

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in the Conference Room, Tŷ Nant, Prestatyn on Friday 21 May 2010 at 10am.

PRESENT

Mr C B Halliday (Chair), Councillor G A Green, Councillor H LI Jones, Ms M E Medley, Mr G F Roberts and Mrs P White

ALSO PRESENT

Monitoring Officer (IKH); L Jones (Solicitor) and Scrutiny Support Officer (RhE)

APOLOGIES

Councillor D A Thomas

1 URGENT MATTERS

Notice was given of the following urgent items:

- (i) Public Services Ombudsman for Wales' guidance on 'The Code of Conduct for members of local authorities in Wales'
- (ii) date of next meeting

2 MINUTES

The minutes of the Committee's meeting held on 26 February 2010 were submitted for consideration. Members:

RESOLVED that the minutes of the Standards Committee meeting held on 26 February 2010 be confirmed as a correct record.

Matters Arising – Item 2 – Minutes

Mr G F Roberts queried whether the Welsh version of the final clause of the minute on 'Matters Arising' was open to misinterpretation as it referred to the councillor concerned being permitted to attend meetings of the Council, rather than "to attend Council meetings" as stated in the English version. Mr Roberts was of the view that the Welsh version had a narrower interpretation in comparison to the original English version. Whilst the Monitoring Officer accepted Mr Roberts' observation he was of the view that both versions were correct as the councillor in question would be permitted to attend all meetings until the outcome of the appeal was announced.

Councillor G A Green praised the level of detail and the accuracy of the contents of the previous meeting's minutes, particularly in relation to the rationale which had led the Committee to grant dispensations to a number of town councillors. He felt that

the minutes summarised all the relevant points and the extent of the deliberations that had taken place before the dispensations were granted. Such level of detail would prove useful if the Committee's decisions in relation to the granting of the dispensations were ever challenged. The Monitoring Officer thanked Councillor G A Green for his observations and advised that his comments would be noted, and were extremely pertinent at present as there was currently a debate within the Council on the optimum length and level of detail that should be contained in Committee minutes.

3 ATTENDANCE AT MEETINGS

The Chair informed the Committee that he attempted to attend as many town and community council meetings as possible. However, a number of these councils met on a Wednesday evening which was not always convenient for him.

The Monitoring Officer advised that he and the Corporate Governance Solicitor, Ms Lisa Jones, had conducted an additional ethics and code of conduct training session with both Rhyl and Ruthin Town Councils. In addition the Monitoring Officer had attended Bodfari Community Council for the same purpose.

Following the publication of the Public Service Ombudsman for Wales' Guidance on the Code of Conduct the Monitoring Officer advised that training sessions would be arranged later in the year for town and community councillors on the enforcement of the code of conduct as per the Guidance. A training session for county councillors on the Council's Constitution was also in the pipeline.

4 ADJUDICATION PANEL FOR WALES

The Monitoring Officer presented the Adjudication Panel for Wales' Decision Report on Councillor R E Barton's appeal against the Committee's determination in relation to a possible failure to follow the Code of Conduct. A copy of the decision report had been distributed to Committee members with the meeting papers and members were advised by the Monitoring Officer that now the report was available he was obliged to advertise the report's availability to the general public for a period of 21 days. However, in reality, the report would be available on the County Council's website for a longer period of time with the remainder of the present meeting's reports.

The Monitoring Officer summarised the Panel's decision and advised the Committee that the hearing, held on 23 March 2010, took the best part of a whole day. The resultant report, which was hard-hitting, concluded that the Committee had reached a fair decision. The Panel therefore unanimously upheld the Committee's determination that Councillor Barton had breached both Llanarmon-yn-Iâl and Llandegla community councils' codes of conduct, and endorsed its decision to suspend Councillor Barton from being a member of both councils for three months with effect from 23 March 2010.

The Chair thanked the Monitoring Officer for his expertise and guidance to the Committee when originally determining the case and the Adjudication Panel for a detailed and comprehensive report on the evidence considered at the appeal, its findings and subsequent decision.

In the Monitoring Officer's opinion it was interesting that, despite the different approaches taken by the Standards Committee and the Adjudication Panel when considering the facts of the case, both had reached the same conclusion. When considering the appeal the Adjudication Panel had invited witnesses to give verbal evidence whereas on the advice of the Monitoring Officer, due to the detailed nature of the Ombudsman's report, the Committee had based its decision solely on written evidence. In future, in cases where the evidence was not as conclusive as it had been in this case, it may be advisable for the Committee to invite witnesses to attend and provide verbal evidence.

