

SUBJECT: ANNUAL REPORT OF THE ADJUDICATION PANEL FOR WALES 2016/17

MEETING: STANDARDS COMMITTEE

DATE: 19TH MARCH 2018

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

To consider the annual report of the Adjudication Panel for Wales (APW) for 2016 -2017.

2. RECOMMENDATIONS:

To note the contents of the annual report of the APW.

3. KEY ISSUES:

The APW was established under Part III of the Local Government Act 2000. It has 2 primary functions in respect of breaches of the code of conduct for members:-

- to form case or interim case tribunals (“Case Tribunals”) to consider references from the Public Service Ombudsman for Wales (PSOW), following the investigation of allegations that a member has failed to comply with their authority’s code of conduct; and
- to consider appeals from members against the decisions of local authority standards committees that they have breached the code of conduct (“Appeal Tribunals”).

The APW annual report is attached as appendix 1 to the report. This is the second annual report of the current President of the APW, Claire Sharp. During the tribunal year, from the 1st April 2016 to 31st March 2017, the APW received 1 reference and 2 appeals, whilst 2 references and 2 appeals were decided.

Over a five year period from 2012 to 2017, 15% of the alleged breaches of the code considered by the APW were under paragraph 4 - failure to show respect/ equality and bullying; 13% of breaches were under paragraph 6(1)(a) - bringing the office/ authority into disrepute and 11% under paragraphs 11 and 14 for failing to properly disclose interests and withdraw.

The summaries of the cases considered by the APW during the year can be found within the report. Where the APW considers an appeal, the process is that the matter is referred back to the Standards Committee to conclude the matter. Interestingly, for the 2 appeals considered by the APW, the APW recommended in the first appeal that the suspension of the member be increased from 2 to 3 months, whilst for the 2nd appeal the recommendation to the Standards Committee was for the suspension to be reduced from 5 to 3 months.

The President’s comments are illuminating in her foreword to the report:

“The other point of note from the previous past twelve months is the increased public and press attention faced by the Panel, combined with attacks upon its integrity. As a judicial body, the

Panel is unable to comment on individual cases - its decisions are the only method of communication to explain why particular steps were taken. That said, the Panel is independent of both the Welsh Government and National Assembly for Wales, as well as political parties, and it will carry out fair hearings on the basis of the evidence and relevant law. Interested readers may view the information on our website about the Panel and its processes. It is positive more people have heard of our work.”

4. REASONS:

The APW is the highest tier of tribunal in Wales considering allegations of breaches of the members' code of conduct. It is hoped that members of the Standards Committee will find the contents of the report useful and interesting. As the President's comments suggest, it is positive for democracy and society in general that more people are aware of the work of the APW.

5. RESOURCE IMPLICATIONS:

None.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

There are no significant equality impacts that arise as a result of this report.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:

NONE.

8. CONSULTEES:

None.

9. BACKGROUND PAPERS:

None

10. AUTHOR:

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