

Foreword

This is my first report since the reappointment of the members of the Adjudication Panel for Wales in October 2007. It is gratifying that Dr Brian Gibbons, the Minister for Social Justice and Local Government, has the confidence in members to invite us to serve for a further 5-year term.

It doesn't seem like 5 years since our first training seminar in March 2003 when Panel members met one another for the first time since appointment to the Panel. We have come a long way since those early days.

I would like to express my gratitude to Helen Cole, Hywel James, Stewert Sandbrook-Hughes, Ian Blair, Colin Evans, Christine Jones and Juliet Morris for their hard work and their enthusiasm over the past five years. I now look forward to working with them for the next five years.

In 2007-08, the Panel had 4 referrals from the Public Services Ombudsman for Wales and one appeal against the determinations of standards committees ongoing from the previous financial year. During the year, I received a further 3 referrals from the Ombudsman and one further appeal. A summary of the cases that were determined can be found in Section 3 of this Report.

I believe that the training and development of Panel members is of prime importance and this has once again been an important part of the Panel's activities over the past year. In September, Panel members once again joined their counterparts in the Adjudication Panel for England for a joint training seminar in Warwick. This continues to be a very worthwhile event since there is much to be gained from sharing common practices and experiences.

I was pleased at the Warwick training event that my invitation for the Adjudication Panel for Wales to host the next joint training programme in Wales was accepted by David Laverick, President of the Adjudication Panel for England.



In December, I was very pleased to be able to welcome the Minister for Social Justice and Local Government to our annual training event in order to explain to him the work of the Panel and its tribunals. I am very grateful to Dr Gibbons for taking time out of his very busy schedule to attend. We were also joined during this event by Andrew Walsh, Director of Investigation with the Public Services Ombudsman for Wales, who gave us an insight into investigation procedures and preparation of reports into allegations of breaches of the code of conduct.

Whilst on the subject of the Public Services Ombudsman for Wales, I should like to record my thanks to Adam Peat who until April 2008 held the office of Ombudsman. I had many useful meetings with Adam regarding the work of our respective offices. Adam also kindly attended a number of our training events to update members on the work of his office and to discuss issues of mutual interest. I wish him well in his retirement and look forward to having an equally good working relationship with his successor Peter Tyndall.

Looking back over the first five years of the work of the Adjudication Panel we received 16 references from the Ombudsman and 10 appeals against the determinations of standards committees. I think this relatively small number of cases bears out my optimistic view in 2005 “that local government members in Wales recognised the importance of, and aspired to, high standards of propriety in public office”.

Looking forward, the past year has seen a number of developments that potentially will influence the work of the Adjudication Panel over the coming years. In November 2007, I attended the launch of the Administrative Justice and Tribunals Council, which has replaced the Council of Tribunals. The Council has a key role in ensuring that the administrative justice and tribunal regimes are increasingly accessible, fair and effective. Members of the Welsh Committee of the Council have the right to attend as observers at proceedings of tribunals formed by the Adjudication Panel in order to monitor and report on our performance.

In March 2008, the Minister for Social justice and Local Government made the statutory instrument introducing the new model code of conduct for relevant authorities in Wales (other than police authorities). I was grateful for the opportunity to participate in the work of the Code of Conduct Reference Group, established by the Welsh Assembly Government to help shape the new code. This enabled



me to feed in a number of issues where tribunals had found that members were experiencing difficulty in understanding their obligations under the previous code. I am pleased that these have been addressed in the new code, which I believe strikes the right balance between providing reassurance to members of the public about the integrity and propriety of those who represent them, while ensuring that there is greater clarity for members in fulfilling their democratic roles in representing the interests of their constituents.

A handwritten signature in black ink, appearing to read 'J Peter Davies', with a stylized, cursive script.

J PETER DAVIES

President

July 2008





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1. Background

Local Government Act 2000

Part III of the Local Government Act 2000 established a new framework to promote observance of consistent standards of conduct by local government members in England and Wales. On 21 June 2001, the National Assembly made the first set of regulations giving effect to that framework in Wales.