Whilst welcoming the Panel's decision to uphold the Committee's determination Mr G F Roberts felt that the Committee should record its objection to the statement in paragraph 6.1.1 of the Adjudication Panel's report which stated that, amongst other things, Councillor Barton "attributed his conduct to lack of training on the code of conduct". Mr Roberts felt that this was particularly unfair bearing in mind the amount of training and information provided by the Monitoring Officer and his staff on the code of conduct and related matters. In actual fact the Monitoring Officer had acted beyond the call of duty in this case by researching possible sources of assistance and support for the individual concerned. The Monitoring Officer informed the Committee that, following a change in legislation, Monitoring Officers were now permitted to attend and address Adjudication Panel hearings, which he had done in this case. At the hearing he had emphasised to the Panel that Councillor Barton had participated in the training provided. In his written evidence the Monitoring Officer had actually quoted the number of training events Councillor Barton had attended.

In response to members' observations the Monitoring Officer advised that he would like to incorporate the training of chairs and vice-chairs of town and community councils into the Council's training programme for county councillors and also invite them to training events on planning, as previously suggested by the Committee. He undertook to discuss this approach with the Authority's training officers.

Members felt that it was important for chairs of town and community councils to familiarise themselves with their standing orders so that they would be in a position to answer any questions raised in relation to them, or immediately challenge any individual who purported a point of order or a breach of standing orders. The Committee requested that the Monitoring Officer write to the clerks of town and community councils seeking them to ensure that all new chairs, upon assuming office, were furnished with a copy of standing orders and the code of conduct and advised to familiarise themselves with their provisions.

RESOLVED: -

- (a) *to note the Adjudication Panel for Wales' decision to uphold the Committee's determination to suspend Councillor R E Barton from Llanarmon-yn-lâl and Llandegla Community Councils for a period of three months;*
- (b) *that a letter be sent to the Adjudication Panel for Wales to thank it for its work and resulting comprehensive and detailed report; and*

- (c) *that the Monitoring Officer write to the clerks of the county's town and community councils requesting them to ensure that all new chairs upon election were provided with copies of the council's standing orders and code of conduct and be advised to acquaint themselves with their provisions .*

5 STANDARDS AND ETHICS CONFERENCE

Committee members were advised that the next All-Wales Standards and Ethics Conference was scheduled to be held in Cardiff on Thursday, 14 October 2010. The Monitoring Officer suggested that five representatives from the Standards Committee and five town and community council representatives would be an optimal number of delegates from Denbighshire to attend the Conference. Committee members agreed with this suggestion and the Monitoring Officer undertook to contact town and community councils as soon as possible in order to ascertain their level of interest ahead of the August recess. If the take-up from town and community councils was fewer than five representatives, any surplus places would be offered to Standards Committee members.

Amongst the topics and themes discussed by monitoring officers for possible inclusion in the Conference programme this year were the feasibility of holding interactive sessions with staff from the Ombudsman's office, the possibility of standards committee members facilitating workshops, how city authorities deal with issues of political conflict and a session facilitated by One Voice Wales specifically for town and community council delegates. Members:

RESOLVED: - *that a total of ten representatives, five representatives from town and community councils and five representatives from the Standards Committee, be invited to attend the All-Wales Standards and Ethics Conference 2010 with any surplus places following the initial expressions of interest exercise being allocated to interested individuals from either group.*

6 URGENT ITEMS

(i) Public Services Ombudsman for Wales' guidance on 'The Code of Conduct for members of local authorities in Wales': Committee members were provided with a copy of the recently published Public Services Ombudsman for Wales' guidance on 'The Code of Conduct for members of local authorities in Wales. The Monitoring Officer explained that the purpose of seeking a discussion on the publication of the document under 'Urgent Items' was to ask the Committee to agree the inclusion of an item on the Guidance on the agenda of its next meeting. He was of the view that a thorough discussion on the Guidance and its contents, once members would have had ample time to read the document, would give the Committee an opportunity to consider whether the Ombudsman had included all the pertinent issues raised at the consultation stage.

The Monitoring Officer drew the Committee's attention to some welcome and useful advice contained in the Guidance for county councillors in relation to personal and prejudicial interests, particularly in relation to ward and electoral division matters (page 26); "twin-hatted" members - councillors who were both town/community

councillors and county councillors (page 28); county councillors' responsibilities and positions when serving as trustees or council appointees on outside bodies, along with town/community councillors' positions when determining applications for grants of less than £500 (page 31). Members were asked by the Monitoring Officer to inform him ahead of the next meeting of any topics of interest within the Guidance on which they would particularly value a comprehensive discussion.

(ii) Date of next meeting: The Monitoring Officer advised the Committee that he would be unavailable to attend the Committee's next scheduled meeting on 9 July and that it would be useful to hold another meeting before September in order to discuss the Public Service Ombudsman for Wales' recently published guidance on 'The Code of Conduct for members of local authorities in Wales'.

