

MEETING	STANDARDS COMMITTEE
DYDDIAD	16 JANUARY 2012
SUBJECT	RECENT DEVELOPMENTS IN THE STANDARDS FRAMEWORK
PURPOSE	TO PRESENT INFORMATION REGARDING SOME ONGOING DEVELOPMENTS IN WALES
AUTHOR	DILYS PHILLIPS, MONITORING OFFICER

1. I would like to draw the Committee's attention to several matters regarding the standards framework in Wales which have been highlighted during the last few months.

Paragraph 10 (2) (b)

2. The first is paragraph 10(2)(b) of the Code of Conduct which reads "*You must regard yourself as having a personal interest in any business of your authority if ... a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division*"

3. This clause has, from the start, caused some perplexity for those trying to interpret it. It seems that its original intent was to prevent individual members of the Cabinet from making decisions under delegated powers in matters directly affecting their wards.

4. In January 2011 the Adjudication Panel for Wales came to a different conclusion – that the clause was relevant to a local member who took part in the decision on a planning application within his ward and where that member had made clear his position on the application beforehand. This raised the possibility that local members could be prevented from taking part in any discussion on controversial matters within their ward.

5. In order to try and ensure some clarity and consistency of interpretation across Wales, the Public Service Ombudsman for Wales intends to publish supplementary guidance. The guidance is expected to explain that the Ombudsman's view is that the clause was intended for individual members taking executive decisions or taking part in quasi-judicial committees (planning or licensing) and that he will investigate only when there is clear evidence of conflict.

Local Procedure for Resolving Disputes

6. The second development of note is the discussion being led by the Ombudsman on local procedures to resolve low level complaints within councils without them being referred to the Ombudsman. He mentioned this at the standards conference. A task group has been established under the auspices of the Welsh Local Government Association, comprising of representatives of monitoring officers, Welsh Government officers, the Ombudsman and the Chairman of the Adjudication Panel.

7. It is intended to establish an outline procedure, or a series of principles, for the local resolution of complaints by members or officers against another member in the county councils. This should ensure some consistency across the councils and also ensure that low level complaints are not referred to the Ombudsman.

8. It is expected that the guidance on the procedure will be published to be operational from the 2012 elections. At that time, the Committee will need to revise its local procedure (which is connected to the Gwynedd Standard and the Member – Officer Contact Protocol) to see that they match the guidance.

Local Investigations

9. The next development is the Ombudsman's intention to adopt a new procedure in relation to complaints against county councillors where the Ombudsman is of the opinion that the case will not lead to sanction.

10. Committee members will be aware that the Ombudsman uses a two stage procedure to assess whether or not he should investigate a complaint. The first stage is to ascertain whether there is evidence that the code has been breached. The second stage is to decide whether the matter would lead to sanction (reprimand, suspension or disqualification). Some members of standards committees have, over the years, been dissatisfied by the use of this second stage as they believe that the Ombudsman should not be using it as criteria for starting an investigation.

11. It is now possible that where the Ombudsman has doubts that a complaint against a county councillor would meet the criteria at the second stage, he will ask the Monitoring Officer to investigate it.

Allowances

12. The Independent Remuneration Panel for Wales published its annual report in December, setting out payments to members for 2012/13

13. In relation to co-opted members the Panel has determined the following allowances for 2012/13:

Chairman	£256 per day (£128 per half day)
Co-opted member	£198 per day (£99 per half day)

14. The procedure for paying daily allowances will replace the current procedure of annual payments when it comes into force on 7 May 2012. From then on payment will be made to co-opted members for meetings attended (to a maximum of 10 full days a year). A half day meeting will be one that lasts up to 4 hours and a full day will last over 4 hours.

15. In addition travelling costs will be paid according to the grades set by the Panel and those paying for care for dependants in order to attend meetings will be reimbursed.

16. The Panel's full report can be seen at:
www.remunerationpanelwales.org.uk.

17. Recommendation

The Committee is asked to note the report.