



To: Chair and Members of
Standards Committee

Date: 5 July 2012

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Dear Member of the Committee,

You are invited to attend a meeting of the **STANDARDS COMMITTEE** to be held at **10.00 am** on **FRIDAY, 13 JULY 2012** in **CONFERENCE ROOM, TY NANT, PRESTATYN.**

Yours sincerely

G. Williams
Head of Legal and Democratic Services

AGENDA

PART 1: THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items 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.

4 MINUTES OF THE LAST MEETING (Pages 5 - 10)

To receive the minutes of the Standards Committee meeting held on 6th March 2012 (copy enclosed).

5 ATTENDANCE AT MEETINGS

To note the attendance by members of the Standards Committee at County, Town and Community Council and to receive their reports.

6 NORTH WALES STANDARDS COMMITTEE

To receive a verbal report on recent developments discussed at the last meeting of the North Wales Standards Committee.

7 MEMBER REMUNERATION (Pages 11 - 12)

To consider a report (copy enclosed) advising the Committee of the recommendations of the Independent Remuneration Panel for Wales, and how they will impact upon Independent Members of Standards Committee.

8 ST ASAPH CITY COUNCIL DISPENSATION (Pages 13 - 18)

To receive a report (copy enclosed) which explains the considerations that apply in determining whether to grant dispensation to members of St Asaph City Council.

9 CHAIR AND VICE-CHAIR OF STANDARDS COMMITTEE

To receive a verbal report on the arrangements for appointing a Chair and Vice-Chair of the Standards Committee.

10 PUBLIC SERVICES OMBUDSMAN FOR WALES'S ANNUAL REPORT
(Pages 19 - 22)

To consider a confidential report (copy enclosed) which gives the Committee an overview of the findings from the Public Services Ombudsman for Wales's Annual Report for 2011/12 entitled 'Improving Access: Delivering Improvement'.

PART 2: CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information (as defined in paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act) would be disclosed.

11 CODE OF CONDUCT COMPLAINTS (Pages 23 - 24)

To receive a confidential report (copy enclosed) which gives an overview of the complaints submitted to the Public Services Ombudsman for Wales relating to the authority.

MEMBERSHIP

Independent Members:

Mr Clive B Halliday (Chair), Ms Margaret Medley, Mrs Paula White and Mr Geraint F Roberts

Town/Community Council Member

Councillor David E Jones

County Councillors

Councillor Bill Cowie

Councillor Colin Hughes

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STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in the Council Chamber, Nant Hall Road, Prestatyn on Friday, 9 March 2012 at 10.00 am.

PRESENT

C. B. Halliday (Chair), George Green, Ms M Medley and Mrs P White together with Councillors David Jones

ALSO PRESENT

Monitoring Officer (MO) (GW), Deputy Monitoring Officer and Solicitor (DMO) (LJ) and Administrative Officer (CIW).

APOLOGIES

Apologies for absence were received from Councillor Huw Jones and Mr Geraint F Roberts

1 DECLARATION OF INTERESTS

Councillor G.A. Green declared a personal and prejudicial interest in business item number 8 of the Agenda.

2 URGENT MATTERS AS AGREED BY THE CHAIR

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.

3 MINUTES OF THE LAST MEETING

The Minutes of the Standards Committee held on Friday, 19th December, 2011 were submitted.

Accuracy:- The name of Councillor D.E. Jones appeared twice in the list of Members present.

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

4 ATTENDANCE AT MEETINGS

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

RESOLVED – *that the position be noted.*

5 SELF REGULATORY PROTOCOL

A copy of a report by the MO, which provided Members with a copy of the proposed draft changes to the Code of Conduct and the Councils Constitution where it impacts on the Code and the work of the Committee, had been circulated with the papers for the meeting.

Full Council had received an overview of the proposed changes on the 28th February 2012 and the final draft would be considered for adoption on the 27th March, 2012.

The DMO introduced the report which informed Members of the outcome of the consultation process regarding the Review of the Constitution and suggested areas of change. One area of proposed changes to the Code of Conduct and the Constitution had been that there should be some express provision, obliging Members to attend mandatory training on Planning and the Code of Conduct.

In reply to a question from Councillor D.E. Jones, the DMO explained that the Revised Constitution applied to the County Council and to County Councillors. However, it was agreed that the MO writes to all Town and Community Councils informing them of the amendments to the County Councils Constitution and inviting them to adopt the changes.