Members agreed with both the above suggestions and therefore:

RESOLVED: - *that*

- (a) *a business item on the Public Service Ombudsman for Wales' guidance on 'The Code of Conduct for members of local authorities in Wales' be included on the agenda of the Committee's next meeting; and*
- (b) *the Committee's next meeting be rescheduled from 9 July to 16 July 2010, time and venue to be confirmed.*

PART II

No items.

Meeting concluded at 11.10am.

Report to: Standards Committee

Report by: Monitoring Officer

Date: 16 July 2010

Subject: The Public Services Ombudsman for Wales' Annual Report 2009/10

1 DECISION SOUGHT

1.1 To receive the Ombudsman's Annual Report 2009/10.

2 REASONS FOR DECISION

2.1 The Public Services Ombudsman for Wales has issued his latest Annual Report which is his second Annual Report since taking up office. This is the fourth Annual Report following the introduction of the new office of Public Service Ombudsman for Wales in 2006. The Ombudsman's jurisdiction now covers complaints made by members of the public that they have suffered hardship or injustice through maladministration or service failure on the part of County and Town/Community Councils; The National Health Service (including GPs and dentists); Registered Social Landlords (Housing Associations) and the Welsh Assembly Government together with its sponsored bodies. In addition and relevant to your Committee the Ombudsman considers complaints alleging that members of local authorities have broken the Members' Code of Conduct.

2.2 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 7 – 11 which introduce the report and outline the Ombudsman's role, pages 18 – 21 which provide information on Code of Conduct complaints and pages 57 – 60 which provide a statistical breakdown of outcomes by local authority (Appendix 1).

2.3 As members will see from the statistical information there has been a substantial increase in the number of complaints and in the number of cases referred to Standards Committees and the Adjudication Panel for Wales. In particular, as appears from the Annex C extract, whilst again for the Denbighshire area there were no complaints against County Councillors there have been a number of complaints against Town/Community Councillors. Only one of those complaints was referred to your Committee by the Ombudsman and your decision on that matter was upheld by the Adjudication Panel for Wales.

3 POWER TO MAKE THE DECISION

Local Government Act 2000 and Denbighshire Constitution – Article 9.

4 RESOURCE IMPLICATIONS

There are no cost implications, staffing/accommodation implications or IT implications arising from this report.

5 RISK ASSESSMENT

5.1 Risks associated with not agreeing the recommendation/s

Consideration of the Ombudsman's Annual Report complements the Committee's oversight of the Members' Code of Conduct. Failure to consider the report would neglect one of the Committee's roles.

5.2 Risks associated with agreeing the recommendation/s

None.

6 CHIEF FINANCIAL OFFICER STATEMENT

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

7 CONSULTATION CARRIED OUT

Not applicable – the Committee is receiving a report from an external organisation.

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 IMPLICATIONS

8.1 Assessment of Impact on Corporate Priorities:

The Ombudsman's report does not impact on the Council's Corporate Priorities.

8.2 Assessment of impact on the Vision, Community Strategy, Equalities and Sustainability:

The external and independent assessment of allegations against Councillors by the Ombudsman supports the Committee in achieving its objectives in ensuring consistent compliance with the Code of Conduct. The consequential high standards of conduct on the part of members contribute to the

achievement of the Council's vision for the County and demonstrate its commitment to equalities.

8.3 Assessment of Impact on Climate Change - Mitigation and Adaptation

None

8.4 Assessment of Impact on NERC Act Biodiversity Duty:

None

9 ACTION PLAN

ACTION	RESPONSIBLE OFFICER / DATE BY WHEN ACTION TO BE COMPLETED	ACTION TO BE REVIEWED & MONITORED BY / DATE TO BE MONITORED
Standards Committee to receive Ombudsman's report.	16 th July 2010	Ombudsman's report for 2010/11 to be considered when received.

10 RECOMMENDATIONS

10.1 To receive the Ombudsman's Annual Report 2009/10

Contact Officer: Ian Hearle, Head of Corporate Governance
e-mail: ian.hearle@denbighshire.gov.uk Tel: 01824 712562

I am pleased to introduce this, my second, annual report since taking up my post as Ombudsman and the fourth annual report of the Public Services Ombudsman for Wales following the introduction of the office in 2006.

The past year has been demanding and constructive. At its heart lies the core work of my office in investigating complaints from members of the public about public services in Wales and the conduct of members of local authorities. Previous reports have talked about the relentless rise in complaints since the creation of the office. This year has seen a levelling off, although the workload of the office remains high due to the rise in health and member conduct complaints which are often more complex to investigate.

There has been a welcome reduction in complaints about maladministration by local authorities. In part, this may well be attributable to better complaint handling by authorities themselves, and my office has seen real efforts by many authorities to respond more effectively to complaints. It is also likely to reflect the continuing transfer of housing stock from local authorities to housing associations, a sector which has shown a small increase in complaints which is almost certainly entirely a consequence of its growth.

