

BRECON BEACONS NATIONAL PARK AUTHORITY

Telephone: 01874 624437

Plas y Ffynnon
Cambrian Way
Brecon
Powys
LD3 7HP

A meeting of the **STANDARDS COMMITTEE** will be held in **CONFERENCE ROOM 1, PLAS Y FFYNNON, CAMBRIAN WAY, BRECON ON 16TH DECEMBER 2005 AT 1.00pm** when your attendance is requested.

Yours sincerely

CHRISTOPHER GLEDHILL
CHIEF EXECUTIVE

Cllr Mrs M Tunnicliffe
Mrs J Charlton
Mr R Kemm

Cllr Mrs K Silk
Mr R Chater
Mr C Shearman (Chairman)

Fire Evacuation Advice

In the event of a fire, please exit the building via the main staircase, and assemble in the car park at Assembly Point 3

AGENDA

1.0 CORRESPONDENCE

To receive and consider the attached schedule of correspondence and make any recommendations thereon. (Below).

2.0 MEMBERS' DECLARATIONS OF INTEREST

To receive any declarations of interest from members regarding items to be considered on the agenda.

3.0 MINUTES

To receive and adopt the minutes of the meeting held on 30th September 2005 and to authorise the Chairman to sign them as a correct record (**Enclosure I**).

4.0 STANDARDS COMMITTEE PROCEDURES FOR DEALING WITH ALLEGATIONS UNDER THE MEMBERS CODE OF CONDUCT

Douglas Bradbury

4.1. Introduction

4.1.1 At its meeting on 30th September 2005 the Standards Committee agreed to consider procedures which it would follow in dealing with allegations of failure by members to follow the Authority's Code of Conduct.

4.1.2 It was decided to consider such procedures before the Committee was required to deal with any particular matter so that such consideration could take place unaffected by the circumstances of a particular case.

4.1.3 This report:

- outlines the ways in which a matter might be referred to the Committee
- provides information on the Committee's position in relation to such references
- suggests, in draft, procedures which the Committee may adopt to deal with such matters. Please refer to these at **Enclosure 2**.

4.2. How matters might be referred to the Committee

4.2.1 In the first instance allegations have to be referred to the Ombudsman who has discretion as to whether or not there should be an investigation.

4.2.2 If the Ombudsman decides to investigate he may make one of four findings i.e.

- That there is no evidence of any failure to comply with the Code of Conduct.
- That there is no action which needs to be taken in respect of the matter.
- That the matter should be referred to the Adjudication Panel for Wales (a decision more likely to be taken in the most serious cases).
- That the result of the investigation should be referred to the Authority's Monitoring Officer.

4.2.3 If the matter is referred to the Monitoring Officer then the Monitoring Officer must consider the result of the investigation and, if appropriate, make recommendations to the Standards Committee.

4.2.4 A further option open to the Ombudsman is not to make one of the four findings referred to in 4.2.2 above but to cease the investigation and refer the matter to the Monitoring Officer, for him to carry out a local investigation and

to then report to the Standards Committee. There are detailed regulations governing such an investigation.

4.2.5 Whether the reference is made to the Standards Committee following an Ombudsman investigation or a Monitoring Officer investigation the Standards Committee must decide either:

- (a) that there is no evidence of any failure to comply with the Code of Conduct or
- (b) to hold a hearing to provide a member, who is the subject of the investigation, an opportunity to make representations in respect of the findings of the investigation and the allegation.

4.3. The position of the Standards Committee if there is to be a hearing

4.3.1 The Standards Committee can require the person who carried out the investigation, whether that be someone on behalf of the Ombudsman or the Monitoring Officer, to attend the hearing.

4.3.2 If the member who is the subject of the allegation fails to make representations the Standards Committee may make a determination in that person's absence, unless the Committee is satisfied there is sufficient reason for such failure or it may provide a further opportunity for representations to be made.

4.3.3 After considering any representations the Standards Committee must determine:

- (a) that there is no evidence of a failure to comply with the Code of Conduct and therefore no further action needs to be taken or
- (b) that there has been a failure to comply but that no action needs to be taken in respect of that failure or
- (c) that there has been a failure to comply and that the member concerned should be censured or
- (d) that there has been a failure to comply and that the member concerned should be suspended or partially suspended from being a member of the Authority for a period not exceeding six months.

4.3.4 There is a right of appeal against the decision of the Standards Committee which would be dealt with by an appeals panel drawn from the Adjudication Panel for Wales.

4.3.5 After the end of the process there is provision for publicity to be given to the outcome.

4.4. A procedure for dealing with Code of Conduct Allegations

4.4.1 In England there are two sets of regulations, backed up by two sets of guidance, in relation to the practices and procedures which a Standards Committee should or must follow in considering the results of investigations. In Wales the practices and procedures are for each Standards Committee to determine for itself.

4.4.2 A review of authorities in Wales has not come up with any commonly used set of procedures and the suggestions attached to this report are based on an amalgam of the English procedures and guidance tempered to fit in with the Welsh system.

Recommendation: That the Standards Committee adopts the suggested procedures for dealing with Members Code of Conduct Allegations as attached to this report (Enclosure 2).

5.0 UPDATE ON PUBLICATION OF NEW CODE OF CONDUCT FOR MEMBERS

Douglas Bradbury

To receive a verbal update from the Acting Monitoring Officer.

6.0 POSSIBLE MEETING OF REPRESENTATIVES OF STANDARDS COMMITTEES TOGETHER WITH MONITORING OFFICERS IN WALES

Douglas Bradbury

To receive a verbal update from the Acting Monitoring Officer.

7.0 OTHER BUSINESS

Such other business as is, in the opinion of the Chairman, of such urgency as to warrant consideration.

SCHEDULE OF CORRESPONDENCE

1. To receive apologies for absence
2. Such other correspondence as is, in the opinion of the Chairman, of such urgency as to warrant consideration.