Members of the Committee expressed the view that the proposed recommendation to Full Council that the Code of Conduct be amended to make training on the Code mandatory, at least once per term of office, would not be sufficient. The MO provided an outline of the training programme and confirmed that additional training would be available throughout for Members if required. Members considered and debated various options and an amendment to the recommendation in the report was proposed by Councillor G.A. Green and seconded by Ms M.E. Medley, that training on the Code of Conduct be mandatory for Members to attend one training session per annum, on being put to the vote the amendment was carried.

It was explained that the Code protected Members, and the general consensus from the consultation had been that this approach be endorsed and included in the recommendations to Full Council. A copy of the relevant paragraph of the Code had been attached as Appendix 1 together with an extract of the revised Constitution as Appendix 3 to the report.

The requirements in the Code of Conduct to register gifts and hospitality had been discussed and it had been the general consensus of opinion that it would be appropriate to amend the Code of Conduct to allow Members to receive gifts and hospitality up to a value of £25 without the need to register it. A copy of the relevant paragraphs of the Code had been included as Appendix 1 to the report. Members considered the recommendation contained in the report, and on being put to the vote the recommendation was carried.

Members considered the inclusion of the Self Regulatory Protocol, to deal with sub threshold complaints under the Code of Conduct on a more local basis, where complaints had been made by a Member of the County Council against another Member. Members were of the view that this was a good thing and confirmed that the Self Regulatory Protocol should be included in the draft revised Constitution. The Protocol had been the subject of close scrutiny by the Standards Committee who had contributed significantly to its development. A copy of the final draft had been attached as Appendix 2. Members considered and agreed the inclusion of the Self Regulatory Protocol in the draft revised Constitution.

In response to a question from the Chair regarding referral to the Ombudsman in respect of Unaffiliated Members and Persistent Breaches, the DMO agreed that with regard to Persistent Breaches an amendment be included to read “by the Group Leader in consultation with the Monitoring Officer”

In reply to concerns and issues raised by Councillor G.A. Green regarding timescales and the inclusion of a review date, DMO explained there could be a review in 12 months time to assess the situation. The MO confirmed that the Ombudsman had expressed his enthusiasm for the adoption of a Member to Members approach and confirmed that he and the DMO would be providing support for Group Leaders.

The review had highlighted amendments to Terms of Reference of some Committees. Increasing the remit and profile of the Standards Committee’s role had been included within the changes. Such amendments would be considered by Full Council and may be subject to change in scope.

Members of the Committee were informed that the outcome of the Full Council debate and resolution would be reported to the Standards Committee to make Members aware of any proposed amendments to the terms of reference of the Standards Committee.

Following further discussion, it was

RESOLVED –that the Standards Committee:-

(a) notes the contents of the report and feedback from Members at the Constitution review workshop regarding the Code of Conduct, held on 24th January 2012 and Full Council on the 28th February 2012.

(b) recommends to Full Council the Code of Conduct be amended to make training on the Code of Conduct mandatory for Members to attend one training session per annum.

(c) recommend to Full Council the Code of Conduct be amended to increase the level of gifts and hospitality to £25.00.

(d) recommend to Full Council that the Self Regulatory Protocol be included within the revised Constitution, and

(e) the MO writes to all Town and Community Councils informing them of the amendments to the County Councils Constitution and inviting them to adopt the changes.

6 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

PART II

7 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

A copy of a confidential report by the Monitoring Officer, which provided an overview of complaints lodged with the Public Services Ombudsman for Wales, had been circulated with the papers for the meeting.

Members were informed that the Standards Committee had previously requested to be regularly informed of the level of complaints lodged with the Public Services Ombudsman for Wales. The tables attached as Appendix 1 to the report provided an overview of complaints lodged since the 1st February, 2011.

The Monitoring Officer informed the Committee that a complaint made in respect of a County Councillor had been investigated by the Ombudsman and that he had been informed confidentially of the Ombudsman's decision. However, he confirmed that the issue was now a matter of public record as it appeared on the Adjudication Panel for Wales website. The Monitoring Officer explained that the Ombudsman had issued a report in respect of the complaint, which had been referred to the Adjudication Panel for Wales, and details of the hearing were awaited.

RESOLVED –that:-

- (a) the Standards Committee receives and notes the contents of the report, and
- (b) notes the complaint made in respect of a County Councillor.

Councillor G.A. Green declared a personal and prejudicial interest in business item number 8 of the Agenda and left the meeting at this point in the proceedings.

8 CODE OF CONDUCT

The Standards Committee had been requested to consider a confidential report by the Monitoring Officer in accordance with Part III of the Local Government Act 2000. A copy of the report had been circulated with the papers for the meeting.

