

ALL WALES STANDARDS COMMITTEE CONFERENCE
22 SEPTEMBER 2006
NEUADD CYNGOR CEREDIGION, PENMORFA, ABERAERON

Conference Notes

Present:

Mr Trevor Coxon	Chair of ACSeS (Monitoring Officer, Wrexham County Borough Council)
Cllr Keith Evans	Leader of Ceredigion County Council
Mr Adam Peat	Public Services Ombudsman for Wales
Mr Peter Davies	President of the Adjudication Panel for Wales
Mr James Goudie Q.C.	11 King's Bench Walk Chambers, London
Ms Elizabeth Thomas	Director of Investigations, Public Services Ombudsman for Wales
Delegates	See Appendix A

1. Welcome by Councillor Keith Evans, Leader of Ceredigion County Council

Councillor Evans welcomed the delegates to Ceredigion and to the second annual All Wales Standards Committee Conference, which Ceredigion County Council was proud to host for the second consecutive year. Councillor Evans tendered apologies on behalf of the Chief Executive, Mr Owen Watkin, who was unable to attend the Conference. Councillor Evans also welcomed the guest speakers, Mr Adam Peat and Mr Peter Davies. Councillor Evans referred to the Survey of Public Attitudes towards Conduct in Public Life 2006, issued by the Committee on Standards in Public Life, in which it was noted that politicians scored poor ratings in the list of professional people who were trusted by the public. However, Councillor Evans also noted that the Adjudication Panel for Wales had received a low number of allegations and he therefore felt confident that local councillors were acting in accordance with the Code of Conduct. Councillor Evans noted the concern amongst local councillors that in some circumstances strict interpretation of the Code was disenfranchising the electorate on important local matters. Councillor Evans also expressed his disappointment that Mr Stephen Phipps, the Head of the Partnership and Ethics Team in the Local Government Policy Division of the Welsh Assembly Government, was unable to attend the Conference.

2. Welcome and introduction of guest speakers by Mr Trevor Coxon, Chair of ACSeS and Monitoring Officer at Wrexham County Borough Council

Mr Coxon welcomed the guest speakers and delegates to the Conference. Mr Coxon also referred to the public approval ratings reported in the Survey of Public Attitudes towards Conduct in Public Life 2006 and noted that local councillors scored 43%, compared to 93% for family doctors and 48% for local MPs.

Mr Coxon introduced Mr Adam Peat, Public Services Ombudsman for Wales and Mr Peter Davies, President of the Adjudication Panel for Wales.

Mr Coxon also informed the Conference that Mr Stephen Phipps (Welsh Assembly Government) had written to Miss Bronwen Morgan, Monitoring Officer at Ceredigion County Council, to apologise for being unable to attend the Conference. Mr Coxon confirmed that copies of Mr Phipps' letter would be circulated to delegates following the guest speakers' addresses.

Mr Coxon also advised the Conference that Mr James Goudie Q.C. would be arriving during the morning to give his key note speech and that the Conference would then break into workshop groups in the afternoon.

3. Mr Adam Peat, Public Services Ombudsman for Wales

Mr Peat noted that since the office of Public Services Ombudsman for Wales had combined the previous Ombudsman offices, he was now able to receive complaints concerning health, social housing and the Welsh Assembly Government, as well as local government. However, his specific and separate role in dealing with allegations of misconduct made against members remained unchanged. The Ombudsman's role was two fold – firstly to investigate allegations of misconduct and then to put together a case for consideration by a Standards Committee or an Adjudication Panel case tribunal. Mr Peat noted that all allegations of misconduct against members had to be referred to his office in the first instance. Proposals had been made in England to delegate consideration of allegations to the local authority level and to allow Standards Committees to sift allegations, referring the more serious cases to the Standards Board. However, no such proposals had been made in Wales and the position was therefore unlikely to change for the time being. Allegations would continue to be referred to the Ombudsman, who would decide which cases would be subject to an investigation and the extent of such an investigation. If the Ombudsman pursued an investigation, he was expected to reach one of four findings: (1) that there was no evidence of a breach of the Code of Conduct; (2) that no further action was required; (3) that the matter should be referred to the relevant authority's Monitoring Officer / Standards Committee or (4) that the matter should be referred to the Adjudication Panel for Wales.

