

CITY AND COUNTY OF CARDIFF DINAS A SIR CAERDYDD

STANDARDS AND ETHICS COMMITTEE: 22 NOVEMBER 2011

REPORT OF THE MONITORING OFFICER AGENDA ITEM:

STANDARDS CONFERENCE WALES 2011

Reason for this Report

1. To update the Committee on the key issues raised at the Standards Conference Wales 2011 and to consider feedback from Committee Members who attended the conference.

Background

2. The Committee is aware that Cardiff Council hosted the annual Standards Conference Wales successfully for two years in succession in 2009 and 2010. This year's Standards Conference Wales, which was held on 5 October 2011 in Llandrindod Wells, was entitled 'Improving Standards' and hosted by Powys County Council.
3. The annual conference was attended by approximately 150 delegates, which included members of Standards Committees from across Wales; County Councillors, Town and Community Councillors; Police Authority representatives; Monitoring Officers and other legal and democratic services officers, together with representatives from the Public Services Ombudsman for Wales, Adjudication Panel for Wales, Welsh Government, and Welsh Local Government Association.
4. Three members of the Standards & Ethics Committee attended the conference – Maureen Hedley-Clarke, Community Councillor John Hughes and Richard Tebboth – and were accompanied by the Council's Monitoring Officer and Democratic Services Manager.

Issues

5. The format of the Conference was different to previous years as the afternoon session included a 'mock hearing', which replaced the traditional workshop sessions. Community Councillor John Hughes from Cardiff Council's Standards & Ethics Committee participated in the proceedings as a member of a hearing panel. The mock hearing took the audience through a scenario which introduced key learning points on relevant issues, such as personal and prejudicial interest and the improper use of position. The session was facilitated by Peter Keith-Lucas from Bevan Brittan LLP and this different style which was well received.

6. The morning session received short presentations from each of the following panel members focussing on the topic *What changes would you make to the existing Members' Code of Conduct?*:
 - Kate Berry – Chair of the Wales Branch of the Association of Council Secretaries and Solicitors (ACSeS);
 - Peter Davies – Chair, Adjudication Panel for Wales;
 - Peter Tyndall – Public Services Ombudsman for Wales;
 - Clarence Meredith – Monitoring Officer, Powys County Council;
 - Reg Kilpatrick – Director, Local Government and Public Services, Welsh Government.
7. Peter Davies presented key statistics (Appendix A) giving a summary of sanctions imposed by Case Tribunals and Appeal Tribunals in the period October 2002 to March 2011. He also presented information in graph format of the type of breaches for this period. Referring to the Adjudication Panel as *'the last piece of the jigsaw of the ethical standards framework in Wales'*, Mr Davies argued that the current standards framework in Wales worked well and provided the appropriate checks and balances and did not require change.
8. Peter Tyndall highlighted the increasing trend of unnecessary legal representation at hearings and informed conference that some local authorities were looking at developing their own approaches to resolve Member v Member disputes at a local level. Mr Tyndall suggested that a standard approach across Wales should be developed to avoid inconsistencies across local authority areas and that this new approach would probably need some guidance from the Ombudsman's Office, Mr Tyndall also referred to indemnity amounts, and suggested that they be limited in order to control costs and avoid unnecessary council tax expenditure.
9. Clarence Meredith, Monitoring Officer for Powys County Council spoke of the positive side of the standards regime that is often overlooked, namely the *'behind the scenes'* work of standards committees in respect of training, guidance and awareness raising. Mr Meredith indicated that this *'extension of the standards framework'* was often overlooked, when in fact it needed more recognition
10. Reg Kilpatrick set the political context from a Welsh Government perspective and explained that the Minister is committed to proper governance and wants to retain 22 Local Authorities as they provide valuable community leadership. He reinforced the value of the Code of Conduct to ensure public confidence. Although there is no legislative slot for change in this Government's timetable, this doesn't mean it won't be addressed and he supported the need to look at how the current system can be made to work better.
11. The Questions to the Panel session in the latter half of the morning gave conference attendees the opportunity to ask a range of questions which focused around 6 main themes/topics:

- Indemnity/legal representation/associated costs
- Local resolution versus independent investigations
- National threshold for investigations
- Legislation and whether or not Code should be amended
- Responsible use of standards systems
- Training

12. The conference closing speech was given by Peter Swanson, Chairman of Powys County Council Standards Committee. At this stage, there has been no indication of which local authority may host next year's conference.

13. Members of the Standards & Ethics Committee who attended the conference may wish to feed back at the meeting on any matters that were discussed or on the overall success of the event.

ADVICE

This report has been prepared by the Monitoring Officer and contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the advice contained in this section.

Legal Implications

There are no legal implications arising from this report.

Financial Implications

There are no financial implications arising from this report

RECOMMENDATION

The Committee is recommended to note the feedback from the Standards Conference Wales 2011 and the comments provided by those members of the Committee who attended the conference.

MELANIE CLAY

Monitoring Officer and Chief Officer (Legal and Democratic Services)

16 November 2011