Code of Conduct

The basis of the ethical framework is a statutory code of conduct for members and co-opted members of relevant authorities ie county and county borough councils, town and community councils, national park authorities, fire and rescue authorities and police authorities. In Wales, all relevant authorities (apart from police authorities) are required to adopt a code of conduct encompassing the provisions of a model code of conduct prescribed by the Welsh Assembly Government. The first such model code was introduced in 2001. A new model code was made by the Minister for Social Justice and Local Government in March 2008. Relevant authorities must adopt a code of conduct based on the new model before 20 September 2008. All local government members must give a written undertaking to observe the code which their council or authority has adopted before they may act in office.

Police authorities in England and Wales are subject to a model code of conduct prescribed by the UK Government.

Role of the Public Services Ombudsman for Wales/Standards Committees

Anyone may make a written allegation to the Public Services Ombudsman for Wales ("the Ombudsman") that an elected or co-opted member has breached an authority's code of conduct. The Local Government Act 2000 gives the Ombudsman powers to consider and investigate such allegations.



The Ombudsman may conclude upon investigation that there was no breach of the code or that no further action needs to be taken. If he finds otherwise, he will produce a report on the completed investigation and send it either to the Monitoring Officer of the relevant authority concerned, or to the President of the Adjudication Panel for Wales.

If the Ombudsman refers the matter to the Monitoring Officer, the relevant authority's Standards Committee will consider the report of the investigation. They will also consider any representations from the person who is the subject of the investigation and, where there has been a failure to comply with the code, will decide whether any penalty should be imposed. This could range from censure to suspension for up to six months.

The Ombudsman may cease an investigation at any time and refer the matters subject to the investigation to the Monitoring Officer of the relevant authority concerned to undertake an investigation and report to the Standards Committee.

Role of the Adjudication Panel for Wales

The Adjudication Panel has two statutory functions:

- to form case or interim case tribunals to consider reports from the Public Services Ombudsman for Wales, following the investigation of allegations that a member has failed to comply with the relevant authority's code of conduct; and;
- to consider appeals from members against the decisions of local Standards Committees.

Case and Interim Case Tribunals

Where the Ombudsman sends a report to the President of the Adjudication Panel, a "case tribunal" formed from the Panel will be convened to consider the report, to receive evidence and to determine whether there has been a breach of the code of conduct.



If the tribunal determines that a failure to comply with an authority's code of conduct has occurred, it has powers to suspend, or partially suspend, a member for up to one year; or it can disqualify a member for up to five years. Where a case tribunal decides that a person has failed to comply with an authority's code of conduct, that person may appeal to the High Court against that decision, or any decision of the tribunal as regards the sanction to be applied under section 79 of the Local Government Act 2000.

Where the Ombudsman considers it necessary in the public interest, he may make an interim report to the President of the Adjudication Panel recommending that a member be suspended while an investigation is ongoing. An interim case tribunal will decide whether the member should be suspended or partially suspended for up to six months.

Appeal Tribunals

Where the Ombudsman has referred a matter to the monitoring officer and the standards committee has determined that there has been a failure to comply with the code of conduct, the member concerned has a right of appeal to the Adjudication Panel. This right must be exercised within 21 days of the member's receipt of notification of the standards committee's determination. Where the appeal tribunal agrees that there has been a breach of the code, it may endorse the penalty set by the standards committee, or refer the matter back to the committee with a recommendation that a different penalty be imposed. The appeal tribunal can also overturn the determination of a standards committee that a member has breached the code of conduct.



2. Members of the Adjudication Panel for Wales

Members were reappointed to the Panel on 1 October 2007 for a further period of five years. The Panel members have a wide range of knowledge and experience. They are located around Wales which means that, providing there is no conflict of interest, members can be appointed to tribunals on a geographical basis.

The President, the legal members and one of the lay members are Welsh speakers.



The President of the Adjudication Panel, **Mr J Peter Davies**, runs his own legal practice in Cardiff specialising in civil and commercial litigation and, in particular, regulatory matters. He is a Deputy District Judge and chair of the Solicitors Disciplinary Tribunal. He was appointed as Independent Adjudicator to Local Authorities in Wales with effect from 1 May 2008.