The number of complaints about health bodies rose by 5% during the year. These ranged from complaints about funding or delay in providing services, to complaints about clinical errors where individuals have sadly died as a consequence. There is a very considerable variation in the standard of complaint handling in the sector and I believe the recent consolidation into fewer bodies offers a real opportunity to raise standards. The proposed health redress measure has been a long time in gestation, and I look forward to its implementation. My caseload reveals a real need for proper, thorough management of complaints within the new Health Boards, with an emphasis on avoiding inappropriate defensiveness, a commitment to putting things right, learning the lessons from individual complaints and from complaint patterns all contributing to a renewed emphasis on getting things right to reduce the need for putting them right after the event. I intend working closely with those responsible for managing complaints in the health sector to ensure that the potential improvements are realised.

The other major increase has been in complaints about the conduct of local authority members, which have risen by 24%. In a year where public confidence in elected representatives has been a constant theme, I am concerned with this trend. Work on developing guidance on the Code of Conduct was undertaken during the year for publication in April 2010. I very much hope that councillors will take on board the advice and direction given and that complaints in this area will fall in the forthcoming year.

My work is concerned with investigating complaints for individuals, and helping to put them back where they would have been if they had not suffered an injustice because of maladministration or poor service, where this is possible. Sometimes injustice arises from one-off mistakes but, in other instances, it is indicative of deep-seated weaknesses in the services they have received which, if not addressed, are likely to be repeated.

The more serious cases where I found it necessary to publish public interest reports are summarised at Annex A. Many of these reveal underlying weaknesses in the services provided. In one case, the investigation revealed deep-seated flaws in a local authority's services for people with learning

disabilities which failed to protect a service user from assault. Another investigation found that a patient tragically died as a result of failures in a Health Trust's services for people with Ear Nose and Throat cancers. In these and other instances, my recommendations call for fundamental changes to the services concerned to ensure that other service users do not experience similar shortcomings in the future.

In order to ensure that these recommendations are effectively implemented, I have stepped up my working with regulators in the relevant sectors during the year. I am very pleased to say that key bodies such as the Care and Social Services Inspectorate for Wales and Health Inspectorate Wales are now taking a lead role in ensuring that compliance with my recommendations is secured, and bodies such as the Care Council for Wales are looking at any implications in respect of individual practitioners.

While considering cases about people with learning disabilities receiving day services, it has become obvious that the fact that these services are not regulated in the way that residential services and domiciliary care are, is inconsistent and potentially putting individuals at risk. The people using the services are often the same, and there is no reason to suppose that they are less at risk in a day setting than they would be in residential care or at home. The Welsh Assembly Government is considering this matter and I hope that it can be addressed.

This year was the first of our three year Strategic Plan which was developed to improve the service we offer and which took account of pressures on the service and reflected the views expressed by service users. Details of our Vision and Strategic Aims are at Annex D.

The plan envisaged a change to the way in which we engage with complainants. We have reconfigured the service to enable individuals to contact us by phone or email, rather than require them to complete a form. Our new Complaints Advice Team went live in January. We aim to give callers a clearer picture of how our service works and how we may be able to help them. If the complaint is not one we can deal with, because it falls outside our remit, e.g. complaints about the police, we will try to help them access the appropriate body. If they have not yet complained directly to the body which is the subject of their complaint, we'll help them to do so. If the complaint appears capable of being resolved quickly, we will contact the body concerned and ask them to try to resolve it, so that we will only investigate where it is necessary. We have also streamlined our work through a range of measures including enabling staff to conclude less complex cases by letter rather than requiring the production of lengthy investigation reports.

I am very pleased to see that early indications show that the changes are having the desired effect. Overall, we increased by 6% the number of cases closed during the year compared to 2008/09. As the changes were introduced in the last quarter I expect further improvement in 2010/11.

We have also been working on two new initiatives during the year. The first is the introduction of a new complaints signposting service for Wales to help those people who have a complaint about a public service but do not know who to complain to or how to go about it. It is hoped that this will be launched early in 2011. The second initiative has been the development of a common, streamlined complaints system for adoption by public service providers in Wales. I have chaired the Complaints Wales Group drawn from across the public sector which expects to put forward advice to the First Minister of the

Welsh Assembly Government in September 2010. A common process would offer many advantages, making it easier for people to complain, easier to manage complaints about joint services and easier to learn wider lessons about services and about complaints handling.

In closing, I would like to pay tribute to my staff. They are a committed, high skilful and very effective team. In a year which has seen major changes to the service, to nonetheless close more cases than has ever been achieved previously is a testament to their resilience and determination. They are motivated by a desire to ensure that users of public services have access to effective redress when things go wrong and that lessons are learned for the future. They play a key role in the development of excellent public services for the people of Wales and I am very grateful to them for the excellent results they achieve.



