

**STANDARDS AND ETHICS  
COMMITTEE**

**5<sup>TH</sup> DECEMBER 2018**

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**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL  
SERVICES AND MONITORING OFFICER**

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**ADJUDICATION PANEL FOR WALES – SANCTIONS GUIDANCE**

**Reason for this Report**

1. To allow Members to consider the Sanctions Guidance issued by the Adjudication Panel for Wales (APW).

**Background**

2. The ethical framework set under Part III of the Local Government Act 2000 included the establishment of the Adjudication Panel for Wales (APW) as an independent, judicial body with powers to form tribunals to deal with alleged breaches of the Members' Code of Conduct. The operation of the Panel is governed by Regulations issued by the Welsh Government.
3. The APW has recently undertaken an exercise to improve and modernise its Sanctions Guidance, following consultation with Monitoring Officers, the Public Services Ombudsman for Wales and the Welsh Government.

**Issues**

4. The Adjudication Panel for Wales has issued new Sanctions Guidance which takes effect for cases heard by the APW after 1<sup>st</sup> September 2018. A copy of the Sanctions Guidance is attached as **Appendix A**.
5. The Guidance describes:
  - i. the role of the ethical framework and Code of Conduct in promoting high public standards amongst members of councils, fire and rescue authorities, and national park authorities in Wales;
  - ii. the role of the Adjudication Panel for Wales (APW) and the purpose of the sanctions regime; and
  - iii. the approach to be taken by APW tribunals in determining sanctions following a finding that the Code has been breached.
6. The Guidance aims to assist tribunals to reach fair, proportionate and consistent decisions on the sanctions that should be applied in relation to an individual's breach of the local Code of Conduct. However, it will be of

broader interest to all those involved in promoting and maintaining high standards of Member conduct.

7. The APW has indicated that it views the new Sanctions Guidance as a living document, and would welcome any comments or feedback from Standards Committees, so that it may consider and make improvements to the guidance.

### **Legal Implications**

8. There are no direct legal implications arising from the report.

### **Financial Implications**

9. There are no direct financial implications arising from the content of this report.

### **Recommendations**

The Committee is recommended to note the new Sanctions Guidance issued by the Adjudication Panel for Wales; and provide any comments or feedback, if appropriate.

**DAVINA FIORE**  
**DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING**  
**OFFICER**

22 November 2018

### **APPENDICES**

Appendix A – Adjudication Panel for Wales, Sanctions Guidance, issued 31<sup>st</sup>  
August 2018