The Standards Committee considered a report by the Public Services Ombudsman for Wales ("the Ombudsman") pursuant to Section 69 of the Local Government Act 2000 in respect of an investigation that he had carried out into an allegation of a breach of the Code of Conduct made against a Denbighshire County Councillor.

Under Section 69 of the Local Government Act 2000, the Ombudsman may investigate cases in which a written allegation had been made to him by any person that a Member of a relevant Authority had failed or may have failed to comply with the Authority's Code of Conduct.

The Ombudsman had received an allegation that a County Councillor had failed to observe the Code of Conduct for Members of Denbighshire County Council. The allegation being that the County Councillor had failed to declare a personal and prejudicial interest at a meeting of one of the Authority's meetings.

The Ombudsman investigated the allegation. The conclusion of the Ombudsman investigation had been that the matter should be referred to the Monitoring Officer of Denbighshire County Council for consideration by the Council's Standards Committee.

The Local Government Investigation (Functions of Monitoring Officer and Standards Committees) (Wales) Regulations 2001 provided that where any matter was referred to the Monitoring Officer of a relevant Authority by the Ombudsman, then the Monitoring Officer must place that report before the Standards Committee.

The function of the Standards Committee after receiving such a report was that they must determine either:-

- that there was no evidence of any failure to comply with the Code of Conduct of the relevant authority concerned and must notify any person who was the subject of the investigation, any person who made any allegation which gave rise to the investigation and the Ombudsman accordingly; or

- that any person who was the subject of the investigation should be given the opportunity to make representations, either orally or in writing in respect of the findings of the investigation and any allegation that he or she had failed, or may have failed, to comply with the relevant authority's Code of Conduct.

The Ombudsman had sent a copy of the report into the investigation of the allegation made against the Councillor to the Monitoring Officer. The Ombudsman's report had been attached to the report as an Appendix 1. The procedure for dealing with allegations made against Councillors and referred to the Standards Committee had been attached as Appendix 2.

The role of the Standards Committee would be to make an initial determination either that there was no evidence of any failure to comply with the Code of Conduct, or that the Councillor should be given the opportunity to make representations either orally or in writing at a hearing to be convened at a later date.

Members of the Committee considered the report and it was:-

RESOLVED – *that the Standards Committee agree that the respective Councillor should be given the opportunity to make representations, either orally or in writing,*

in respect of the findings of the investigation and any allegation that the Councillor had failed or may have failed to comply with the Code of Conduct of Denbighshire County Council.

Meeting ended at 11.10 a.m.

Report To: Standards Committee

Date of Meeting: 13th July 2012

Report Author: Monitoring Officer

Title: Remuneration of Independent Member of Standards Committee

1 PURPOSE OF REPORT

1.1 To advise Members of the recommendations of the Independent Remuneration Panel for Wales insofar as they relate to Independent Members of Standards Committee.

2 BACKGROUND

2.1 The Independent Remuneration Panel for Wales (the Panel) published its first Annual Report. The report deals with the remuneration of elected and co-opted members of local authorities for the year 2012/13. The Council is required to implement the Panel's recommendations by Section 153 Local Government (Wales) Measure 2011

2.2 The Panel has decided to use its powers to prescribe payments. The Panel has set salary bands for elected members of the Council.

2.3 The Panel has also decided that for 2012/13 local authorities must pay the following fees to co-opted members:

Co-opted Chair, Standards Committee £256 daily fee (£128 for half a day)

Co-opted ordinary member to include Standards Committee £198 daily fee (£99 for half a day)

2.4 The payments are capped at a maximum of the equivalent of ten full days a year for each committee to which an individual may be co-opted. Payments are for meeting time only and include time spent on preparation and travel. A half day meeting is defined as up to four hours and a full day meeting is defined as over four hours.

2.5 The Panel has also decided that for 2012/13 Councils must provide for a maximum payment of £403 per month to elected members and co-opted members of authorities who incur necessary expenses for the care of children or dependants whilst undertaking their duties. Reimbursements may only be made on production of receipts.

2.6 The Panel has also considered the time of travel and subsistence expenses. There is no change to mileage rates that can be claimed for travel. These are set out below:

45p per mile up to 10,000 miles
25p per mile over 10,000 miles
5p per passenger per mile – passenger supplement
24p per mile private motor cycles
20p per mile bicycles

2.7 Other forms of travel will only be reimbursed on production of a valid receipt. Members should always choose the most cost effective method of travel.

2.8 The authority must maintain and publish an annual schedule of member remuneration by no later than 31st July 2012 and send a copy to the Panel.

2.9 The authority must make arrangements for publication within its area the total sum paid by it to each member and co-opted member in respect of salary, fees and reimbursement during the year 2012/13 by no later than 30th September 2013.