With reference to the pattern of events over the past year, Mr Peat noted that there had been a significant increase in the number of allegations made, as noted in the last annual report. In the 12 months leading to 31 August 2006, the Ombudsman's office had closed 182 cases, 130 of which were either not investigated at all or were subject to investigations which were discontinued at an early stage. Investigations had been carried out in 52 cases. Of these 52 cases, in 33 cases the Ombudsman determined that there was no evidence of a breach of the Code or that no further action was required, 11 cases were referred to the relevant Standards Committees and 8 cases were referred to the Adjudication Panel for Wales. This was the largest number of referrals made to the Adjudication Panel to date.

Over half of all the allegations were made against Town or Community Councillors, which was unsurprising, given that there were 736 Town and Community Councils in Wales, as opposed to 22 principal authorities. However, over half of the allegations involving Town and Community Councils were made in respect of just 6 Councils. The Ombudsman noted that he had attempted to discourage the infighting which was taking place within these 6 Councils by writing to each member to remind them that making malicious allegations against other members was also a breach of the Code of Conduct. The Ombudsman noted that when a

council became dysfunctional it would no longer be serving the Community and he referred to the electorate's decision in Dunvant to disband the Community Council.

Mr Peat noted that over the past year, authorities had been expecting the publication of the new revised Code of Conduct. Mr Peat noted that the existing Code could be improved, particularly the provisions concerning the disclosure of personal interests, which were difficult for members to interpret and operate in a common sense manner. Mr Peat said that it would be useful if the Conference could find a collective way to encourage the Welsh Assembly Government to progress matters.

Mr Peat referred to the guidance on planning matters issued by Mr Carwyn Jones A.M. on 23 August 2006 and noted that he had been made aware at a late stage of Mr Jones' intention to issue the guidance. It had been made clear to the Welsh Assembly Government that it was the role of the Ombudsman to issue guidance, as acknowledged in Mr Jones' letter. When the revised Code of Conduct was issued, the Ombudsman would consult widely with interested parties as to whether any supplementary guidance was required. Mr Peat would then consult widely on the contents of any such guidance.

Mr Peat believed that the ethical framework was operating successfully although he felt that Councillors should regularly remind themselves of the provisions of the Code of Conduct and continue to exercise care.

4. Peter Davies, President of the Adjudication Panel in Wales

Mr Davies noted that the Panel had received 17 referrals over the past year, 11 of which had been dealt with and 6 remained outstanding. Of these 17 cases, 11 had been case tribunals and 6 had been appeals against the decisions of Standards Committees.

Mr Davies referred to the statistics contained in his powerpoint presentation (copy attached at Appendix B) and noted that 8 cases involved unitary authorities, 6 involved Town or Community Councils and 2 involved National Park Authorities.

Mr Davies referred to the statistics on the breakdown of the paragraphs of the Code which had allegedly been breached and noted that some cases involved multiple allegations involving more than one paragraph of the Code. The highest number of cases concerned an alleged failure to disclose personal interests.

Mr Davies also referred to the sanctions imposed by the case tribunals and noted that the Panel had the power to reprimand, suspend or disqualify a member. In dealing with appeals, Mr Davies noted that the Panel could only make recommendations when referring the case back to the Standards Committee and could not impose its own sanction. The case tribunal had recommended both increases and reductions in the duration of suspensions.

Mr Davies also referred to comparative data from the English and Scottish Panels. In England, during the period from January 2003 to August 2006, a total of 119 members had been disqualified for 1 year and 19 members had been disqualified for a period of 2 years.

