

Y Grŵp Addysg a Gwasanaethau Cyhoeddus
Education and Public Services Group



Llywodraeth Cymru
Welsh Government

Mr Robert Dewey
Chair
Standards Committee
Flintshire County Council

Eich Cyf/Your Ref: RD
Ein Cyf/Our Ref: qA1195031

Sent by email to:

Gareth.Legal@flintshire.gov.uk
Robdewey1950@gmail.com

12 October 2018

Dear Mr Dewey,

Thank you for your letter of 2 October, in which you conveyed your Committee's resolution to request the Welsh Government to increase the range and flexibility of the sanction powers available under the ethical framework in Wales.

I note this issue was discussed at the recent Wales Standards Conference, attended by members of standards committees and relevant local government officers. You will appreciate that were the Welsh Government to act upon your Committee's request, it would be necessary to consult the full range of stakeholders with an interest in this matter in developing appropriate proposals.

The Case Tribunals (England) Regulations 2008, to which you refer in your letter, set out the sanctions available to a case tribunal formed by the Adjudication Panel for England under the ethical framework which applied in England at that time. Similar powers of sanction were available to standards committees in England under the Standards Committee (England) Regulations 2008.

Under the ethical framework in Wales, the sanctions available to a case tribunal established by the Adjudication Panel for Wales are set out in section 79 of the Local Government Act 2000. Consequently, fresh primary legislation would be required to amend the powers, if this was considered appropriate. I am afraid there is no prospect of such amendments being introduced by way of the proposed Local Government Bill. The Bill is due to be introduced into the National Assembly for Wales early next year. The lead-in time for the preparation and checking of proposed legislation is such that the drafting of the Bill is already in its final stages. Any proposals for changing the sanction powers would require

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

engagement with relevant stakeholders and formal public consultation for a minimum of 12 weeks, which cannot be accommodated within the timetable for the Bill.

The sanction powers available to a standards committee in Wales are prescribed in the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended). These regulations were last reviewed and updated by the Welsh Government with effect from 1 April 2016. The sanction powers available to standards committees were not identified by stakeholders as an issue during the course of that review.

Whilst there are no plans currently to revisit the regulations, we will retain a note of your Committee's views on file and will consider them further when we next come to review the regulations. I am afraid I cannot give an indication at this time of when that might be.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Phipps', written in a cursive style.

STEPHEN PHIPPS
Local Government Department