

STANDARDS COMMITTEE

Date of Meeting	Monday, 3 February 2020
Report Subject	Hearing before the Adjudication Panel for Wales
Report Author	Chief Officer, Governance

EXECUTIVE SUMMARY

At the time of writing, a hearing will take place before a Case Tribunal in respect of Cllr A Shotton between 27th and 29th January 2020. Legislation requires the Committee to consider any recommendation made by case tribunal. It is also good practice to consider the evidence before and findings of any case tribunal in case they reveal a need for the Council to amend its protocols or procedures.

The Monitoring Officer or his deputy will be present at the hearing and will share with the Committee an overview of the hearing and any relevant findings. Parts of the hearing will take place in private. It would not be appropriate to relay to the Committee any evidence given in private (even in summary form) in order to preserve the confidentiality of the hearing, but it may be necessary for the Committee to consider the issues arising from that evidence in private.

RECOMMENDATIONS

1	That the Committee considers and responds to any recommendations that may be made by the Case Tribunal.
2	That the Committee considers any changes to the Council's protocols or procedures that may be prudent in light of the hearing.

REPORT DETAILS

1.00	RESPONSE TO CASE TRIBUNALS
1.01	When the Public Services Ombudsman for Wales (“PSOW”) determines that there is evidence a Councillor may have breached the Code of Conduct, one of the statutory options open is to refer the matter to the Adjudication Panel for Wales (“APW”). The APW will then arrange for the matter to be heard by a case tribunal consisting of 3 people, at least one of whom will be legally qualified.
1.02	At the time of writing, a case tribunal has been arranged in respect of allegations that Cllr A Shotton has breached the Code of Conduct, and a hearing will take place at Llandudno Magistrates Court between 27th and 29th January 2020. Following such a hearing the case tribunal can make statutory recommendations to the Standards Committee, which it must consider and to which it must provide a formal response. It is also good practice to consider the evidence that was heard by a case tribunal and any findings it makes in case they point to potential improvements in or opportunities to strengthen the Council’s protocols and procedures.
1.03	The Monitoring Officer (or deputy) must attend throughout the hearing in order to assist the case tribunal, and will be able to report a summary of the hearing to the Committee. Some evidence may be given to the case tribunal in private. Evidence heard in private will not be relayed to the Committee even in summary form. If it is essential to consider changes to protocols, arising out of matters that have been heard in private by the case tribunal, then the Committee will also need to consider the issue in private in order to preserve the confidentiality of the hearing.

2.00	RESOURCE IMPLICATIONS
2.01	At this stage there are no resource implications arising from the report other than the need for the Monitoring Officer and other witnesses to attend the hearing. There may be implications arising from the evidence/findings of the case tribunal.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None.

4.00	RISK MANAGEMENT
4.01	Considering the evidence and findings of the case tribunal may enable the Council to address any flaws in its existing protocols/procedures or to address any flaws in them.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None. Contact Officer: Gareth Owens, Chief Officer, Governance Telephone: 01352 702344 E-mail: Gareth.Legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None.