Mr Stewert Sandbrook-Hughes is a barrister in Swansea and is also an adjudicator for the National Parking Adjudication Service.



Mr Hywel James is a partner with James & Bulteel in Cardiff specialising in litigation and in professional negligence in particular. He is also a Deputy District Judge.



Mrs Helen Cole is a senior partner in a general practice in rural west Wales specialising in non-contentious private client work.



Mr Ian Blair is a part time civil engineering consultant. He was County Surveyor with Powys County Council and has been an invited lecturer for the University of Wales, Aberystwyth. He is a member of the Courts Board for Mid and West Wales.



Cllr Colin Evans is a former member of Carmarthenshire County Council. He is also a Labour councillor with Cwmamman Town Council.



Cllr Christine Jones is an independent member of Conwy County Borough Council. She is also a member of the Conwy Community Health Council.



Ms Juliet Morris is a Policy Analyst with the Local Government Information Unit and freelance social policy researcher for organisations including the Wales Consumer Council. She also runs a farm business in Carmarthenshire.



3. Allegations of Misconduct

Overview

In the period October 2002 to 31 March 2008, the Adjudication Panel made determinations on 16 references from the Ombudsman and 7 appeals against the decisions of standards committees. Figures 1 and 2 give a breakdown of the outcome of those determinations. A summary of actual sanctions imposed is in the Annex to this report.

