

## 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 12 OCTOBER 2006 AT 1.00pm** when your attendance is requested.

Yours sincerely

CHRISTOPHER GLEDHILL  
CHIEF EXECUTIVE

Cllr H Morgan  
Mr J Suter  
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 16 December 2005 and to authorise the Chairman to sign them as a correct record ([Enclosure I](#)).

## **4.0 WELSH ASSEMBLY GOVERNMENT SECONDARY LEGISLATION**

The following Orders and Regulations, impacting upon the work of the Standards Committee have been made since the last meeting of the Committee:

**4.1 The Public Services Ombudsman for Wales (Jurisdiction and Transitional Provisions and Savings) Order 2006 and The Public Services Ombudsman for Wales (Standards Investigations) Order 2006** make consequential amendments to a number of statutory provisions following the establishment of the post of Public Service Ombudsman. Neither of the regulations directly impact upon the work of the Standards Committee.

### **4.2 The Standards Committees (Wales) (Amendment) Regulations 2006**

These regulations amend those made originally in 2001 and make provisions for clarifying the appointment and term of office of community committee members to unitary authority standards committees. They also (and these apply to National Park Authorities):

- permit a second term of office for independent members without the need for a detailed appointment process. The second term of office of an independent member is restricted to a maximum of four years and must be agreed by the authority.
- remove any perceived conflict in the earlier regulations to make clear that “chairperson” means either the person elected as chairperson and presiding at the relevant meeting, or the person elected as vice-chair person and presiding in the absence of the chairperson, or an independent member presiding where both the chair and vice-chair are absent.
- provide that any sub-committee of the Standards Committee should consist of a minimum of three members, at least half of whom (including the chairperson) must be independent. The quorum for a sub-committee is to be two members (including the chairperson of the sub-committee).

### **4.3 The Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006**

This order provides for circumstances in which a relevant authority in Wales (including National Park Authorities) may provide an indemnity to any of their members or officers or secure the provision to them of insurance. The National Park Authority has not yet considered a report pursuant to this Order.

Article 8 of the Order gives the authority freedom to negotiate such terms for any indemnity or policy of insurance as it thinks appropriate but requires that those terms include provision for repayment of sums expended by the relevant authority or the insurer in cases where (inter alia) a member has been found to be in breach of the Code of Conduct. However, the Order further provides that if a member has been found to be in breach of the Code of Conduct and that member is censured or no disciplinary measures are taken against that member as a consequence of the failure to comply with the Code, the Standards Committee of that member's relevant authority may require the repayment of sums expended by the relevant authority or the insurer. Any such sums recoverable may be recovered as a civil debt.

#### **4.4 The Local Government (Access to Information) (Variation) Order 2006**

This Order applies in England and Wales and relates to access to meetings and documents. The Order amends the categories of exempt information in Section 12A of the Local Government Act 1972 and has the primary purpose of bringing the provisions of that schedule into line with the Freedom of Information Act 2000.

In Wales, a further order will be necessary before these changes take full effect and that order is likely to be made within the next two months to come into effect in January 2007. It will introduce a "public interest" test into the consideration of exempting information at meetings, including meetings of the Standards Committee of a National Park Authority.

The order will also add new categories of exempt information specifically for meetings of Standards Committees. Assembly lawyers are currently considering how this new category of exemption should be applied so that when Standards Committees are considering any findings in relation to allegations of a breach of the Code of Conduct, the press and public may be excluded. It is likely, therefore, that unless there is an overriding public interest in the proceedings of a Standards Committee being held in private, all matters coming before the Committee, including hearings of allegations of breaches of the Code of Conduct will be held in public save where the Committee retires to consider findings in relation to those allegations and/or appropriate penalty.

***Recommendation: That members note the recent changes in legislation.***

#### **5.0 ADJUDICATION PANEL FOR WALES ANNUAL REPORT**

The President of the Adjudication Panel, Mr Peter Davies has prepared a report covering the Panel's activities in the financial year 2005-2006. Copies have been circulated separately to members of the Standards Committee. The President

was present at the recent Wales conference for Standards Committees and an update of this report is included in those papers elsewhere on this agenda.

***Recommendation: That members note the annual report of the Adjudication Panel for Wales.***

## **6.0 PUBLIC SERVICE OMBUDSMAN FOR WALES – ANNUAL REPORT 2005/2006**

The jurisdiction of the Ombudsman has enlarged considerably following the establishment of the post of Public Service Ombudsman for Wales. A copy of his latest Annual Report is attached at [Enclosure 2](#). Members will no doubt be interested in the sample case summaries relating both to complaints of maladministration and allegations of misconduct by members.

Mr Peat has recently given a report of his “first six months” to the Welsh Assembly’s Local Government and Public Services Committee, a copy of which is also attached at [Enclosure 3](#).

***Recommendation: That members note the relevant extracts from the Public Service Ombudsman for Wales Annual Report 2005/2006 and his interim report to the Assembly of 21 September 2006.***

## **7.0 CHANGES TO THE ROLE AND ADMINISTRATION OF THE PUBLIC SERVICE OMBUDSMAN’S OFFICE**

Members will know that within the past year the role of the Local Authority Ombudsman in Wales in changed. The attached letter dated March 2006 ([Enclosure 4](#)) explains how these changes impact upon the administrative and other arrangements which the Ombudsman has introduced and members are recommended to note accordingly.

## **8.0 ALL WALES STANDARDS COMMITTEE CONFERENCE**

This second annual conference was held recently in Aberaeron when three members of the Committee attended. A note of the proceedings of the conference is attached at [Enclosure 5](#) together with a copy letter from the Welsh Assembly ([Enclosure 6](#)) that was delivered to the conference and from which members will be disappointed to note that the long awaited introduction of a revised Code of Conduct has yet again been delayed.

A paper produced by Mr James Goudie, QC, the keynote speaker of the conference is also attached ([Enclosure 7](#)) and gives invaluable advice on the

approach that members and monitoring officers should take in considering the very difficult concept of predetermination, particularly in relation to planning issues.

***Recommendation: That members receive a note of the proceedings at the All Wales Standards Conference.***

## **9.0 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.