

STANDARDS COMMITTEE – 17TH NOVEMBER 2005

SUBJECT: DECISION AND RECOMMENDATIONS OF THE ADJUDICATION PANEL

REPORT BY: MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To report the outcome of a hearing before the Adjudication Panel, and to consider a response to recommendations made by the Panel.

2. LINKS TO STRATEGY

- 2.1 The authority through the Standards Committee is under a duty to keep under review the ethical framework and this report is in discharge of that duty.

3. THE REPORT

- 3.1 Members considered the attached report, and the recommendations of the Adjudication Panel for Wales, at the meeting on 13th. October, and agreed my recommendation about an alternative way of dealing with the Tribunal's recommendation about recording interests. The Committee asked me to discuss the matter informally with the Ombudsman in advance of the Council formally responding to the Tribunal's recommendations.
- 3.2 That meeting took place today. In order to progress this matter to the Council, members are asked to consider this report on short notice.
- 3.3 The Ombudsman agreed with my suggestion, accepting that if the Tribunal's recommendations were followed to the letter, there was a real risk that councillors would be put off asking for advice at all, to the detriment of everything this Committee has done to encourage members to take advice in advance of meetings.
- 3.4 What has been provisionally agreed therefore is that requests for advice are formally recorded, using the form at Appendix 2. These forms are kept by the Monitoring Officer, and are to be made available to the member involved on request, and to the Ombudsman, the Adjudication Panel for Wales, and this Committee, if and when a complaint is received.
- 3.5 This Committee is therefore able to make recommendations to the Council to respond to the recommendations from the Adjudication Panel for Wales.

5. FINANCIAL IMPLICATIONS

- 5.1 None.

6. PERSONNEL IMPLICATIONS

- 6.1 There are no significant personnel implications and the recommendations can be incorporated into existing processes.

7. CONSULTATIONS

- 7.1 There are no consultation responses which have not been reflected in the body of the report.

8. RECOMMENDATIONS

- 8.1 That this Committee recommends to the Council that:-

- (a) the outcome of the case tribunal be noted;
- (b) in relation to the recommendations from the case tribunal:-
 - (i) the chairman of the Standards Committee and the Monitoring Officer jointly write to all councillors (including community councillors) to remind them of the requirements of paragraph 20 of the code; and
 - (ii) in relation to the recommendations about recording discussions about declarations of interest the Council adopts a process whereby the Monitoring Officer records in writing advice given by him or on his behalf. These forms are kept by the Monitoring Officer, and are to be made available to the member involved on request, and to the Ombudsman, the Adjudication Panel for Wales, and this Committee, if and when a complaint is received.

9. REASONS FOR THE RECOMMENDATIONS

- 9.1 In order to discharge the committee's obligations in relation to the ethical framework and to give advice to members in relation to the code of conduct.

10. STATUTORY POWER

- 10.1 Local Government Act 2000 and regulations made under the Act. This is a Council function delegated to this committee for determination.

Author: Ian Medlicott, Monitoring Officer/Corporate Solicitor Ext. 4294
Consultees: None in relation to the text of this report, but Standards Committee, Leaders of political groups and the Ombudsman in relation to the report's recommendations

Background Papers:
None other than published documents.

Appendices:
Appendix 1 Report to Standards Committee 13th. October
Appendix 2 Draft Form of recording advice