

Mr Stephen Phipps

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2 October 2018

Robert Dewey

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Dear Mr Phipps

I am writing on behalf of my Council's Standards Committee which today resolved –

“To request Welsh Government to increase the range and flexibility of the powers of sanction available under the ethical regime so as to mirror that which previously existed in England”

This reflects recent discussion at the biennial Wales Standards Conference which consisted of elected and co-opted members from Standards Committees and Monitoring Officers (or their staff). At that conference there was an insightful workshop, comparing the powers and efficacy of ethical regimes in different countries within Great Britain (including the Republic of Ireland). During that workshop the powers previously available under the standards regime in England (specifically, I am informed, under the Case Tribunals (England) 2008 SI 2938) were discussed and in particular it was noted that:

- 1) The range and nature of sanctions had been much wider;
- 2) Those sanctions could be applied far more flexibly than currently in Wales e.g. sanctions could be suspended or made conditional.

The overall effect in England was that sanctions could be tailored more finely to the circumstances of each case. For example, a Councillor could be disqualified unless he/she issued a written apology and/or gave an apology within 1 month. In the subsequent plenary session, the majority of those in attendance supported the introduction of such powers in Wales.

It is true that the overall proportion of complaints referred by the Ombudsman to either a Standards Committee or the Adjudication Panel for Wales is very small (only about 1%).

However, those cases will nevertheless be of great significance to those involved and also potentially to the wider local government community and public at large. It is therefore

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We welcome correspondence in Welsh We will respond to correspondence received in Welsh without delay.

Rydym yn croesawu gohebiaeth Gymraeg Ymatebwn yn ddi-oes i ohebiaeth a dderbynnir drwy gyfrwng y Gymraeg.



important that the range of sanctions available to any body sitting in judgement is sufficient to meet the needs of justice in each case.

My Committee noted that with the forthcoming Local Government Bill there might be an opportunity for Welsh Government to replicate some or all of the previous English legislation, and it would invite you to consider the same.

Yours sincerely

R A Dewey

Robert Dewey  
Chair of FCC Standards Committee