Figure 1

Case tribunal decisions - October 2002 and March 2008

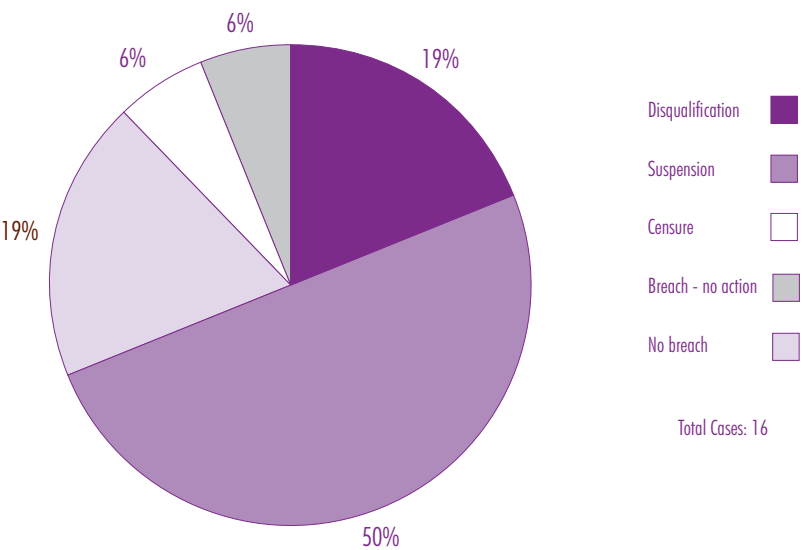


Figure 2

Appeal Tribunal Decisions - October 2002 to March 2008

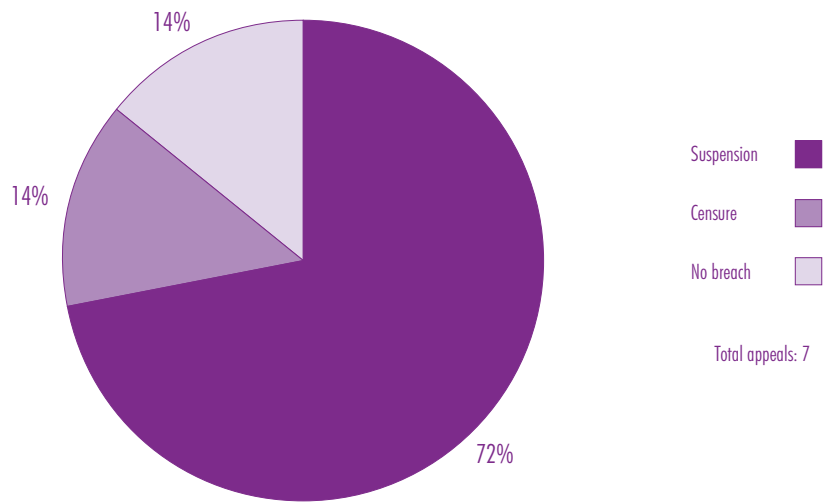
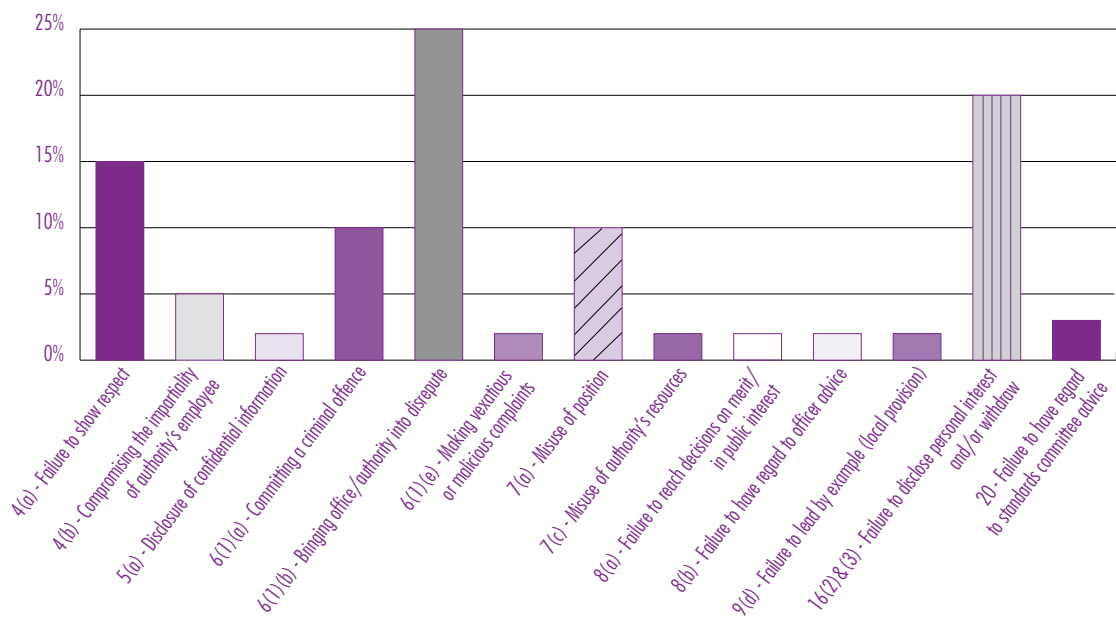


Figure 3

Breaches by paragraphs of the 2001 code of conduct



Summary of Case Tribunals

The Panel had 4 cases referred by Ombudsman that were ongoing at the start of the financial year. A further 3 cases were referred to the Panel by the Ombudsman during the reporting period. All 7 cases were determined by case tribunals in the period covered by this report and are summarised below.

APW/010/2005/CT - Pembrokeshire Coast National Park Authority

The referral from the Ombudsman related to allegations that the councillor had breached the council's code of conduct by failing to declare an interest and failing to withdraw from consideration of matters relating to the Joint Unitary Development Plan at meetings of the Authority.

Following a pre-hearing review and the receipt of additional information, the Case Tribunal issued a listing direction in which it identified the key relevant disputed facts upon which it would need to find, namely:

- a. did the councillor own any land that was capable of being developed when he participated in the relevant meetings of Pembrokeshire Coast National Park Authority; and
- b. what was the likely impact of the introduction of a proposed affordable housing policy ("Policy 47") on land values in the Pembrokeshire Coast National Park.

The Case Tribunal also needed to determine whether the councillor had considered whether or not he had a personal interest, the nature of which he should disclose.

During the hearing the Case Tribunal found that the councillor did own land that was capable of being developed when he participated in meetings of the Authority. The Case Tribunal also found that the likely impact of the introduction of Policy 47 upon land values was that the value of existing homes would rise, but the value of new build homes would remain the same.

