



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES – MR CRAIG GRIFFITHS

25th October 2022

Matter for Information

Wards Affected: All Wards

Independent Review of the Ethical Standards Framework in Wales and creation of a national forum

Purpose of the Report:

To update Members on the first phase of the Independent Review of the Ethical Standards Framework in Wales and to appraise members of the Standards Committee on progress being made in respect of the establishment of a National Forum for Independent Standards Committee Members

Executive Summary:

In March 2021 the then Minister for Housing and Local Government announced her intention to commission an independent review of the Ethical Standards Framework for Local Government (ESF) in Wales that was established by the Local Government Act 2000.

The review sought to ensure that it remained fit for purpose, was open and transparent, and that it commanded the confidence of all involved with the framework.

In the first phase review Richard Penn suggested that an all Wales - Forum for Chairs of Standards Committees be established and that the Annual Conference for Independent Chairs and Independent Members of Standards Committees across Wales be re-established.

Background:

The Ethical Standards Framework in Wales was established by the Local Government Act 2000 and had remained largely unchanged, though there had been a number of small modifications to improve the operation of the framework over the last twenty years. The subordinate legislation underpinning the framework was last reviewed and amended in 2016.

The Model Code of Conduct, first introduced in 2001, was significantly recast in 2008 and further amended in 2016.

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The review was 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 were still appropriate

The first phase of the Independent Consultant's Review was brought before members of the Standards Committee in January 2022.

In the first phase review Richard Penn suggested that an all Wales - Forum for Chairs of Standards Committees be established and that the Annual Conference for Independent Chairs and Independent Members of Standards Committees across Wales be re-established.

The All Wales Monitoring Officer's group have therefore been discussing the establishment of a National Forum for Wales with the Welsh Local Government Association who have kindly agreed to provide the secretariat support for the body. The Forum will be a body for the sharing of good practice and the coordination of activity. The Forum is not a formal decision making body and will not have delegated powers to act on behalf of the Standards Committees in Wales.

The purpose of the Forum is to share good practice and training and knowledge across the 22 principal councils, 3 fire and rescue authorities, and 3 national park authorities in relation to the work of Standards Committees. At the Forum, authorities can share good practice and discuss solutions to problems they are experiencing.

The following terms of reference are proposed:

- Membership – Chair, with the Vice-Chair to attend in the absence of the Chair
- Decision making will typically be by consensus but where a formal decision is required then there will be one vote per authority with the Chair of the Forum having the casting vote
- Election of Chair and Vice Chair – every two years to provide consistency
- Secretariat Support – the WLGA will send out agendas, prepare minutes and can prepare basic reports analysing practice across Wales
- Frequency of Meetings – 2 meetings per year following a meeting of the Monitoring Officers Group of Lawyers in Local Government
- Agendas items will be suggested by Monitoring Officers on behalf of their Standards Committees and the Forum will also have a forward work plan to which members could contribute
- Each region will be asked to send 1 monitoring officer to represent the local authorities in that area, with 1 additional monitoring officer each for fire & rescue authorities and national park authorities (making 6 monitoring officers in total)

Each meeting could have a small agenda followed by a Training Session, to include Speakers from the Ombudsman's Office, Adjudication Panel for Wales and Welsh Government who could address the forum on their work.

The work of the forum would then be brought back to the Standards Committee for members to consider.

Financial Impacts:

No implications.

Integrated Impact Assessment:

An Integrated Impact Assessment is not requirement for this report.

Valleys Communities Impacts:

No implications

Workforce Impacts:

No implications

Legal Impacts:

The Council has a duty to establish and maintain a Standards Committee as defined by legislation as set out in the Standards Committees Rules and 5 Regulations 2001 and the Standards Committee (Wales) Amendment Regulations 2006. The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives.

Consultation:

There is no requirement for external consultation on this item

Recommendations:

That the Standards Committee endorse the establishment of a national forum for standards matters and endorse the terms of reference of the forum.

Appendices:

None

List of Background Papers:

None

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