

STANDARDS COMMITTEE

(Civic Centre, Port Talbot)

Members Present:

25th July, 2014

Chairman: Mr. G.T.Pullen

Vice Chairman: Mrs.J.E.Howells

Independent Members: C.L.Jones and Mrs.B.Richards

NPT Members: **Councillors** D.Keogh

Community

Committee Member: **Councillor** Mrs.S.Davies

Officers in Attendance: D.Michael and Miss G.Cirillo

1. MINUTES OF THE PREVIOUS MEETING

RESOLVED: that the Minutes of the previous meeting held on the 5th June 2014, be confirmed as a correct record.

Report of the Head of Legal Services and Monitoring Officer

**2. COMMENTARY ON HEESOM V PUBLIC SERVICES,
OMBUDSMAN FOR WALES**

Members received a report advising the Standards Committee of the outcome of a High Court case in which consideration was given to the relationship between the Code of Conduct and Human Rights Legislation.

The Head of Legal Services gave Members an overview of the case, as detailed in the circulated report, which covered detailed aspects of the individual's appeal which included Democratic arguments, Human Rights arguments, and arguments regarding Consistency and Proportionality.

After some discussion of the illustrated case, it was felt that when considering the imposition of a sanction, the Standards Committee should look at the various options available including partial suspension e.g. from executive functions as well as blanket suspension.

Members commended the report and thanked the Officer for bringing an interesting case and good example of decision making which could be considered by Committee in the future.

RESOLVED: that the report be noted.

3. OMBUDSMAN ANNUAL REPORT

Members received a report informing them of the publication of the Ombudsman's Annual Report. Members also noted two extracts from the Annual Report, attached as an Annex to the circulated report, both relating to complaints about alleged breaches of the Code of Conduct. The report covered complaints against principal Councils i.e. the County and County Boroughs of Wales together with Town and Community Councils. The Head of Legal Services and Monitoring Officer brought Members' attention to the changes in the number of complaints received, closed and those referred either to the Adjudication Panel for Wales or to the relevant Standards Committees. It was noted that the Ombudsman commented that the use of Local Resolution Protocols had reduced the number of complaints received. Members also took into consideration that there was nothing in the report to substantiate that assertion because it did not compare local authorities with a Local Resolution Protocol against those without. Also there was a decrease in the numbers of Town and Community Council complaints and very few of these would have Local Resolution Protocols.

RESOLVED: that the report be noted.

4. PROCEDURE FOR HEARING REFERRALS FROM THE OMBUDSMAN

Members received a report reminding them of the procedure for considering referrals from the Ombudsman and to give new Members of Standards Committee the opportunity to familiarise themselves with this procedure, as attached as Appendix 1 to the circulated report.

The Head of Legal Services and Monitoring Officer distributed supporting diagrams to the Standards Committee to facilitate their understanding of the process. Members noted that when complaints were received by the Ombudsman they were investigated to see whether there was a case to answer. The Ombudsman then had the option to refer cases either to the Adjudication Panel for Wales or to the relevant Standards Committee. More serious cases were referred to the Adjudication Panel since it had greater powers of sentencing.

As an additional note for Standards Committee, the Head of Legal Services and Monitoring Officer pointed out a typographical error which would be corrected, on page 30 of the circulated report, under the heading “Procedure at Hearings” item No. 2.13.10 where the final word “public” should read “private”.

Members thanked the Officer for an informative and well updated meeting on all matters discussed.

RESOLVED: that the report be noted.

CHAIRMAN