The Case Tribunal found that the councillor did consider whether he had a personal interest in the matter of the Authority's consideration of Policy 47, but there was no such interest to disclose.



On the basis of the findings of fact, the Case Tribunal found by a unanimous decision that there had not been a failure to comply with the Authority's code of conduct.

APW/004/2006-07/CT - Isle of Anglesey County Council

The referral from the Ombudsman related to allegations that the councillor had breached the council's code of conduct by failing to declare an interest and to withdraw from consideration of the allocation of land for housing development at meetings of the Council's Executive.

It was alleged that the councillor supported the inclusion of a parcel of land for housing development in the Unitary Development Plan which was owned by a property developer with whom the councillor had previously had a business relationship and had earlier declared a friendship.

The Case Tribunal found evidence that there had been some degree of friendship between the councillor and the developer but, on the balance of probabilities, any degree of friendship had broken down and that by the time of the Executive Meetings they could not properly be described as friends.

The Case Tribunal found that there had been an indirect commercial relationship between the councillor and the property developer. Whilst it was a poor relationship it was still ongoing at the time of the UDP meetings and did amount to a personal interest under the code.

The Case Tribunal found that the councillor had always and consistently supported the development of the land in question for affordable housing in the genuine belief that there was need for such for local people. In the circumstances, the Case Tribunal did not find that a member of the public might reasonably conclude that the personal interest was such that it would *significantly* affect the councillor's ability to act purely on the merits of the case and in the public interest.

The Case Tribunal found by a unanimous decision that there had been a failure to declare the personal interest, which was a partial breach of paragraph 5.1.3.7(iii) of the Council's Code of Conduct (cf. paragraph 16(3) of the model code),



but had the councillor declared his interest he could have spoken on the matter at the Executive Meetings.

The Case Tribunal found that the nature of the breach was not such as to warrant a sanction.

APW/006/2006-07/CT - St Brides Major Community Council

The referral from the Ombudsman related to allegations that the councillor had breached the council's code of conduct by failing to declare an interest and/or the nature of an interest and/or failing to withdraw from consideration of matters relating to businesses owned by his son and daughter-in-law for which he had a personal interest. It was also alleged that the councillor was guilty of improper conduct during a council meeting.

Prior to the commencement of the tribunal's consideration of the allegations, the councillor sought to have the proceedings stayed on the basis of undue delay and perceived bias on the part of the tribunal. He argued that it would not be possible for him to receive a fair hearing, contrary to Article 6 of the Human Rights Act 1998.

The Case Tribunal found that there was guidance in the legal authorities to support the proposition that a relatively high threshold had to be crossed before it could be said in any particular case that the period of delay was unreasonable. The tribunal noted that the investigation, which involved a number of separate, but related allegations made over a period of time, had been concluded within a 9 month period. The tribunal hearing had commenced within a 9 month period of the referral by the Ombudsman. The Case Tribunal found that the delay was not in breach of Article 6.

The councillor submitted that the Case Tribunal should not have sight of the full report of the Ombudsman. The report dealt with 16 allegations in respect of which the Ombudsman had found evidence to support only 9. The Case Tribunal noted that it was independent of the Ombudsman. Its role was inquisitorial in nature and it would reach its own views on the facts of the allegations before it. The Case Tribunal concluded it was impossible to separate the evidence between events



where the Ombudsman had found potential breaches from those where he had found insufficient evidence to conclude there was a breach. The Case Tribunal found no grounds to suggest that its impartiality had been compromised.

In respect of the allegations against the member, the Case Tribunal concluded that there were 10 occasions when there were breaches of paragraph 16(3) of the code of conduct. Two of those were failure to define the nature of an interest, two related to active participation by the councillor in matters in which he had an interest. There was one serious failure to make any declaration of an interest in relation to discussion of matters concerning his daughter-in-law's business. There were also 5 serious breaches of failure to withdraw, two of which occurred after the councillor was aware that allegations had been made to the Ombudsman.

