Peat
Ombudsman

My Role as Public Services Ombudsman for Wales

As Public Services Ombudsman for Wales, my primary role is to investigate complaints made by members of the public that they have suffered hardship or injustice through maladministration or service failure on the part of a body in my jurisdiction. Putting that into rather more everyday terms, I am looking to see whether people have been treated unfairly or inconsiderately, or have received a bad service through some fault on the part of the public body providing it.

The bodies in my jurisdiction include local government (both county and community councils); the National Health Service (including GPs and dentists); registered social landlords (housing associations); and the National Assembly for Wales itself (in practice, the Welsh Assembly Government) together with its sponsored bodies.

I expect public bodies to treat people fairly, considerately and efficiently. If I uphold a complaint I will recommend appropriate redress. If I see evidence of a systemic weakness I will also make recommendations which aim to reduce the likelihood of others being similarly affected in future.

My investigations are undertaken in private. Where I publish a report, it is anonymised to protect (as far as possible without compromising the effectiveness of the report) the identity not only of the complainant but also of other individuals involved.

What changed on 1 April 2006?

The major benefit of the coming into force of the Public Services Ombudsman (Wales) Act has undoubtedly been the creation of a “one-stop shop” so far as members of the public are concerned. The merging of the previously distinct jurisdictions will also make it easier for me to look holistically at a complaint which spans different sectors e.g. health and social services.

However, there were other significant and beneficial changes, as the Act in bringing together the four previous jurisdictions harmonised the provisions of the different schemes, and this has some important implications for particular sectors:

- Complaints about the NHS, about housing associations, and about the National Assembly and its ASPBs may in future lead to public reports, as has always been the case for local government.
- Complainants about those bodies will no longer normally have to “invoke and exhaust” the relevant complaints procedure before they can bring their complaint to me. Instead the requirement is that they should normally have brought the matter to the attention of the authority concerned, and given them a reasonable opportunity to investigate and respond. In particular, that means that complainants about the NHS can bring their complaint to me straight after the “local resolution” stage of the NHS

complaints procedure if they so wish.

There have also been some significant extensions to my jurisdiction with effect from 1 April 2006:

- I can now consider complaints of maladministration against community councils (this is unique in the UK)
- community health councils are also new in jurisdiction
- complaints about the operation of recruitment and appointment procedures can now be investigated (only possible in Wales and Northern Ireland).

The new Act gives me the power to do anything which is calculated to facilitate the settlement of a complaint, as well as or instead of investigating it. In the right circumstances, the existence of this new power to seek a “quick fix” without an investigation can be a boon both to the complainant and to the body concerned, as the following example shows:

Health: Cardiff Local Health Board

Ms Y, a Cardiff resident, wrote to me to complain that Cardiff Local Health Board had declined to fund her programme of Human Growth Hormone treatment via an NHS hospital in Bristol, although it had said it would do so if treatment took place at the University Hospital of Wales. There were special circumstances which had led to her being treated at Bristol. Given that the LHB was prepared to meet the cost of the treatment, which was not affected by where it was carried out, one of my officers telephoned the LHB and suggested further consideration of those special circumstances. The following day the LHB rang back to say that it had reconsidered its decision and would fund the out-of-area treatment without further delay.

The new Act has helpfully introduced a two-tier structure for reporting formally on my investigations. Reports under section 16 of the Act are public interest reports. The body concerned is obliged to give publicity to such a report at its own expense. Where I do not consider the public interest requires a section 16 report (and provided the body concerned has agreed to implement any recommendation I may have made) I can make a report under s.21 of the Act. There is no requirement on the body concerned to publicise s.21 reports, although details of them can be found on my website and copies are normally available from my office on request.

Section 33 of the Act creates a new duty on authorities to take reasonable steps to inform members of the public of their right to complain to the Ombudsman. In particular, authorities are required to include information about how to do so in, or with:

- any information they publish about the authority's services to the public
- any information they publish about the authority's complaints procedure
- any response to a complaint.

Complaints that members of local authorities have broken the Code of Conduct

As Public Services Ombudsman for Wales, I have exactly the same role in investigating complaints that members of local authorities have broken the Code of Conduct as I did previously as Local Government Ombudsman. The provisions of Part III of the Local Government Act 2000 continue to apply, as do the relevant Orders made by the National Assembly for Wales under that Act.