With regard to the lessons which could be learned from these statistics, Mr Davies was encouraged that none of the Adjudication Panel's decisions had been appealed to the High Court, as compared to England where 6 cases had resulted in appeals. Mr Davies also felt that the sanctions imposed were commensurate with the nature of the breaches of the Code of Conduct. Panel members had received training to ensure consistency in reaching

decisions. Mr Davies noted that most cases involved an alleged failure to disclose a personal interest and he queried whether this might be due to a lack of training or understanding of the Code or whether it was due to members disregarding the Code and any training received. Mr Davies noted that there had been an increase in the number of cases considered by the Adjudication Panel for Wales, as compared to England, where the number of allegations made was in decline, following an initially high number of cases.

Most of the members who had appeared before a case tribunal had been accompanied by a friend, colleague or party member but none had been professionally represented, in contrast to England where the majority of members had legal representatives. Mr Davies believed that members in England were more likely to be legally represented as officers from the Standards Board appeared before the case tribunal to 'prosecute' the case, whereas in Wales the Ombudsman's office was not represented at a case tribunal hearing. Initially, Mr Davies had been concerned about the role of the case tribunal members at a hearing in the absence of a representative from the Ombudsman's office, as Panel members had to ask questions in order to establish the evidence but could not lead the witnesses. The Panel adopted a more inquisitorial role in Wales. Mr Davies believed that the greater number of cases taken to the High Court in England might be partly due to the more adversarial role adopted by the English Panel.

Mr Davies informed delegates that the Adjudication Panel's decisions were available on its website and in its annual report. Mr Davies also encouraged delegates to read the reports of the Panels in England and Scotland, which were useful for comparison.

5. Questions to the guest speakers

Before taking questions from delegates, Mr Coxon referred to the letter from Mr Stephen Phipps (Welsh Assembly Government) and copies of the letter were circulated to the delegates (see Appendix C). Mr Coxon read out the letter and invited delegates to comment on it during the questions session.

- 5.1 Mr Davies Suthers (Community Committee Member, Cardiff County Council) noted that Town and Community Councillors who were also on the Committees of local organisations were prevented from participating in decisions regarding those organisations during Council meetings. Mr Suthers believed that Councillors who had been nominated to serve on the Committees of other community organisations should be permitted to speak and vote at Council meetings. Mr Suthers asked the Panel members whether a revised Code would enable these Councillors to participate in Council meetings.

Mr Peat noted that it was right in principle for members of Town and Community Councils to be expected to disclose personal interests but that the process did need to be simplified in order to make it easier for Councillors to serve on community groups. Mr Peat had wanted the new Code to contain a de minimis exemption in respect of grants for modest sums of money, which would enable Councillors to speak and vote after disclosing their interest. Mr Peat agreed that any further delay in issuing a revised Code would be regrettable.

Mr Davies noted that the revised Code might be more similar to the English model Code and might enable Councillors to speak but not vote on some matters in which they had a personal interest, e.g. a Councillor who had been elected because of his

particular stance on a local issue would not then be prevented from speaking on the matter.

Mr Coxon noted that he had previously worked for an English local authority, whose Code differentiated between 'personal' and 'prejudicial' interests. Members were expected to identify their interests but they were permitted to participate in discussions provided the interest was not 'prejudicial'. Under the English system, the emphasis was on ensuring by means of disclosure that members of the public were made aware of the views a Councillor might bring to a discussion, but that this should not necessarily prevent Councillors from participating.

Mr Coxon asked whether parties to the Conference could work together in order to encourage the Assembly to complete the revision of the Code. Mr Peat advised that the Assembly was already aware of his views on the continuing delays but that the Assembly might be persuaded to progress matters more quickly if it received representations at a ministerial level from organisations such as the Welsh Local Government Association and One Voice Wales. Unfortunately, the revision of the Code was not receiving sufficient priority from Ministers at the Assembly.