The Case Tribunal gave consideration to the fact that the councillor had not acted in any way which benefited his son or daughter-in-law's business. However, the Case Tribunal concluded that the failure to withdraw was deliberate and that the councillor had deliberately ignored the advice of the Monitoring Officer. The councillor was an experienced councillor and would have been aware of the consequences of ignoring the advice of the Monitoring Officer.

Given the deliberate nature of the breaches, the lack of concern of the councillor and the effect on public confidence, the Case Tribunal concluded that the councillor should be suspended for 9 months from acting as a member of St Bride's Major Community Council.

The allegation that the councillor was guilty of improper conduct during a council meeting arose from a single comment during a highly charged meeting. The Case Tribunal concluded that this did not require a separate sanction.

APW/007/2006-07/CT - Sully Community Council

The referral from the Ombudsman related to allegations that the councillor had breached the council's code of conduct by attempting to gain a fellow councillor's support for his continuing membership of a council working group through unpleasant bullying tactics. In so doing, he failed to show respect and consideration for that councillor and behaved in a manner likely to bring the office of member into disrepute.



The councillor did not wish to appear before the Tribunal. Through his solicitor he accepted that he had failed to show respect and consideration for his fellow councillor. He also accepted that he behaved in a manner which could have brought the office of member into disrepute.

In his Report, the Ombudsman considered the nature of the councillor's approach to a fellow councillor to be inappropriate and unethical. The Case Tribunal shared the Ombudsman's view that the councillor attempted to gain support by unpleasant tactics and bullying.

The Case Tribunal found by unanimous decision that there had been a failure to comply with the Council's code of conduct and that the councillor should be suspended from acting as a member of Sully Community Council for a period of 6 months.

APW/001/2007/2008 CT - City and County of Swansea

The referral from the Ombudsman related to an allegation that the former councillor had breached the council's code of conduct by making improper use of Council-owned computer equipment for private purposes by downloading inappropriate images and sending letters to a local newspaper, which were falsely represented as being from members of the public. The actions of the councillor brought the office of member into disrepute. The councillor failed to show respect and consideration for others by failing to take account of the impact of his actions on council employees who later saw the images on the computer equipment.

The pattern of persistent misconduct demonstrated a failure by the councillor to promote the principles of the code by leadership and example.

The councillor did not wish to appear before the Tribunal. Through his solicitor he acknowledged that, in making a voluntary reference to the Ombudsman, he accepted that he had misused computer equipment supplied by the Council and, in so doing, had brought the office of councillor into disrepute.

The councillor also indicated that he did not disagree with the Ombudsman's conclusion that he had failed to show respect for others and had failed to promote the principles of the code by leadership and example.



The Case Tribunal found by a unanimous decision that there had been a failure to comply with the authority's code of conduct. The Case Tribunal found that the councillor, by his own admission, had misused computer equipment supplied by the Council to download a large number of adult pornographic images and to create letters submitted under false names to the press.

The former councillor had also indicated that he did not disagree with the Ombudsman's conclusion that he had failed to have regard to the effect on council employees who had to view the images when a computer was returned for repair.

The Case Tribunal decided by unanimous decision that the former councillor should be disqualified for 2 years 6 months from being or becoming a member of the City and County of Swansea or of any other relevant authority.

APW/004/2007-08/CT - Merthyr Tydfil County Borough Council

The referral from the Ombudsman related to allegations that the councillor had breached the council's code of conduct by bringing the office of member and the Council into disrepute, that he had used his position improperly to secure an advantage for himself and his father and, in so doing, had failed to adequately disclose an interest and withdraw.

The alleged breaches related to a fact finding site visit by the Council's Planning and Regulatory Committee, of which the councillor was a member. The site visit had been arranged to inspect work to trees on land adjacent to the council's property owned by his father.

The Case Tribunal found that in attending the meeting the councillor was under an obligation to declare an interest because it involved his father's land, which was subject to a number of planning applications. His presence would have been viewed as a demonstration of support for his father throughout the meeting. The Case Tribunal considered that the councillor should have made it clear at the outset of the meeting whether he was present as a private individual or as a member of the Planning and Regulatory Committee. By not doing so, the Tribunal was satisfied that he was present as a member of the Council.