Peter Tyndall
Ombudsman

2. The Role of the Public Services Ombudsman for Wales

The Public Services Ombudsman for Wales has two specific roles. The first is to consider 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. The second role is to consider complaints that members of local authorities have broken the Code of Conduct.

Complaints about public bodies in Wales

When considering complaints about public bodies in Wales, I look 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 that come within my jurisdiction are generally those that provide services where responsibility for their provision has been devolved to Wales. More specifically, the organisations I can look into include:

- local government (both county and community councils);
- the National Health Service (including GPs and dentists);
- registered social landlords (housing associations);
- and the Welsh Assembly Government, together with its sponsored bodies.

When considering complaints I look to see that public bodies have treated people fairly, considerately and efficiently, and in accordance with the law and their own policies. If I uphold a complaint I will recommend appropriate redress. The main approach I will take when recommending redress is, where possible, to put the complainant (or the person who has suffered the injustice) back to the position they would have been in if the maladministration had not occurred. Furthermore, if from my investigation 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.

Investigations are undertaken in private and are confidential. When 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.

The Public Services Ombudsman (Wales) Act 2005 provides two ways for reporting formally on my investigations. Reports under section 16 of the Act are public interest reports and almost all are published. 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 issue my findings under section 21 of the Act. Depending on the nature and complexity of the investigation this will sometimes be in the format of a report, or it can take the form of a letter. There is no requirement on the body concerned to publicise section 21 reports or letters, although details of them can be found on my website. Summaries are currently available from my office on request, although it is my intention to begin publishing these in electronic form during 2010/11.

Occasionally, I need to direct that a report should not be made public due to its sensitive nature and the likelihood that those involved could be identified. For technical reasons, such a report is issued under section 16 of the Act, even though it is not a public interest report, and I make a direction under section 17 of the Act. There have been two such reports issued this year.

The Public Services Ombudsman (Wales) Act 2005 also 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, a 'quick fix' without an investigation can be of advantage to both the complainant and the body concerned. Since taking up my role as Ombudsman, I have been keen to see greater use made of this power and that we seek to identify as many cases as possible that may lend themselves to this kind of resolution. I am pleased that it has been possible to increase the number of cases settled in this way this year, and I hope that this will increase further now that the Complaints Advice Team is in place (see page 23 for further information)

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

My role in considering complaints alleging that members of local authorities have broken the Code of Conduct is slightly different to that in relation to complaints about public bodies. I investigate this type of complaint under the provisions of Part III of the Local Government Act 2000 and also relevant Orders made by the National Assembly for Wales under that Act.

Where I decide that a complaint should be investigated, there are four findings that I can arrive at:

- (a) that there is no evidence that there has been a breach of the authority's code of conduct
- (b) that no action needs to be taken in respect of the matters that were subject to investigation
- (c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee
- (d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (This generally happens in more serious cases).

In the circumstances of (c) or (d) above I am required to submit my investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence I have found together with any defence put forward by the member concerned. Further, it is for them to determine whether a breach has occurred and if so, what penalty, if any, should be imposed.