Where I find evidence that a member has significantly breached their authority's code of conduct, I submit a report setting out the evidence either to the authority's standard committee, or (generally in more serious cases) to the President of the Adjudication Panel for Wales. It is for the standards committee or a tribunal to consider the evidence I have found together with any defence put forward by the member concerned and determine whether a breach has occurred and, if so, what penalty if any should be imposed.

My aim for the office of Public Services Ombudsman for Wales

The aim I have set for this new office is to provide a first class Ombudsman service to Wales. I intend to do this by:

1. investigating complaints as thoroughly as necessary and as quickly as possible
2. raising awareness of the Ombudsman service and making it easily accessible to potential users
3. using lessons learnt from my investigations to promote good practice and good governance by public bodies
4. ensuring good governance and effective management within my office.

Allegations of misconduct by local authority members

In last year's Annual Report I expressed my concern that I was receiving a disproportionate number of trivial complaints about the members of a handful of community councils and that these allegations were often made by members of a council against fellow-councillors apparently on a 'tit-for-tat' basis. I referred to the fact that I had warned all members of two community councils against making vexatious allegations, which is itself a breach of the code of conduct.

I further stated that in a few cases it seemed to me that personal animosities may have been adversely affecting the ability of the council to serve the community effectively. That concern was borne out more dramatically than I had anticipated when in May 2006, the residents of Dunvant, Swansea became so disenchanted with the way that their community councillors were endlessly squabbling amongst themselves that they voted for the abolition of the council.

I wrote in 'The Voice' - the magazine of One Voice Wales: "I regret greatly the self-destructive behaviour that was the downfall of Dunvant Community Council, and hope that no other council will go the same way. If there ever comes a time in the life of a council when bad feeling between councillors is beginning to damage the council's work and reputation, members should remind themselves of Dunvant's fate and do whatever they can to mend matters before it is too late."

I believe that this message has been heard, and I am very pleased to report that there was a dramatic decline in the number of petty allegations of misconduct made against members of community councils in 2006-7, as the table below shows:

Breakdown of allegations received by type of local authority

	2006/07	2005/06
Community Council	81	155
County/County Borough Council	136	125
National Park	5	1
Police Authority	3	1
Total	225	282

As far as the outcomes of the allegations that I considered are concerned, a summary of these is set out below:

Summary of Allegation Outcomes

Decision not to investigate allegation	157
Discontinued	4
Discontinued, referred to Monitoring Officer	3
No evidence of breach	19
No action necessary	16
Refer to Standards Committee	12
Refer to Adjudication Panel	7
Total Outcomes – Allegations	218

As in previous years the proportion of allegations which merited investigation was low. Only a small number merited formal action following investigation - a total of 19 allegations were referred to a standards committee or to the Adjudication Panel, the same total as in 2005/06.

I aim to make the Ombudsman's service as accessible to members of the public as possible. A number of activities were undertaken during the year to increase awareness of the service and to encourage take-up, especially amongst vulnerable and disadvantaged groups.

At the beginning of April 2006, revised 'How to complain about a public body' leaflets, which reflected the changes that were introduced with the Public Services Ombudsman (Wales) Act 2005, were produced and distributed to all bodies in jurisdiction, public libraries and voluntary organisations throughout Wales. Furthermore, at the end of the year this leaflet was also made available in Arabic, Bengali, Cantonese and Urdu; it was also produced on tape and CD, which will be of particular assistance to those people with a visual impairment.

In March 2007, posters were also produced and distributed widely for a whole host of organisations, including public libraries, to place in receptions/public areas.

The website was also further improved with complainants now being able to make their complaint to me via an on-line complaint form. The homepage of my website has also been made available in the relevant ethnic minority languages from where the 'how to complain' leaflet can be downloaded.

The Public Services Ombudsman (Wales) Act, also created a new duty upon all the bodies within my jurisdiction to make members of the public aware of the right to complain to the Ombudsman. In particular they are required to include information about how to do so in, or with any information they publish about the authority's services to the public; any information they publish about the body's complaints procedure; and any response to a complaint. This new requirement is, therefore, of particular assistance in raising people's awareness of my service 'at their point of need'.