The Case Tribunal found by unanimous decision that there had been a failure to comply with the Council's code of conduct and concluded that he should be disqualified for 12 months from being or becoming a member of Merthyr Tydfil County Borough Council or of any other relevant authority.

APW/005/2007-08/CT - Conwy County Borough Council

The referral from the Ombudsman related to allegations that the councillor had breached the council's code of conduct by using his position improperly to assist his son and daughter-in-law in matters relating to a complaint against their neighbours, that he failed to show respect and consideration in his dealings with Council staff and attempted to compromise their impartiality, that he disclosed confidential information and that his behaviour brought the office of member of the authority into disrepute.

The Case Tribunal found that the councillor had made a number of calls to council officials to discuss issues relating to his son and daughter-in-law with regard to the complaint against their neighbours and that many of the calls were outside office hours. The telephone calls were made by the councillor in his role as an elected member.

The Case Tribunal was satisfied that in one of the telephone calls with a council official, the councillor had adopted a hostile attitude and had asked the official to release confidential information.

The Case Tribunal was satisfied that the Deputy Monitoring Officer of Conwy County Borough Council had written to the councillor emphasising the powerful position that elected members occupy when dealing with members of staff who can feel easily intimidated by members. The Case tribunal found that the councillor's conduct in contacting officers continued beyond the date of the letter.

The Case Tribunal found that there was insufficient evidence to substantiate an allegation that the councillor had disclosed confidential information.

The Case Tribunal found that the councillor had failed to show respect and consideration for others and that his persistent conduct in dealings with council officials amounted to harassment. The Tribunal also found that by his actions the councillor sought to compromise the impartiality of the authority's employees.

The Case Tribunal found that the councillor, by the accumulative nature of his dealings with council officials and the making of a false allegation regarding a council official as to the installation of equipment in a property, had brought the office of member into disrepute. The Case Tribunal found that the councillor had improperly promoted, as an elected member, the interests of his own family.

The Case Tribunal found that the allegations were serious and included harassment of council officials. While there were aspects of the allegations that could have justified a disqualification from office, there were also a number of mitigating factors. The Case Tribunal concluded that the proximity of the local elections meant that the effect of a disqualification would be disproportionate. It concluded by unanimous decision that the councillor should be suspended from acting as a member of Conwy County Borough Council for a period of 12 months.

Summary of Appeal Tribunals

One appeal was carried over from the previous reporting year and the Panel received a further appeal against the determination of a local standards committee. Both of these appeals were determined during the period covered by this report and are summarised below.

APW/005/2006-07/A - Aberffraw Community Council

An appeal was received against the decision of Isle of Anglesey County Council's Standards Committee that the councillor had breached the community council's code of conduct and should be suspended for 3 months.

The allegation was that the councillor had failed to declare an interest when the Council considered candidates to fill a vacancy by co-option, when a family member was a candidate.



It became apparent from the information provided by the councillor that he was not seeking to challenge either the finding that he had breached the code of conduct, nor the sanction imposed by the Standards Committee. The councillor required the tribunal to make a finding in respect of perceived criticisms of Aberffraw Community Council in the Standards Committee's written decision report.

It was explained to the councillor that the purpose of the Appeal Tribunal was to determine whether to uphold or overturn the determination of the Standards Committee that there had been a failure to comply with the code of conduct. If the tribunal upheld the decision it would then decide whether to endorse the sanction imposed or to refer the matter back to the Standards Committee with a recommendation that a different sanction be imposed.

The councillor was advised that the tribunal had no jurisdiction in respect of the procedure of the Standards Committee or the terms of its decision in implying criticism of the community council. The councillor was given the opportunity to make further representations. No further representations were received and the Standards Committee advised that the matter was closed.

APW/002/2007/2008 A - City and County of Swansea

An appeal was received against the decision of the City and County of Swansea's Standards Committee that the councillor had breached the authority's code of conduct and should be censured in respect of one matter and suspended for 1 month in respect of another.