4. Code of Conduct Complaints

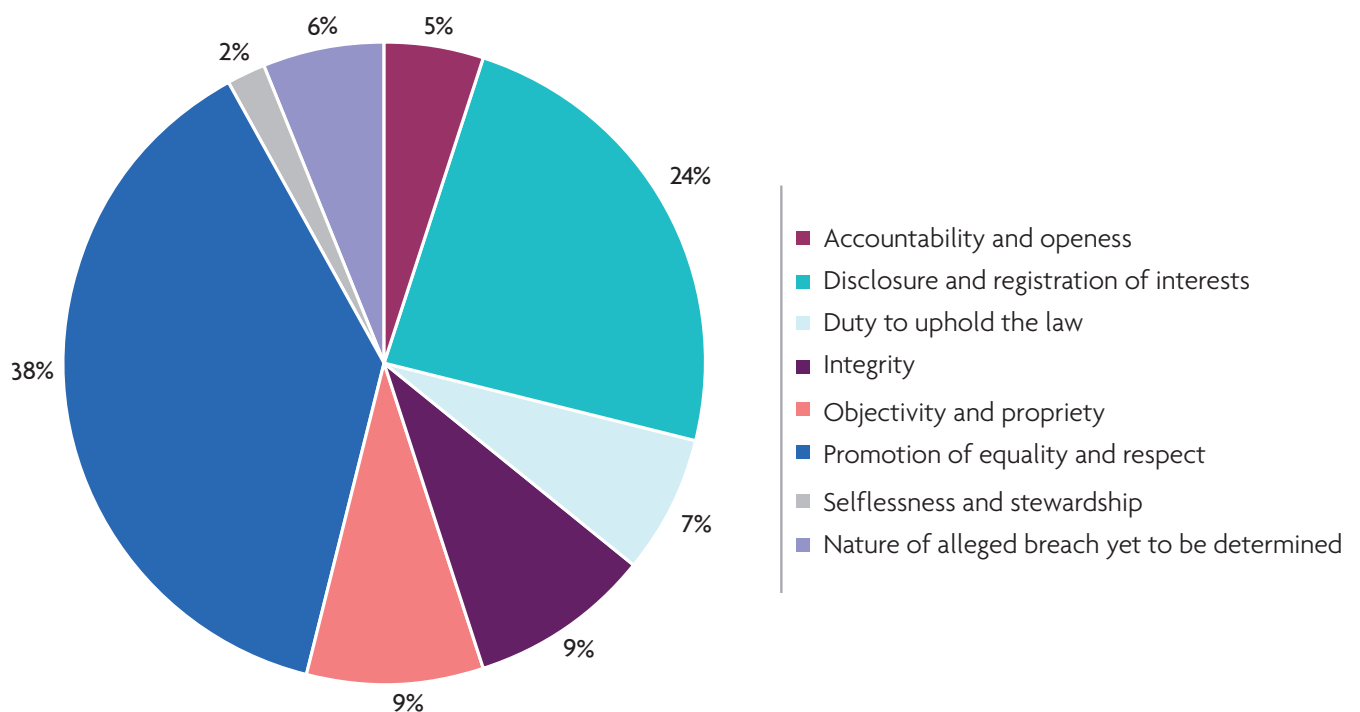
Complaints Received

The table below gives a breakdown of the code of conduct complaints received by type of authority. Last year I reported that there had been an increase in the number of complaints received. That upward trend has continued. In fact, there has been a substantial 24% increase (352 compared to 285). This has had an impact on the ability to deal with cases as quickly as we would wish. I address this issue later in this section.

	2009/10	2008/09
Community Council	163	132
County/County Borough Council	183	153
National Park	3	-
Police Authority	3	-
Total	352	285

Nature of Code of Conduct Complaints

Of the areas of the Code that members were alleged to have broken, the most common type relates 'equality and respect'. As the chart below shows, this accounted for 38% (this was 34% in 2008/09) of the complaints received. The next significant area relates to 'disclosure and registration of interests' which accounts for 24% of the complaints received.



Summary of Code of Conduct Complaint Outcomes

Of the Code of Conduct cases considered in 2009/10 it was decided that the large majority did not call for an investigation. However, the number of cases which I concluded should be referred to either an authority's standards committee or to the Adjudication Panel for Wales was considerably higher in the past year than in the previous year, that is: 26 compared to 8 in 2008/09. This is partly a consequence of the higher number of complaints, partly a reflection of the sadly increased number where conduct falls short of expectations and partly evidence of our commitment to actively continue to promote high standards in public life.

	2009/10	2008/09
Decision not to investigate complaint	214	184
Complaint withdrawn	16	17
Investigation discontinued	15	4
Investigation completed: No evidence of breach	6	3
Investigation completed: No action necessary	26	15
Investigation completed: Refer to Standards Committee	12	5
Investigation completed: Refer to Adjudication Panel	14	3
Total Outcomes – Code of Conduct complaints	303	231