I also undertook a programme of events where I have been meeting with the chairs/leaders and chief executives of the public bodies within my jurisdiction, with voluntary/advocacy organisations and with members of the media. These meetings have been held over the course of two days and to date, a session has been held in Llandudno, north Wales, and Carmarthen in south west Wales. I will be holding a similar set of meetings in May 2007 in south east Wales.

In addition to this, my staff and I have been taking opportunities to address a wide variety of voluntary, community and professional organisations. These have ranged from Citizens' Advice Cymru regional seminars to local Mothers' Union meetings.

The development of a media contacts database within our complaints handling administration system, now means that I can specifically target my public reports (via e-mail rather than the previous distribution of hard copies) to members of the media, who might have a particular local or special subject interest. Also, in an endeavour to heighten attention in respect of those cases that I deem to be of particular public interest, I have also been issuing special press releases. This year has seen a noticeable increase in the number of calls and contacts from both television and press and I believe there is increasing media awareness of the role of the Ombudsman.

Governance

The Public Services Ombudsman (Wales) Act 2005 establishes the office of the Ombudsman as a 'corporation sole'. I am of course accountable to the National Assembly, both through the mechanism of this annual report, and because I am the Accounting Officer for the public funds with which the National Assembly entrusts me to undertake my functions.

The use which I make of those resources is subject to the scrutiny of the Wales Audit Office, which audits my accounts. To advise me in discharging my duties as Accounting Officer I have established an Audit Committee with an independent Chairman. I was delighted that Mr Laurie Pavelin FCA agreed to take on this role. The inaugural meeting of the Committee was held at the end of March 2006 and it has subsequently met four times.

I have appointed through a process of competitive tender Messrs Bentley Jennison to act as my internal auditors, and their programme of work is guided and overseen by my Audit Committee.

I also welcomed the opportunity to appear before the National Assembly for Wales's Local Government & Public Services Committee in September 2006, where I was able to report on the successful transition from the four previous jurisdictions to the new office of Public Services Ombudsman for Wales, and to report on the progress that had been made during the first six months.

Complaints procedure

During the year I set up a formal complaints mechanism for members of the public to complain about the service offered by my office. The complaint procedure is available on my website.

Customer satisfaction survey

I commissioned ORS to undertake a “customer satisfaction survey” amongst complainants. ORS asked complainants to put out of their mind the outcome of their complaint when evaluating aspects of the service such as courtesy of staff, the ease of understanding my complaint forms and other correspondence from my office, and whether my office had done what it had promised to do. This was a difficult thing to ask of complainants, and it turned out that those whose complaints had been upheld tended to have a markedly more favourable view of all aspects of the service than those whose complaints had not. Nonetheless, the results of the survey were valuable and for the most part encouraging. There was a very positive response indeed in relation to courtesy of staff and the use of plain English. I intend to continue such surveys in future years, and to use this year’s results as a baseline against which to measure progress.

Report to: Standards Committee
Report by: Monitoring Officer
Date: 21 December 2007
Subject: Adjudication Panel for Wales – Annual Report 2006 - 2007

1 PURPOSE OF REPORT

- 1.1 To receive the report prepared by the President of the Adjudication Panel which covers the Panel's activities over the last financial year.

2 BACKGROUND

- 2.1 The President of the Adjudication Panel has issued the Panel's latest annual report and additional copies have been requested for your Committee members and will be circulated as soon as they are received. The annual reports are made available on the Adjudication Panel's website which is www.adjudicationpanelwales.org.uk although at the time I prepared this report the latest annual report remained to be added.
- 2.2 In his report the President outlines the legislative background relating to the Code of Conduct, the role of the Public Services Ombudsman for Wales, Standards Committees and the role of the Adjudication Panel for Wales in respect of case and interim case tribunals and appeal tribunals.
- 2.3 Of particular interest to your Committee will be a breakdown of breaches by paragraphs of the Model Code and the summaries of case tribunal and appeal tribunal decisions together with a summary of the sanctions imposed covering the period of 2002 to 31st March 2007.

3 RECOMMENDATION

That members receive the Adjudication Panel for Wales Annual Report 2006 - 2007.