- 5.2 Mr Roger Hayes (Committee Chair, Carmarthenshire County Council) noted that his Standards Committee received a number of requests for dispensation from Town and Community Councillors who were active in the community and the Committee took the view that those Councillors would have a greater knowledge of the various organisations with which they were involved and would be able to make a better contribution to Council discussions. Last year, all applications for dispensation to speak had been granted, as the Committee believed that participation should be encouraged.

Mr Peat noted that it was a matter for each Standards Committee to reach decisions on applications for dispensation but he agreed that whilst the existing Code remained in force, it was sensible to adopt a liberal attitude in granting dispensations.

- 5.3 Mr David Daycock (Monitoring Officer, City and County of Swansea) referred to a recent case at Swansea in which the Standards Committee had felt that the Adjudication Panel case tribunal had been misled by the member concerned and the Committee refused to accept the case tribunal's recommendation. Mr Daycock asked what steps a case tribunal should take to test the veracity of the evidence given by members at a hearing.

Mr Davies explained the process involved in a case tribunal hearing. The complainant and respondent were invited to make representations in writing. A telephone conference between members of the case tribunal would then follow in order to establish whether any further information was required. Mr Davies explained that it would be very difficult for the case tribunal to question the veracity of evidence given on oath. Hearings were intended to be concluded within one day and Mr Davies did not know of any other forum which adjourned in order to test the veracity of the evidence, as this would be an unwieldy process. The tribunal could only reach a conclusion on the basis of the evidence placed before it and Mr Davies suggested that the only way to avoid any similar difficulties in future would be for the authority concerned to send a representative to attend and listen to the evidence given.

6. Key note speech on the Code of Conduct and related issues by Mr James Goudie Q.C. 11 King's Bench Walk, London

Mr Goudie noted that the position of local councillors was unenviable as they were required to adhere to a Code which had been the subject of review since 2004, as well as comply with overlapping common law principles such as bias and predetermination. The legal test for bias was whether a fair-minded and well-informed observer would conclude that there was a real possibility of bias. Mr Goudie noted that the Courts had taken 2 different approaches on these issues. The first approach was derived from planning cases in New Zealand in the 1970s and 1980s. According to this approach, the Courts accepted that members would acquire opinions about issues with which they dealt every day. A political predisposition in favour of a development was not of itself grounds to disqualify a member from participating. Standards of conduct had to be possible to achieve in practice. Councillors could be opinionated without being biased, provided they remained open to other views. However, a second strict approach had developed in cases such as *Georgiou v Enfield LBC*, *R (Ghadami) v Harlow DC* and *Condron v National Assembly for Wales*, as referred to in Mr Goudie's paper (Appendix D).

According to the current state of the law, predisposition did not disqualify a member from participating but predetermination would do so. However, the Courts were prepared to infer predetermination on the basis of statements made and as such Councillors needed to exercise great care.

In other more recent cases such as *R (Council for National Parks Ltd) v Pembrokeshire Coast National Park Authority* and *R (Island Farm Development Ltd) v Bridgend County Borough Council*, the Courts had expressed doubts about earlier authorities and had held that there had been legitimate predisposition rather than predetermination. In these cases, it had been felt that positive evidence of a closed mind was required.

Mr Goudie also referred to the *Richardson* case which had held that a Councillor who had wished to attend a meeting as a member of the public could not do so as he could not divest himself of his official role. Mr Goudie also referred delegates to other cases contained in his paper.

Mr Goudie noted that it was unlawful for a Monitoring Officer to direct a Councillor to recuse him/herself. A Monitoring Officer could advise but it was a matter for the Councillor to decide.

Mr Goudie noted that whilst most people agreed with the Code's aim of improving transparency, difficulties arose because of the implications of disclosing an interest. Difficulties also arose because of the vague nature of some of the concepts contained in the Code, such as 'bringing the office of member or the authority into disrepute'. Mr Goudie concluded that the law on the Code of Conduct, bias and predetermination was unclear and that too much attention was being paid to appearances.