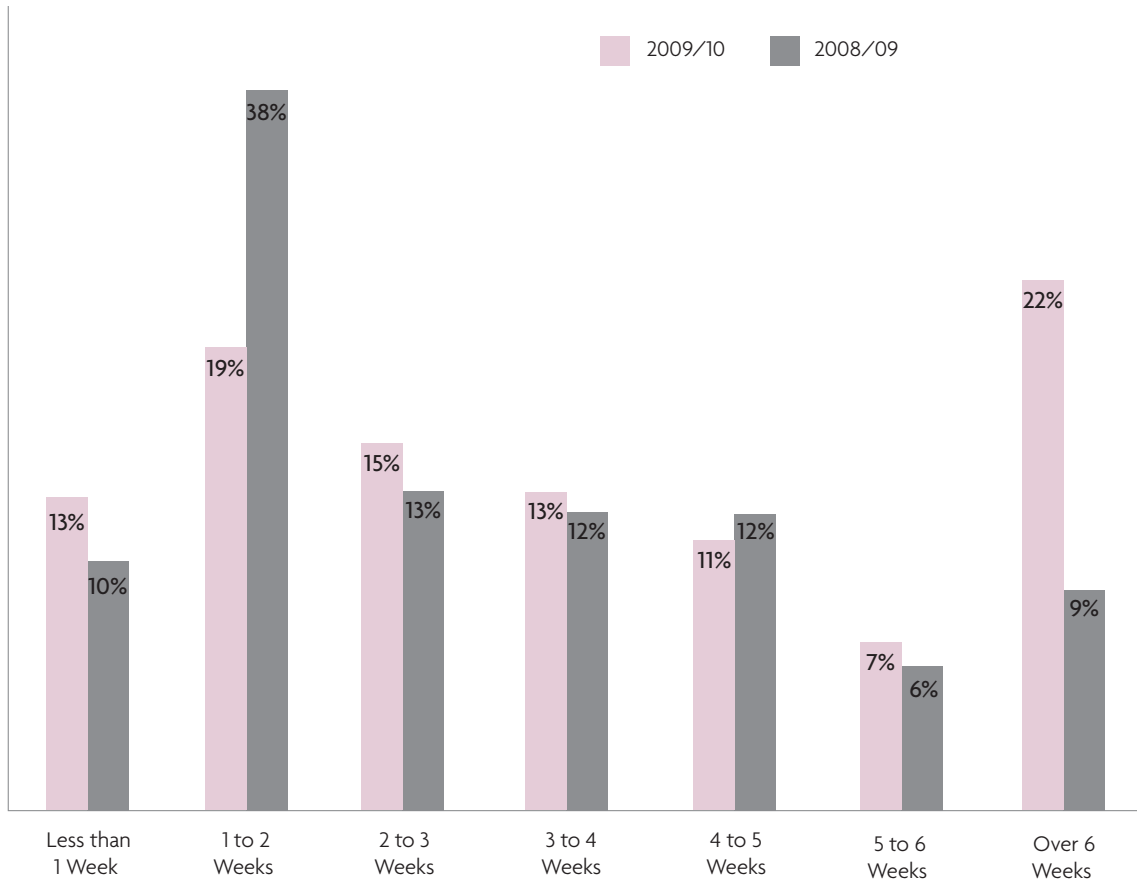
(A detailed breakdown of the outcome of Code of Conduct complaints investigated, by local authority, during 2009/10 is set out at Annex C.)

Decision Times

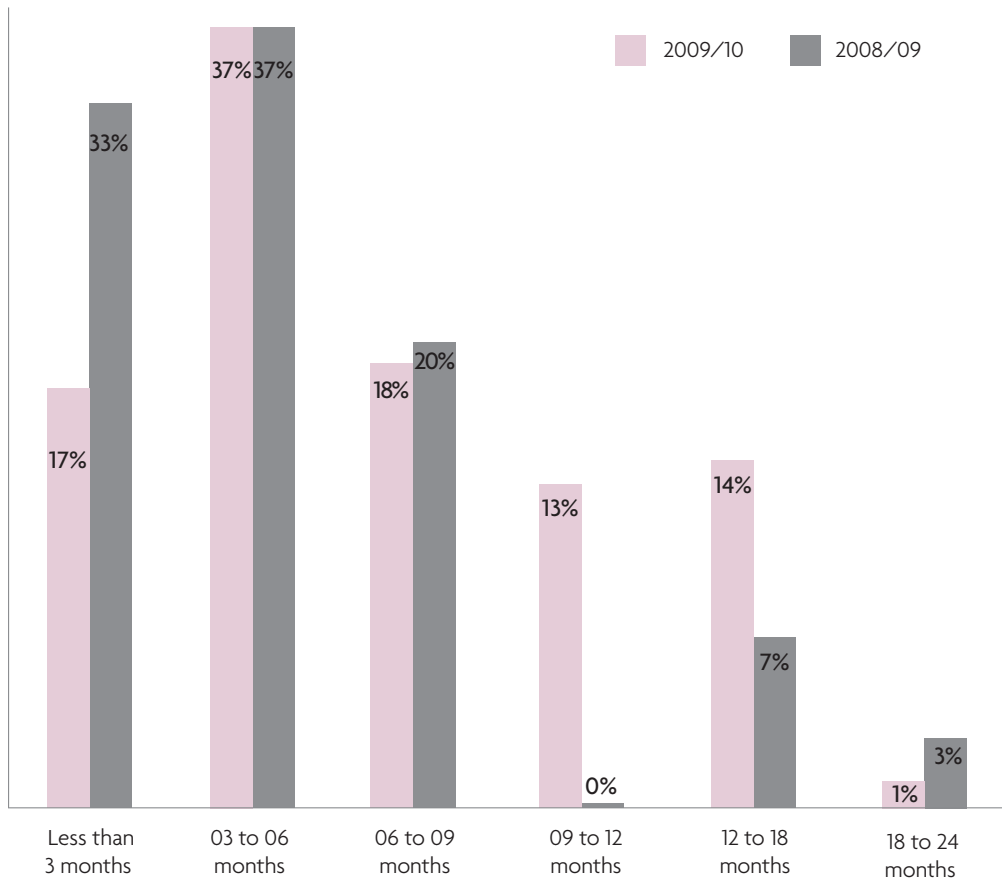
Overleaf are the decision times for code of conduct complaints. The time targets set for code of conduct complaints are similar to those for complaints about public bodies, i.e.