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Report to: Standards Committee
Report by: Monitoring Officer
Date: 21 December 2007
Subject: Monitoring the Code of Conduct

1 PURPOSE OF REPORT

- 1.1 To advise members on latest developments with regard to the revised Code of Conduct and training.

2 BACKGROUND

- 2.1 Regarding the revised Code of Conduct, unfortunately this still remains to be finalised. The intention however is that the new Code will be in place for the elections on 1st May 2008 to the County and Town/Community Councils. There is a possibility that there may be an earlier implementation date but Monitoring Officers are suggesting to the Assembly that this would involve unnecessary bureaucracy with all existing members throughout Wales having to giving undertakings to abide the existing Code shortly before the elections. I will update members at the meeting with any further information received from the Assembly.
- 2.2 Linked to the introduction of a new Code will be the question of member training. This is an issue that has caused your Committee and myself some concern and frustration. I am however pleased to report that, as part of the overall work that the Welsh Local Government Association is doing with regard to member training and development, work is in hand on a module covering the Code of Conduct and Ethical Framework and Decision Making. The Monitoring Officers Group has offered to work with the WLGA on this. The hope is that we will have a framework that can be adapted to local needs and circumstances. Engaging with all our Town and Community councillors will have a number of challenges in terms of the number, location and times of training sessions. However, I am pleased to record that when I attended the three cluster meetings that are held between the County Council and the Community Councils this Autumn the Chairs and Council Clerks in attendance welcomed the prospect of training on the new Code.
- 2.3 In addition to considering the specific needs for training on the Code of Conduct your Committee has also commented from time to time on the broader aspect of member training and the interaction with the Code of Conduct. This issue has emerged from the attendance of various members of your Committee as observers at Council meetings. The knowledge and experience gained is particularly pertinent in assisting with the underlying objective of your Committee in promoting and maintaining high standards of conduct and assisting and advising members to observe the Code of Conduct.

- 2.4 Of particular interest has been the development and refinement of the Council's requirements in respect of training particularly in respect of planning matters. Whilst clearly the operational aspects of the Council's business fall outside the remit of the Standards Committee, the Chairman has identified a number of areas within the Code for which training is particularly pertinent.
- (i) Promotion of equality and respect for others (paragraph 4 of the Code) – to assist members in meeting their obligations it is suggested that training in the range of equality and diversity issues identified in the Code would demonstrate a serious commitment to this objective and assist members with a better and clearer understanding of the issues.
 - (ii) Accountability and openness (paragraph 5 of the Code) – the obligations in respect of confidentiality, data protection and access to information relate to aspects of the councillors' work that may have serious legal implications for the individual and the Council and may overlap with the duty to uphold the law (paragraph 6 of the Code).
 - (iii) Selflessness and stewardship (paragraph 7 of the Code) – in addition to avoiding specific impropriety there is a broader requirement to use the resources of the authority prudently and in accordance with the law and the authority's requirements and this suggests the desirability of training in financial matters.
 - (iv) Objectivity and propriety (paragraph 8 of the Code) – these requirements focus specifically on decision making, namely reaching decisions on the basis of the merits of the circumstances involved and in the public interest; having regard to any relevant advice provided by the authority's officers and the obligation to give reasons for decisions. To fulfill these obligations training would assist as has been the case with regard to planning and licensing matters.
- 2.5 There does therefore seem to be a direct link between training and the Code of Conduct since the hope is that the major benefit of training is that it assists in prevention of transgression of the Code by increasing knowledge and awareness.
- 2.6 The positive steps by the Council with regard to training are that requirements for training have been set out in respect of planning and licensing matters and the Council is committed to the member training programme being developed by the WLGA. The Chairman has raised with me whether specific amendments relating to training obligations should be made to the Constitution and we have identified a number of provisions that could be amended. Over the years the Council has strengthened a number of aspects of the Constitution but my inclination at present is to favour progressing with the WLGA Members' Training Charter. One of the aspirations is to achieve individual training programmes which I believe will have a stronger impact than endeavouring to add to the various provisions in the Constitution. Nonetheless, should the aspirations of the WLGA not be met then clearly further constitutional amendments would be appropriate.

3 DECISION SOUGHT

That members note the latest position with regard to the revised Code of Conduct and monitor the Council's progress with regard to the WLGA Training Charter and its impact on compliance with and understanding of the Code of Conduct.

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