2.10 A member may, if they so wish, forego all or any part of their remuneration.

3 RECOMMENDATION

3.1 That members note the provision of the Independent Remuneration Panel for Wales Report for 2012/13.

REPORT TO: Standards Committee

REPORT BY: Lisa Jones - Deputy Monitoring Officer

DATE: 13th July 2012

SUBJECT: Dispensation

1. PURPOSE OF REPORT

To consider whether or not to grant dispensations in relation to St Asaph City Council Councillors as outlined in Appendix 1 having regard to the circumstances in which dispensations may be granted as set out in Appendix 2.

2. BACKGROUND

- 2.1 The provisions relating to interests are set out in Part 3 of the Members Code of Conduct. There is an overriding requirement that members must in all matters consider whether they have a personal interest and subsequent disclosure of that interest. Paragraph 10(2) of the Code sets out what those personal interests are.
- 2.2 Having declared a personal interest, a member must consider whether they also have a prejudicial interest. Prejudicial interest is defined as being an interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest.
- 2.3 Amongst the range of potential interests that are set out in paragraph 10(2) of the Code are industrial and provident societies, charities or bodies directed to charitable purposes and private clubs, societies or associations operating within the authority's area, in which the Councillor has membership or holds a position of general control or management. The interests under consideration in this report fall within these categories.
- 2.4 The Code of Conduct has been drafted to take into account the close involvement of Councillors in their local community which means that they are likely to be involved in a range of bodies and indeed may even be appointed in some circumstances to these bodies by their Councils. The Code accordingly provides an exemption in these cases of appointment or nomination, and although the Councillor must still declare the interest, is provided with an exemption and is able to take part and vote in the usual way. However there is the further caveat in that the exemption does not apply where the business relates to the determination of any approval, consent, licence, permission or registration (unless paragraph 12 (2) (C) grants or financial assistance up to £500 applies). In these circumstances, unless the Councillors have

obtained a dispensation, they must leave the room and not vote on this issue.

- 2.5 Members of Standards Committee will see the circumstances set out in The Standards Committee (Grant of Dispensation) (Wales) Regulations 2001 in Appendix 2, where dispensations can be granted.
- 2.6 Attached at Appendix 1 is the request from the Town Clerk of St Asaph City Council to apply for a dispensation given that a significant number of their Councillors are also members of local Voluntary Organisations. The Town Clerk has very helpfully set out the names of each of the relevant Councillors and the organizations in question. Occasionally, when it is necessary for the Councillors of one or other of these organizations to declare an interest and leave the meeting, this can result in the meeting being inquorate, and the Council unable to conduct it's business. The Standards Committee previously granted similar such dispensations on the 26th February 2010, albeit this time the list of Councillors has updated.
- 2.7 It is understood that the paragraphs of the Regulations under which the Councillors seek a dispensation are paragraphs: -
 - (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business.
 - (d) the nature of the members' interest is such that the members' participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business.
 - (e) The interest is common to the member and a significant proportion of the general public.
- 2.8 It is for the Standards Committee to determine whether a dispensation should be granted. In addition, the Committee may wish to consider whether the dispensation should be limited to a specific time period or be unlimited in time.

3 RECOMMENDATION

- 3.1 That the Committee consider the above dispensations having regard to the grounds identified.
- 3.2 The Members who are the subject of the dispensation must still declare a personal interest at the meeting at which the matter is discussed.

APPENDIX 1

From: St Asaph Town Council/TCC/DCC
To: Gary Williams/Legal and Democratic Services/DCC@DCC
Date: 24/05/2012 15:23
Subject: Dispensations

Dear Gary

I refer to your recent letter relating to [among other things] dispensations

The City Council, having considered your letter now wish me to apply for dispensations for the Council Members who are also Members of the following Organisations:-

The list is only slightly modified from that previously agreed

Name of Organisation:-

- [A] Afon Elwy Environment Group
- [B] St.Asaph Community Association
- [C] St.Asaph Community Safety & Tidy Towns Group

Names of Councillors for which dispensation is sought, with Membership(s) shown:-

W.L.Cowie	[A] [C]
Mrs. D G Hodgkinson	[A] [B] [C]
Mrs E J Powell	[A] [B] [C]
B.Powell	[A] [B] [C]
Mrs B J Rust	[A] [B] [C]
D I Roberts	[A]
J O Roberts	[B]
D Owens	[B] [C]
J J Vaughan	[A] [B] [C]
R H Gumm	[C]
P Scott	[C]
J Wynne-Jones	[B]

J P Horden [B]

I look forward to hearing from you in due course

Many thanks

Andrew Pirie
Clerk to the Council

APPENDIX 2

The Standards Committee (Grant of Dispensation) (Wales) Regulations 2001 extract from Paragraph 2

Circumstances in which dispensations may be granted

2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where —

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

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Report To: Standards Committee

Date of Meeting: 13th July 2012

Report Author: Monitoring Officer

Title: Public Services Ombudsman for Wales's Annual Report 2011/12

1 PURPOSE OF REPORT

- 1.1 To advise Members of the publication of the Annual Report for 2011/12 of the Public Services Ombudsman for Wales (the Ombudsman) entitled 'Improving Access: Delivering Improvement'.