- to tell complainants within 4 weeks whether we will take up their complaint.
- to conclude cases within 12 months from the point that a decision is made to take up a complaint (that is, to commence investigation of a complaint).

Decision times for informing complainants if code of conduct complaint will be taken up



Decision times for concluding code of conduct complaint cases



Being the subject of a Code of Conduct complaint is a stressful experience for a councillor. This can be heightened by the media speculation that frequently surrounds such complaints. I am disappointed therefore that we have not been able to maintain the good performance of last year in terms of timescales. In particular, that 15% of investigations took over 12 months compared with 10% in 2008/09.

However, I am conscious of the fact that the team that considers Code of Conduct complaints has had to deal with the 24% increase in complaints of this type. In addition, amongst its casework has been a complex investigation concerning 32 members of one local authority which has had a disproportionate impact on the casework. I expect this case to be brought to a conclusion by May 2010.

As I mentioned last year, Code of Conduct investigations are increasingly being undertaken to criminal investigation standards. This is as the result of members who are the subject of an allegation increasingly engaging legal representation. Thus, my investigations in relation to Code of Conduct complaints have been changing in nature. The additional work that this involves for my office has had an impact on the length of time it takes to bring a case to a conclusion. Similarly, as more cases than in previous years have been referred to the Adjudication Panel and to standards committees more work has been necessary in preparing for and attending hearings. However, I am confident that the changes in process we have adopted will lead to improved performance in the year ahead.

Code of Conduct for Local Authority Members

In response to requests from local authority monitoring officers and others, I have developed guidance for local authority members on the Model Code of Conduct issued in 2008. This has been prepared following an initial consultation inviting local authorities to identify which aspects of the Code they would value guidance upon, and a subsequent consultation with the Association of Council Secretaries and Solicitors, One Voice Wales, the Welsh Assembly Government and the Adjudication Panel for Wales on the draft. The document has now been finalised and it is intended to publish this at the end of April 2010. We will hold a number of seminars on this guidance for chairs of standards committees, monitoring officers, and community council clerks during the forthcoming year.

Annex C

Code of Conduct Complaints: Statistical Breakdown of Outcomes by Local Authority

COUNTY/COUNTY BOROUGH COUNCILS

County/County Borough Council	Decision Not to Investigate	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Blaenau Gwent	2	1						3
Bridgend	7							7
Caerphilly	3							3
Cardiff	9			1	1	4		15
Carmarthenshire	2			1		1		4
Conwy	8				1			9
Ceredigion	2					3		5
Flintshire	4					1		5
Gwynedd	1							1
Isle of Anglesey	11	9	1			3	2	26
Merthyr Tydfil	5						1	6
Monmouthshire	2			1				3
Neath Port Talbot	2							2
Pembrokeshire	1			1				2
Powys	6		1		1		1	9
Rhondda Cynon Taf	3	1				1		5
Swansea	9	4	2		3	2		20
The Vale of Glamorgan	1							1
Torfaen	21			10	2			33
Wrexham	1		1					2
TOTAL	100	15	5	15	6	11	9	161

COMMUNITY/TOWN COUNCILS

Community/Town Council	Decision Not to investigate	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Barry Town	2						1	3
Beguildy				3				3
Blaenavon	1							1
Blaenhonddan	2							2
Borth	8		1					9
Brymbo	2							2
Buckley	2							2
Cardigan	2							2
Chepstow	2							2
Clydach	1							1
Coedfranc	3							3
Coedpoeth	1							1
Conwy	3					2		5
Cwm Gwaun					1			1
Cwmilynfell					1			1
Dyffryn Clydach	1							1
Flint	3							3
Gorseinon	3							3
Guisfield							1	1
Gwernymynydd	1							1
Henfynyw						1		1
Kidwelly	2							2
Llanarmon yn Iâl	2				1			3
Llandegla	2							2
Llandinam	2							2

COMMUNITY/TOWN COUNCILS (continued)

Community/Town Council	Decision Not to investigate	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Llanelli	2						2	4
Llangattock	1							1
Llangynwyd Lower	5							5
Llantrisant	1							1
Maenclochog	1							1
Maesteg	1							1
Manorbier	11			3	2			16
Monmouth	5							5
Mostyn	1							1
Mumbles				1				1
Newcastle Higher	1							1
Old St. Mellons	4							4
Onllwyn	1							1
Pontyclun	9							9
Resolven	1							1
Saltney	1							1
St Asaph	1							1
St Brides Major	5			2				7
Taffs Well and Nantgarw	1							1
Tenby	1							1
Tintern	5							5
Towyn & Kimmel Bay	6			2	1		3	12
Tredegar	1							1
Ystradgynlais	3							3
Total	113		1	11	6	3	7	141