



RHONDDA CYNON TAF

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

19 NOVEMBER 2021

REVIEW OF THE ETHICAL STANDARDS FRAMEWORK IN WALES

REPORT OF THE MONITORING OFFICER

1. PURPOSE OF REPORT

To advise Members of the publication of the report into Welsh Government's commissioned independent review of the Ethical Standards Framework in Wales.

2. RECOMMENDATION

2.1 It is recommended the Committee review the findings of the report in preparation for any formal consultation by Welsh Government.

3. BACKGROUND

3.1 As reported at the Committee's meeting in March Welsh Government confirmed they would be reviewing the ethical framework and the model Code of Conduct following the coming into force of the Local Government & Elections (Wales) Act 2021.

3.2 The Ethical Standards Framework for Wales was established by Part 3 of the Local Government Act 2000 to promote and maintain high standards of ethical conduct by members and officers of relevant authorities in Wales. A 'relevant authority' is a county or county borough council ("a principal council"), a community council, a fire and rescue authority and a National Park authority in Wales.

3.3 Key components of the ethical framework include the statutory Members' Code of Conduct, which sets out the duties imposed on all elected and co-opted Members; and the statutory provisions relating to Standards Committees, established to promote and maintain high standards of conduct by the Members and co-opted Members of the authority. The Framework consists of ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'). These are included in the Conduct of Members (Principles) (Wales) Order 2001.

Further, the Local Authorities (Model Code of Conduct) (Wales) Order 2008 (“Model Code of Conduct”) provides for a set of enforceable minimum standards for the way in which members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity. It also includes provisions relating to the declaration and registration of interests. The Framework has remained largely unchanged, though there have been a number of small amendments to improve the operation of the Framework over the last twenty years.

4. INDEPENDENT REVIEW OF THE ETHICAL FRAMEWORK IN WALES

- 4.1 An independent review of the Framework was undertaken by Richard Penn between April and July 2021 to assess whether the Framework remains fit for purpose. The review took into account the new legislative requirements set out in the Act and the current equality and diversity policy context.
- 4.2 The terms of reference of the review were to undertake a review of the whole framework to include:
- an audit of the Codes of Conduct adopted by authorities;
 - an analysis of the effectiveness of the framework in fostering high standards of conduct in local government and public confidence in those arrangements;
 - whether the framework is still fit for purpose;
 - the role of Standards Committees;
 - an analysis of the arrangements and protocols in place to support members and staff; and
 - consideration of the current sanctions and whether they are still appropriate.
- 4.3 The final report was published on 14th October (attached at Appendix 1 to this report) concludes the current arrangements are fit for purpose but recommends some changes to the Framework, including the Model Code of Conduct.
- 4.4 The findings fall into categories based on whether they would need legislation to implement. Some recommendations need primary legislation (e.g. granting the Adjudication Panel for Wales the power to restrict reporting on sensitive cases), others require secondary legislation (such as updating the code of conduct itself) and some are matters of practice that can be implemented if the relevant parties are willing to do so. A summary of the report’s key findings can be found at Appendix 2 to the report.
- 4.5 Welsh Government will now consider the recommendations to amend the Model Code of Conduct in the short term. Any legislative change will be subject to a technical consultation with a planned implementation ahead of next May’s Local Elections. Welsh Government say action to address other recommendations in the report will be taken forward in partnership with key stakeholders in the medium to longer term.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. Any associated costs of providing training and advice for political group leaders would be met from the allocated budget.

6. LEGAL IMPLICATIONS

Relevant legal provisions are set out in the body of the report.

7. CONCLUSION

The Act will bring into force changes to the ethical framework in Wales relating to the conduct of Members which will require changes to the Standards Committees terms of reference as outlined in the report.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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BACKGROUND PAPERS

Penn Review of the Ethical Standards Framework in Wales (Published 14th October 2021)

Freestanding Matter

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