

Y PWYLLGOR SAFONAU
11/12/2023

Pwnc

ADOLYGIAD O WEITHDREFNAU GWRANDAWIAD DISGYBLU

Y Pwrpas:

Adolygu'r gweithdrefnau yng ngoleuni profiad y pwyllgor wrth gynnal dau wrandawriad disgyblu yn ddiweddar.

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Mabwysiadu'r ddogfen weithdrefnau ddiwygiedig a atodwyd i'r adroddiad hwn.

Y rhesymau:

Adlewyrchu profiad ymarferol diweddar o achosion o'r fath a'r safbwyntiau a fynegwyd yn flaenorol gan aelodau'r pwyllgor.

Angen i'r Cabinet wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:- Amherthnasol

Y Gyfarwyddiaeth: Y Prif
Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:
Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth
a'r Gyfraith

Rheolwr y Gwasanaethau
Cyfreithiol

Ffôn: 01267 224018

Cyfeiriad e-bost:
rjedgeco@sirgar.gov.uk

EXECUTIVE SUMMARY

REVIEW OF DISCIPLINARY HEARING PROCEDURES

At the Standards Committee meeting in June 2022 the committee adopted a formal procedure for the conduct of disciplinary proceedings against councillors in the event of a report being received from the Public Services Ombudsman for Wales pursuant to Part III of the Local Government Act 2000.

Subsequently the committee was required to implement these procedures following the receipt of two separate reports from the Ombudsman under Part III of the 2000 Act.

Considering that experience the Committee reviewed the procedures and agreed certain changes should be made.

The changes include.

1. Amending the procedures to reflect that the Councillor may be legally represented.
2. Make it clear that final hearings will usually be heard in public.
3. Providing for questions to be put to the Ombudsman's investigating officer (where that officer is not also a witness in the case)
4. Including a general statement that procedure is intended to provide justice and fairness both for the councillor who is subject for the investigation and any other parties involved and that it is also intended to fulfil the wider public interest of having an open and fair adjudication process.
5. Including a general statement that the Committee may revise the procedure in any case having regard to the public interest and the need for a proportionate adjudication process.

Consideration was given to the proposal that the initial assessment and pre-hearing review stages be merged to reduce the overall length of time involved. However, for legal reasons this is not possible. Instead that part of the procedure has been streamlined as much as it can be.

DETAILED REPORT ATTACHED?

No

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	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

IMPLICATIONS

2. Legal

Having robust and practical procedures are important to help ensure that any disciplinary cases are handled in a fair and timely way.

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

1. Scrutiny Committee request for pre-determination	N/A
Scrutiny Committee	N/A
Date the report was considered:-	N/A
Scrutiny Committee Outcome/Recommendations:- 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

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED NO	Not applicable
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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 Department File	DPSC-216	County Hall Carmarthen