The allegations were that the councillor had failed to reach a decision on the basis of the merits of the circumstances involved when he attended a meeting of the Planning Committee on 20 July 2006 and, in so doing, had also failed to have regard to the advice of the authority's Monitoring Officer.

The councillor disputed that he had failed to comply with the code. He stated that he did not vote at either of the meetings so that the suggestion of pre-determination was not relevant. He said he had regard to the advice of the Monitoring officer but chose not to follow it.

The councillor stated that his decision not to vote showed that he had given consideration to the Monitoring Officer's advice as to whether or not he was predetermined, but he could not explain why he felt it appropriate to speak but not vote.

The Appeal Tribunal was satisfied that the councillor did not appreciate that he was predetermined and, in fact, was convinced that he was not. The Appeal Tribunal considered that the councillor's failure to correct or clarify information which appeared in newsletters, his active opposition to matters considered at council committee meetings, his attendance between those meetings at a public meeting convened to oppose the scheme would, on the balance of probabilities lead a reasonable onlooker to conclude that he was predetermined.

The Appeal Tribunal was of the view that the meaning of "having regard" to advice given by the Monitoring officer meant accepting such advice in the absence of good reasons not to. The Appeal tribunal concluded that no such reasons were given.

The Tribunal upheld the determination of the standards committee that the councillor had breached the code of conduct. The tribunal further determined to endorse the decision of the standards committee that the councillor should be censured for breaching paragraph 8(a) of the code and suspended for 1 month for breaching paragraph 8(b) of the code.



4. Overview of Procedures

The work of the Adjudication Panel for Wales is governed by Part III of the Local Government Act 2000 and subordinate legislation made by the National Assembly for Wales/Welsh Ministers and the UK Government (the latter in respect of police authorities).

The overriding aim of the Adjudication Panel is to ensure that all parties are able to have their cases presented and to have them considered as fully and fairly as possible.

Tribunals will normally comprise a legally qualified chairperson, plus two others. This may be varied at the President's discretion.

Tribunal hearings will normally be held in public except where the tribunal considers that publicity would prejudice the interests of justice, or where the respondent or appellant agrees that the allegations may be dealt with by way of written representations. There may be other reasons from time to time for not holding a hearing, or part of a hearing, in public.

Hearings will usually take place locally where suitable accommodation is available. Hearing arrangements take account of any special needs of those attending eg wheelchair access, interpreter, hearing assistance.

A simultaneous translation service is provided for those who wish a tribunal hearing to be conducted in Welsh and all current tribunal chairpersons are Welsh speaking.

The person who is the subject of the allegations is entitled to give evidence, to call witnesses, to question any witnesses and to address the tribunal on matters pertinent to allegations under consideration.

Details of tribunal hearings and their outcome are published on the Panel's web-site and in the local press, as appropriate.

There is a right of appeal to the High Court under sections 78(10) and 79(15) of the Local Government Act 2000, as appropriate, against the decision of interim case tribunals and case tribunals established by the Adjudication Panel. There is

no right of appeal against the decisions of appeal tribunals, but, as a public body, the Adjudication Panel and its tribunals may also be subject to judicial review where appropriate.

Further information on tribunal procedures can be found on the Adjudication Panel's web-site (www.adjudicationpanelwales.org.uk).

5. Support Unit

The Adjudication Panel is supported by:

Stephen Phipps, Registrar to the Panel.

John Davies,

Carol Webber,

Khalid Afzhal

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Summary of sanctions imposed by case tribunals and appeal tribunals in the period October 2002 to 31 March 2008

Sanction	Period	No of Decisions
Case and Appeal Tribunals		
Disqualification	2 years 6 months	1
	2 years	1
	1 year	1
Suspension	12 months	2
	9 months	2
	6 months	4
	3 months	1
	2 months	2
	1 month	2
Partial suspension		0
Censure		2
Breach - no action		1
No breach		4
Appeals		
Breach of code upheld/dismissed		6 (86%)/1 (14%)
Different sanction recommended		1 increase/1 decrease
Refused:		
• out of time		1
• Not in jurisdiction		1
• Withdrawn		1