

MEETING	Standards Committee
DATE	8 November 2021
TITLE	Review of the Ethical Standards Framework for Wales
AUTHOR	Monitoring Officer

1. The current Ethical Standards Framework was created by the Local Government Act 2000. The initial Model Code was substantially reviewed in 2008 into its current form but there has been no significant review of the Welsh framework in total since its original inception. Welsh Government appointed Richard Penn to review the entire framework and make recommendations. His report has now been published by the Government. The statement of Rebecca Evans, MS, Minister for Finance and Local Government announcing its publication is at Appendix 1 and the published report at Appendix 2.
2. The review took evidence on a wide range of topics, looking at, amongst others, the following issues:
 - whether there was still a need for the code;
 - whether the current code is up to date and fit for purpose;
 - whether the investigation and enforcement of complaints was effective
 - how Standards Committees encourage compliance through the use of policies and training;
 - whether the code was appropriate for Town and Community Councils and their capacity to comply with its provisions

As the report explains a range of consultees were involved and I am aware that the Mid and North Wales Standards Committee Forum was included. However, it must be noted that there were also some omissions which were surprising.

3. I understand that there is no intention to pass any legislation in response to the review before the end of this local government term. There are a number of recommendations some of which have the potential to have material resource requirements. The report will need careful consideration and there will be consultation on significant changes.

Recommendation

That the Committee accepts the report for information.

Appendix 1

Written Statement: Review of the Ethical Standards Framework for Wales

Rebecca Evans, MS, Minister for Finance and Local Government

First published: 14 October 2021

“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.

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.

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 Local Government and Elections (Wales) Act 2021 and the current equality and diversity policy context. I thank Richard Penn and all the stakeholders who participated in this review.

The final Report which has been published today, concludes the current arrangements are fit for purpose but recommends some changes to the Framework, including the Model Code of Conduct. I will be considering the recommendations to amend the Model Code of Conduct in the short term. Any legislative change will be subject to a technical consultation.

Action to address other recommendations will be taken forward in partnership with key stakeholders in the medium to longer term. “