7. Questions

7.1 Mr Coxon asked whether the law on bias and predetermination extended to other areas of decision-making as well as regulatory matters, e.g. before reaching decisions on which school to close, Cabinet members might be involved in working groups and discussions with officers on how to apply the closures.

Mr Goudie stated that the law which was applied in planning matters was not applied as strictly across the board. Whilst non-executive matters of a regulatory nature which were dealt with by Committees were subject to strict interpretation of the law, executive decisions were not subject to the same stringent tests, although the principle of keeping an open mind still applied. Actual predetermination, rather than the appearance of predetermination would need to be shown in respect of executive decisions.

Mr Goudie also noted that generally predetermination could not be inferred from participation in the early stages of a decision-making process alone. If a matter was referred to a specialist Committee, whose recommendation was then considered by the Council, it would be nonsense to prevent the Committee members from voting at the Council meeting. It had to be accepted that Councillors would be taking part in decisions at different levels and that this should not be construed as amounting to an appearance of bias. However, Councillors should exercise care in making statements at meetings which were not public, e.g. meetings with constituents, which could lead those attending the meeting to believe that the Councillor would take a particular stance on an issue.

- 7.2 Ms Dilys Phillips (Monitoring Officer, Gwynedd County Council) asked whether the Ombudsman would be publishing interim guidance on the Code of Conduct pending revision of the existing Code.

Mr Peat stated that he would not be issuing interim guidance as he felt that the Code needed to be replaced urgently and that interim guidance might encourage the Assembly to delay matters further. Mr Peat would continue to adopt a common sense approach to interpretation of the Code pending completion of the revised Code.

- 7.3 Mr Duncan Forbes (Legal Adviser to Welsh Local Government Association) noted that during the consultation process on the revision of the Code it had been suggested that Councillors who had a personal interest might still be allowed to speak on behalf of constituents before withdrawing from a meeting. Mr Forbes asked whether such a provision would fall foul of the common law on predetermination and bias.

Mr Goudie suspected that the Courts would be influenced by the Code of Conduct and would find it difficult to reach a different outcome. The Courts would therefore be reluctant to find bias. However, the general approach of judges was that if a Councillor was prevented from participating, then that Councillor should not participate at all, as any Councillor who was allowed to speak would have persuasive power. However, from a pragmatic point of view, it was sensible to adopt a tiered approach where Councillors could: (1) disclose and participate freely; (2) speak but not vote; or (3) not speak or vote at all.

- 7.4 Mr Trevor Coxon noted that during the morning break, a number of delegates had commented on the absence of an Assembly representative at the Conference and that it was not unreasonable to expect a representative to attend. Mr Coxon suggested that the Conference should write to the Assembly to express delegates' disappointment.

Mr Rod Pritchard (Independent Member, Ceredigion County Council) agreed with Mr Coxon's view and noted that any letter sent should also refer to the delay in revising the Code of Conduct.

7.5 Mr Roger Chater (Independent Member, Torfaen County Borough Council) said that their Standards Committee had received a report from the Ombudsman which stated that the member concerned had breached the Code of Conduct. Mr Chater had felt uneasy about the Standards Committee's response to the report - whilst it would not have been necessary to see all the witnesses, given that details of the Ombudsman's investigations were included in the report, Mr Chater did not feel that it was fair to merely accept the contents of the report and impose a penalty either.

Mr Davies noted that he had also had reservations about considering an allegation having already received a report which reached conclusions on the member's conduct. Mr Davies advised that the Ombudsman's conclusions should be put to one side and that the Committee should hear the case afresh. The member concerned should be afforded the opportunity to make his or her case – in writing, by oral representations and by calling witnesses. Mr Davies emphasised that the case tribunals did reconsider each case and did not merely 'rubber stamp' the Ombudsman's report.

Mr Goudie advised that Committee members should not go to either extreme of refusing to trawl over the same ground or proceeding as if the investigation had never taken place. Committee members would need to consider the nature of the allegation and the basis of the conclusions reached by the Ombudsman and selectively re-open particular aspects of a case.

Mr Davies added that case tribunal members could not for example ignore a criminal conviction as this would be prima facie evidence of a breach of the Code. However, tribunal members would still consider any other available evidence. Mr Goudie agreed that it would be inappropriate for a Committee to consider whether or not the conviction was correct.

Mr Peat agreed with the views expressed and added that he would not submit conclusions in a report unless he was convinced that these were supported by evidence. Investigations were carried out in accordance with due process – all parties were allowed to see the evidence and comment upon it before a final report was issued. Mr Peat would place, for example, evidence of conduct which might bring the Council into disrepute before the Committee and it was then a matter for the Committee to decide what action to take.

Mr Goudie noted that allegations of bringing the Council into disrepute often related to what a Councillor had written or said, rather than his 'conduct' as such. Statements could therefore amount to such conduct, but freedom of expression needed to be given due regard.

Mr Peat agreed that he frequently received allegations that a Councillor had made rude or insulting remarks and he would often advise complainants that it was not the purpose of the Code to inhibit robust political debate. However, some incidents were so extreme that the matter had to be referred to the Standards Committee.

Mr Goudie noted that he would view allegations from fellow Councillors or the press with a degree of scepticism as the Code was intended to be for the benefit of the public rather than political rivalries.

- 7.6 Dr James Macduff (Independent Member, Ceredigion County Council) commented on the conflict between a Councillor's right to fulfil the manifesto on which he was elected and possible allegations of predetermination. Dr Macduff asked whether any cases had been brought to challenge a local authority's actions in preventing a Councillor from participating.

Mr Goudie advised that he was not aware of any case specifically of this kind. Challenges had been brought on the grounds that the Code contravened freedom of expression under the European Convention on Human Rights – two such cases were referred to in Mr Goudie's paper and in both cases it had been held that the Code was compatible with human rights law. Once elected, a member was under a duty to reappraise the position and obtain further information on an issue, as events may have moved on since the date of the manifesto. Councillors should not become slaves to a manifesto but it was not fatal to be heavily influenced by it either. Mr Goudie referred to guidance issued to local authorities – members were usually required to have regard to guidance, but this was not the only consideration to be taken into account. Councillors who followed guidance slavishly could be accused of having fettered their discretion but if proper consideration were not given to such guidance then the Authority may have acted in breach of the legitimate expectation that it would abide by the guidance.

With reference to the guidance note issued by Carwyn Jones A.M., Mr Peat noted that the duty to have regard to guidance arose only where the guidance stemmed from a statutory provision. As such, only the Ombudsman was empowered to issue guidance on the provisions of the Code of Conduct.

Mr Goudie added however that Mr Jones' guidance on participation by Councillors at all levels was correct in his view.

8. Feedback session

The Conference reconvened after the afternoon workshops for a feedback session on the scenario exercises contained in the Conference folder (see Appendix E). Given the number of scenarios, each group had been asked to start on one particular topic in order to ensure that each topic was covered. Mr Coxon asked the facilitators to report back to the Conference.

Mr Duncan Forbes (WLGA Adviser), Group 2 Facilitator
Topic 1: Dispensations

Mr Forbes noted that delegates had felt that they needed more information and this had led to a discussion regarding attendance of applicants at Committee meetings. Balancing personal interests with the possibility of disenfranchising the local electorate was a question of judgement. In some of the scenarios, delegates had felt that there was no disclosable personal interest but it had been agreed that if a member had applied for dispensation then Committee members should assume that a personal interest existed. Delegates agreed that an application form would be a useful way of collecting the relevant information. Delegates from the Police Authorities did not receive many applications for dispensation and as such there was little opportunity to build skills.

Paul Lucas (Monitoring Officer, Rhondda Cynon Taff), Group 4
Topic 1: Dispensations

Mr Lucas agreed that a number of the group had felt that some of the issues raised did not amount to personal interests but that these should be treated as personal interests in any event if the applicant considered them to be interests. Delegates also felt that they did not have a complete set of facts although this did lead to interesting discussions as to the possible outcomes. Delegates were also seeking some form of guidance and had asked whether there should be a general presumption in favour of granting dispensations

Murray Andrews (Monitoring Officer, Monmouthshire County Council)

Group 1

Topic 2: Planning issues

Delegates had asked whether the Authority had a separate Planning protocol in place. Delegates agreed that in every case it was the individual member's responsibility to decide whether or not he or she had a personal interest. With reference to the paragraphs in the scenario:

- (a) Delegates felt that pressure should not be brought to bear on Councillors to speak in situations where they did not feel it was appropriate to do so. It was not the role of Officers to do so. It was felt that declining to participate at Community Council level would not disenfranchise the electorate as the member would be able to vote at the Planning Committee. Delegates felt that there was insufficient guidance on planning issues.
- (b) Delegates felt that there was a tenuous connection only and that a common sense approach should prevail.
- (c) Delegates felt that the circumstances of the Councillor's ex-wife were irrelevant and that his decisions on other applications did not prevent him from taking part.
- (d) Delegates disagreed with Carwyn Jones' guidance and felt that Councillors should not engage in discussions with developers, even before an application was made.
- (e) It was felt that the Liberal Democrats' position was relevant. If the Councillor had a personal interest then he should withdraw - remaining in the public gallery was not considered to be a withdrawal from the meeting. If he had no personal interest then it was a matter of public perception – generally it was felt that the member should not take part.

Bronwen Morgan (Monitoring Officer, Ceredigion County Council)

Group 5

Topic 2: Planning issues

Delegates generally shared the same views as those already expressed, with the exception of the following:

- (b) with regard to the connection between the Councillor and an objector with whom he went to school, Mr Ian Medlicott had advised the group of a case where comments made by an applicant at a Panel were considered sufficient to revive a connection between a member of the Panel and the applicant's father, despite the fact that they had not met for over 25 years.
- (c) Delegates had felt that the Councillor's relationship with his ex-wife was relevant and that he should exercise care.

Mr Dewi Davies (Monitoring Officer, Pembrokeshire Coast National Park) Group 3

Topic 3: Bias, predetermination and the Code of Conduct

Mr Davies' group had reached the following conclusions:

- (a) There was no evidence of predetermination
- (b) As above
- (c) As above
- (d) There was possible predetermination
- (e) In the first scenario there was no evidence of predetermination but in the second scenario there was possible predetermination
- (f) There was no evidence of predetermination
- (g) There was not sufficient evidence to reach a decision
- (h) There was no evidence of predetermination

Dilys Phillips (Monitoring Officer, Gwynedd County Council)

Group 6

Topic 3: Bias, predetermination and the Code of Conduct

Delegates had shown a clear tendency to be cautious – if there was any doubt then no dispensation would be granted. The elected members in the group were the most strict. Ms Phillips' group reached the following conclusions (in the available time):

- (a) There was evidence of predetermination
- (b) As above
- (c) There was only a tenuous link and no evidence of predetermination
- (d) Delegates felt that there were grounds for suspecting that the Councillor might predetermine the matter.
- (e) Delegates also felt that there was evidence that the Councillor had predetermined the matter.

Delegates also expressed a general feeling of frustration that Councillors were not able to express their opinions and represent the electorate fully. However, delegates still felt that it was better to adopt a cautious approach in considering applications for dispensation.

9. Chair's concluding remarks

Mr Coxon thanked all the speakers and delegates for attending the Conference. The morning session had been informative and delegates were thanked for their contributions to the afternoon workshops. Delegates were reminded to complete the feedback form and Mrs Ann Winfield (Standards Committee Chair, Ceredigion County Council) was invited to speak.

Mrs Ann Winfield extended thanks to officers and staff at Ceredigion County Council and hoped that the Conference would become an annual event in Ceredigion. Mrs Winfield thanked the speakers and the Chair and also thanked delegates for participating in the workshop sessions.