

# STANDARDS COMMITTEE

## 19/10/18

<b>ADJUDICATION PANEL FOR WALES – SANCTIONS GUIDANCE</b>	
<b>Recommendations / key decisions required:</b>	
To note the guidance	
<b>Reasons:</b>	
The guidance will assist the committee when dealing with breaches of the members code of conduct	
Scrutiny Committee recommendations / comments:	
Not applicable	
Exec Board Decision Required	NO
Council Decision Required	NO

<b>EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)</b>		
Directorate Chief Executives Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration & Law  Acting Legal Services Manager	Tel Nos. 01267 224018 E Mail Addresses: RJEdgeco@carmarthenshire.gov.uk.

# EXECUTIVE SUMMARY STANDARDS COMMITTEE 19/10/18

## ADJUDICATION PANEL FOR WALES – SANCTIONS GUIDANCE

The Adjudication Panel for Wales is the body created by the Local Government Act 2000 with responsibility for hearing appeals against the decisions of Standards Committees relating to breaches of the members code of conduct. The Panel also deals with more serious cases which are referred directly to it by the Ombudsman.

The President of the Panel has issued guidance to Standards Committees regarding the imposition of sanctions following a finding that a councillor has breached the Code. The guidance identifies;

1. The underlying principles to be applied when imposing a sanction in such cases
2. The relevance of human rights laws, particularly Article 10 of the European Convention on Human Rights (freedom of expression)
3. The correct process for determining an appropriate sanction namely;
  - (a) Assessing the seriousness of the breach
  - (b) Identifying the most appropriate type of sanction
  - (c) Considering relevant mitigating and aggravating sanctions
  - (d) Considering if any further adjustment is necessary to ensure the sanction is appropriate
  - (e) Confirming the sanction and the reasons for choosing it.
4. The range of sanctions available to Standards Committees
5. Examples of mitigating and aggravating factors that may be taken into account

The guidance also gives advice on the power of the Panel to make recommendations to a local authority and its Standards Committee regarding their functions and the authority's code of conduct.

**DETAILED REPORT ATTACHED ?**

**YES**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities <b>NONE</b>	Legal <b>NONE</b>	Finance <b>NONE</b>	ICT <b>NONE</b>	Risk Management Issues <b>NONE</b>	Staffing Implications <b>NONE</b>	Physical Assets <b>NONE</b>
--	----------------------	------------------------	--------------------	---------------------------------------	--------------------------------------	--------------------------------

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

### Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall