

## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 6 September 2021
<b>Report Subject</b>	Review of the Ethical Standards Framework
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

The current Ethical Standards Framework was created by the Local Government Act 2000. The legislation has been amended slightly in the interim but has not been fundamentally reviewed since its inception.

Welsh Government has appointed Richard Penn to review the entire framework and make recommendations. His report has been submitted. Welsh Government has said it will consider the report and issue its response in the autumn. Welsh Government has said that it will pass any legislation needed in response to the review before the end of this local government term.

### RECOMMENDATIONS

1	That the Committee notes the report and awaits the outcome of the review.
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### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE REVIEW</b>
1.01	In the 1990's there was a scandal in the Parliament at Westminster dubbed "cash for questions", which led to the establishment of the Committee on Standards in Public Life ("the CSPL"). The CSPL is also known as "the Nolan Committee" after its first chairman, Lord Nolan. The CSPL recommended that all those in public life should be required to follow a code of conduct. This gave rise to the Local Government Act 2000 which created the Councillors' Code of Conduct, Standards Committees and the means of investigation/enforcement.

1.02	In England the framework was radically slimmed/watered down in 2011. In Wales, the code of conduct itself was reviewed in 2008 (leading to major changes) and again in 2016 (leading to minor revisions). However, the whole framework has not been fundamentally reviewed since its inception. Welsh Government has commissioned Richard Penn (a former Chief Executive, latterly at Bradford MBC, and previous chair of the Independent Remuneration Panel For Wales) to conduct a review of the whole framework and make recommendations.
1.03	<p>The review was announced in April and Richard Penn has engaged with stakeholders to gather evidence on the functioning of the framework. He has spoken variously, and amongst others, to</p> <ul style="list-style-type: none"> <li>• The Public Services Ombudsman</li> <li>• The President of the Adjudication Panel for Wales</li> <li>• One Voice Wales</li> <li>• The Mid and North Wales Standards Forum</li> <li>• Individual chairs of Standards Committees</li> <li>• The Wales Branch of Lawyers in Local Government</li> <li>• Individual monitoring officers from a selection of County Councils, National Park Authorities and Fire &amp; Rescue Authorities.</li> </ul>
1.04	<p>The review took evidence on a wide range of topics, looking at, amongst others, the following issues:</p> <ul style="list-style-type: none"> <li>• whether there was still a need for the code;</li> <li>• whether the current code is up to date and fit for purpose;</li> <li>• whether the investigation and enforcement of complaints was effective</li> <li>• how Standards Committees encourage compliance through the use of policies and training;</li> <li>• whether the code was appropriate for Town and Community Councils and their capacity to comply with its provisions.</li> </ul>
1.05	The report has been submitted to Welsh Government, who will consider its findings and publish a response alongside the report in the autumn. Welsh Government will also indicate what legislation (if any) it considers to be necessary/appropriate to respond to the report's findings. Any such legislation will be passed before the elections in May 2022 so that it is in force for the new council term. Given the wide range of issues considered during the evidence gathering stage it is likely that some recommendations will reflect good practice and will not require legislation to implement. The Committee will need to consider the review and WG's response in due course.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None directly arising as a result of this report. There will be an opportunity to make representations should Welsh Government propose to impose any additional requirements on local authorities in response to the report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Richard Penn has consulted widely on the effectiveness of the whole framework.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	There are no risk issues arising from this report.

<b>5.00</b>	<b>APPENDICES</b>
5.01	None

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None  <b>Contact Officer:</b> Gareth Owens, Chief Officer Governance <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:Gareth.lega@flintshire.gov.uk">Gareth.lega@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Ethical Standards Framework</b> – the method by which standards of conduct and behaviour for elected and co-opted members in principal councils, town and community councils, national park authorities and fire & rescue authorities are established, promoted and enforced. It includes the councillors' code of conduct, the Standards Committee, support and advice from monitoring officers, training, investigation via the office of the Public Services Ombudsman for Wales and enforcement through the Adjudication Panel for Wales.