

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

13 JANUARY 2025

**REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC
SERVICES – MR C GRIFFITHS**

Matter for Information

Wards Affected: All

**The Annual Report of the Adjudication Panel for Wales for 2023 -
2024**

Purpose of the Report:

1. To inform Members of the Standards Committee of the Annual Report of the Adjudication Panel for Wales for the year 2023/2024 and the work undertaken by the Panel over that year.

Background:

2. The Adjudication Panel for Wales (APW) has, in relation to breaches of the Members Code of Conduct, two statutory functions, namely:
 - (i) dealing with serious breaches of the code (case referrals) and

- (ii) considering appeals by Members against decisions by local authority standards committees that they have breached the code
- 3. The APW is required to publish an annual report. It's most recent report covers the financial year 2023/2024
- 4. The annual report appears at Appendix 1 of this report
- 5. The report, which is split into 5 sections deals with both the administration of the APW's work, and the outcomes of the cases it has adjudicated upon. Section 1 outlines the basis, functions and procedure of the APW whilst Section 2 deals with the performance and progress of the APW. The report also notifies local authorities of a newly appointed President of the APW, Judge Meleri Tudur. Section 3 deals and outlines the cases on which the APW has adjudicated.
- 6. The report notes in Section 2 that the APW has dealt with a relatively low number of cases for 2023/2024 and therefore seeks to compare the last 5 years to identify patterns and trends. The mainstay of their work has been in case referrals although appeals have remained a significant contributor. Interestingly, over the 5-year period the report shows approx. 77% of cases (whether referrals or appeals) leading either to Member disqualification or suspension. It also shows 12% of Member appeals being refused. The remaining 12% represent cases which have been dismissed by the APW.
- 7. The report also breaks down the breach investigations into the various code obligations, with peaks being demonstrated in the areas of respect/equality/bullying, and of bringing the office of the Member or the authority into disrepute. Failure to declare interests and the misuse of position have also made significant contributions to their work.

8. Turning to the case summaries at section 3, the 6 cases adjudicated upon are all reported. Members will note that all reports are purposefully anonymised. There is 50/50 split in these cases between community councils and primary authorities, for example Newport City Council and Powys County Council.
9. Most notable amongst these cases are those concerning Powys County Council, St Harmon Community Council, and Newport City Council which have all led to significant periods of disqualification being imposed.
10. In the Powys matter, several breaches of the code were alleged to have arisen following the Member engaging in what was described as sustained misconduct. This included making unfounded allegations of corruption and other complaints in respect of Powys Council and individual officers. Amongst other things the Member was referred to the Public Services Ombudsman for Wales and was asked only to communicate with officers at Head of Service level. Despite this the Member continued to send large numbers of emails to fellow Members and officers making further complaints. A single point of contact was established for the Member in the authority, but despite this and warnings that their behaviour may be considered intimidating, the Member continued to make unfounded complaints. Further, at a full meeting of Council the Member made derogatory remarks about the Council and officers, specifically naming one officer, saying that were not worth what they were paid. At the adjudication hearing the APW unanimously found 7 breaches of the code by the Member and imposed a disqualification of 18 months on the Member.

11. In the St Harmon Community Council case, a period of 15 months disqualification was imposed upon the former Member of that authority. This followed 2 alleged breaches of the code of bringing their own office and the Councils reputation into disrepute and acting in a way either to secure advantage for themselves or cause disadvantage to another. This case concerned a report by Audit Wales about poor governance on the part of that authority including that of the Member (who was the Chairman) The APW found that the Member had sought to mislead Audit Wales as to their failings, which related to Council expenditure and had given differing accounts of their involvement. As well as reputation findings (bringing his and the authority's reputation into disrepute) the APW also found that the member had sought advantage for themselves by presenting a more positive image of the Councils governance and accounting practices.
12. Finally, in the Newport case, the Members disqualification for 9 months followed their conviction for soliciting. This conviction had generated significant publicity, thus affecting both the Members reputation and that of the authority.
13. In respect of its appellate function, the APW endorsed the standards committee for Mumbles Community Council concerning their findings that a Member had made complaints of a frivolous, malicious and vexatious nature. They found on the balance of probabilities that the complaints were of a frivolous, malicious and vexatious nature and upheld the imposition of a censure on the Member.
14. In another separate ruling, the President of the APW declined permission to appeal to a Member (in case reference APW/005/2023-024/AT) against a standards committee determination on the basis that it stood no reasonable prospect of success.

15. The remaining elements of the report, namely sections 4 & 5 deal with the business priorities and expenditure of the APW.

Financial Impact:

16. There are no impacts associated with this Report.

Integrated Impact Assessment:

17. There are no impacts associated with this Report.

Valleys Communities Impacts:

18. There are no impacts associated with this Report.

Workforce Impacts:

19. There is no workforce impacts associated with this Report

Legal Impacts:

20. The ethical framework of Members is as derived from the Local Government Act 2000 and the Members Code of Conduct is as set out in the Constitution of Neath Port Talbot County Borough Council (“the Council”) as created by the Conduct of Members (Model Code of Conduct) (Wales) Order 2001.

Consultation:

21. There is no requirement under the Constitution for external consultation on this item.

Recommendations:

22. That Members note the Annual report of the APW for the year 2023/2024.

Appendices:

23. Appendix 1 - Annual Report of the APW for 2023/2024

List of Background Papers:

24. The Constitution of Neath Port Talbot County Borough Council incorporating the Members Code of Conduct

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