

STANDARDS COMMITTEE

Date of Meeting	Monday, 7 November 2022
Report Subject	Terms of Reference for the National Forum For Standards Committees
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Penn Report on the Review of the Ethical Regime in Wales (“the Penn Report”) commented on the variety of practice across Wales in how Standards Committees discharge their duties. It recommended that a National Forum for the Chairs of Standards Committees should be established modelled on the forum that exists in North and Mid Wales.

All authorities in Wales have agreed to create a National Forum to share practice. Draft terms of reference for the forum have been prepared by the Monitoring Officers Group of Lawyers in Local Government (“LLG”) for agreement.

RECOMMENDATIONS

1	That the draft Terms of Reference, including representation, are agreed.
2	That the proposed arrangements to support the National Forum are approved.

REPORT DETAILS

1.00	EXPLAINING THE NATIONAL FORUM FOR STANDARDS COMMITTEES
1.01	The Penn report commented on the variety of practice across Wales in how Standards Committees discharge their duties. At paragraph 4.4.1 the report says:

	<p>“I was struck by the variation in the way that Standards Committees in Wales see their remit and at the role played by the Independent Chairs of Standards Committees. At the one extreme Standards Committees and their Independent Chairs seem to have either been given or have adopted a very limited role, meeting infrequently and only really active when there is a Hearing of a case referred by the Public Services Ombudsman for Wales. At the other extreme there are Standards Committees and Chairs that see their remit much wider than this, and as leading the development and maintenance of the ethical standards framework in that local authority.”</p>
1.02	<p>Richard Penn, the report author, then went on to comment positively upon the work of the forum for Chairs of Standards Committees in North and Mid Wales. Whilst acknowledging the place for local decision making, he recommends that a National Forum be established along the same lines - see paragraph 4.4.5</p> <p>“I attended a meeting of this Forum and had a very useful exchange with the Chairs and Monitoring Officers who attended. Although a Forum for the Chairs of Standards Committees in South Wales no doubt would serve a similar purpose in the facilitation of exchange of information and experiences about the work of Standards Committees in that part of Wales, I suggest that there should be an all-Wales Forum ... would encourage consistency of approach and the adoption of best practice across Wales.”</p>
1.03	<p>When consulted, all</p> <ol style="list-style-type: none"> 1) 22 principal Councils 2) 3 National Park Authorities; and 3) 3 Fire and Rescue Authorities <p>agreed to form a National Forum for the purposes of sharing good practice.</p>
1.04	<p>The forum will</p> <ol style="list-style-type: none"> a) give chairs the chance to share and agree to co-ordinate practice; b) act as a sounding board for ideas; c) create a support network for chairs and Committees. <p>It will not be a formal joint committee and so will not be able to make binding decisions on behalf of the constituent Councils. Instead, each Standards Committee will retain primacy. Where an idea for common action is proposed, each Committee will need to agree to act in accordance with whatever consensus has been established within the forum.</p>
1.05	<p>The body will consist of 28 constituent authorities at the outset. A new National Park Authority is planned and there are 4 newly formed Corporate Joint Committees which must have a Standards Committee, who may also wish to join. If constituent authorities sent any more than one representative, then the meetings would be unwieldy. Therefore, each authority will be allowed a single representative who may nominate a deputy to attend in their absence. Monitoring Officers will send one</p>

	representative per region (this role will rotate in North Wales in order to reduce the burden on individuals).
1.06	Previously the North and Mid Wales Forum would meet in person on a peripatetic basis being hosted by each authority in turn. For the time being meetings are likely to be held remotely (which would save travel) but if they resumed meeting in person then a central location would need to be found. Typically, this would mean meeting in or near Llandrindod Wells.
1.07	Draft Terms of Reference are attached at Appendix 1 which also include proposals for how the work of the forum will be supported.
1.08	We are anticipating holding the first meeting in November and the draft agenda will probably look something like – <ul style="list-style-type: none"> 1) Explanation of Terms of Reference, role etc; 2) Update on Penn Report; 3) Discussion of what we are each doing to implement the new duty on group leaders and how that will be reported as part of the SC annual report.

2.00	RESOURCE IMPLICATIONS
2.01	The secretariat support for the Forum is being provided by WLGA which will minimise impact on council resources. Further the working arrangements for the Forum have been designed to fit into existing structures such as meetings of LLG and so will need little extra resource.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	All Standards Committees have been consulted.

4.00	RISK MANAGEMENT
4.01	There are no issues arising from this report.

5.00	APPENDICES
5.01	Appendix 1 – draft Terms of Reference for the National Standards Committee Forum

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None

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7.00	GLOSSARY OF TERMS
7.01	<p>Adjudication Panel for Wales - the panel of lay people and lawyers from whom a case tribunal will be drawn to determine whether the Code of Conduct has been breached.</p> <p>Public Services Ombudsman for Wales - (as per standard glossary)</p> <p>Penn Report - a review commissioned by Welsh Government and conducted by Richard Penn looking into the Code of Conduct, how it is enforced, how training is undertaken and all other mechanisms to ensure high standards of ethical behaviour.</p>