2 BACKGROUND

- 2.1 The Ombudsman has published his annual report for 2011/12 entitled 'Improving Access: Delivering Improvement'. The full report can be viewed by Members by visiting the Ombudsman's website www.ombudsman-wales.org.uk clicking on the 'Publications' tab and following the link to the Annual Report 2011/12.
- 2.2 The report deals with the Ombudsman's casework, which is the investigation of complaints by members of the public about public services in Wales and the conduct of Members of local authorities.
- 2.3 The relevant part of the report for the Standards Committee is Chapter 4 at page 18 which deals with Code of Conduct complaints and Appendix 2 at page 59 which gives a statistical breakdown of outcomes by local authorities.
- 2.4 In 2011/12 the Ombudsman received 412 new Code of Conduct complaints, a rise of 49% on the 2010/11 figure of 277.
- 2.5 The 412 new complaints are broken down below in terms of complaints received by type of authority for the years 2010/11 and 2011/12:

	2011/12	2010/11
Community Council	206	142
County/County Borough Council	177	135
National Park	28	1
Police Authority	1	0
Total	412	277

- 2.6 In his report the Ombudsman states that it is not surprising that the increase in complaints has occurred during the year in the run up to the recent local government elections. He does however express his extreme disappointment that it appears that the Code is being used in this way.

- 2.7 The Ombudsman also expresses his concern about certain practices emerging amongst Town and Community Councils. The Ombudsman specifically refers to Prestatyn Town Council in his report and the fact that he has corresponded with the Clerk to Prestatyn Town Council in relation to their mutual concern about the number of complaints received in respect of members of Prestatyn Town Council.
- 2.8 In the Ombudsman's view this level of complaints reflects a very hostile set of interactions between Councillors and must lower the esteem in which the Town Council is held by electors. The Ombudsman has urged the Council to reflect on the culture which is giving rise to these complaints and how behaviour might be changed to reverse this trend.
- 2.9 The Ombudsman is aware that some of these complaints are being made by a small number of members of the public. He will actively consider what further steps are available to him to tackle the problem.
- 2.9 The Clerk to Prestatyn Town Council has commented to the effect that the Town Council shares the Ombudsman's concerns about the large number of trivial complaints from a small number of Town Councillors about their fellow Councillors. The recent election has seen a significant change of town councillors with 10 out of 18 being new members. The Town Council has confirmed that it is keen for a new start.
- 2.10 Of the 412 complaints received by the Ombudsman during 2011/12 the largest proportion, 39%, related to matters of 'equality and respect'. There was a notable increase in the number of complaints relating to 'objectivity and propriety' which amounted for 25% of complaints.
- 2.11 There were 345 cases closed in 2011/12 of which 270 were closed after initial consideration. The number of cases referred to a Standards Committee or to the Adjudication Panel for Wales was 19 compared to 45 in 2012/11.
- 2.12 Appendix C of the report shows, by authority, a breakdown of the cases closed in 2011/12. There were 9 cases relating to Denbighshire of which 5 were closed after initial consideration, in one case no action was considered necessary, one was withdrawn, one was referred to Standards Committee and one to the Adjudication Panel for Wales.
- 2.13 In his report the Ombudsman also refers to changes to practice. The first of these is the use of local resolution procedures such as Denbighshire's Self Regulatory Protocol. The second is the practice whereby the Ombudsman, will if he is minded to close an investigation because he believes that a Standards Committee is unlikely to administer a sanction, refer the matter to the Monitoring Officer who may carry out a local investigation.
- 2.14 The Ombudsman also refers in his report to his proposal that a cap be placed on any indemnity offered by local authorities to members when defending themselves against an allegation that they have breached the Code of Conduct. The proposed cap is £10,000. The Ombudsman awaits a response from the WLGA to this proposal.

3 RECOMMENDATION

- 3.1 That Members note the contents of the Public Services Ombudsman for Wales' Annual Report 2011/12.

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By virtue of paragraph(s) 12, 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

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