



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

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

11th April 2022

Matter for Information

Wards Affected: All Wards

Review of the Ethical Standards Framework in Wales – Response to Consultation

Purpose of the Report:

To consider and note the Welsh Government Response to the Local Government Ethical Standards Framework Review and approve the proposed consultation response by Neath Port Talbot Council

Background:

In March 2021, the then Minister for Housing and Local Government commissioned an independent Review of the Ethical Standards Framework (“the Framework”) for local government in Wales established by the Local Government Act 2000 (“the 2000 Act”). An overview of the Framework is included at annex 2. The Framework extends to county and county borough councils, corporate joint committees, national park authorities, fire and rescue authorities and community and town councils. Where the term council(s) is/are used throughout this document this also extends to all member(s) of the above-named bodies.

The Framework has remained largely unchanged over the last 20 years, so an independent review was felt important to maintain confidence in the system and ensure developments in the way councillors and their public lives are reflected in its operation.

An effective ethical framework is essential to ensure people and councillors from all backgrounds have confidence to engage with local democracy or stand for elected office. It is part of making Wales a diverse and inclusive nation and its review is an action in our Anti-racist Wales Action Plan.

In addition, it is essential the Framework reflects significant legislation made since its establishment, in particular the Equality Act 2010, the Well-being of Future Generations (Wales) Act 2015 and the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”). This document contains links to the original legislation. In some cases, the legislation has since been amended and links to the amended legislation are contained in the bibliography at the end of this document.

The 2021 Act introduced several measures intended to complement the existing Framework. Firstly, it placed a new duty on leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by the members of their group. In doing so, a group leader must co-operate with the council’s standards committee in the exercise of its functions to promote and maintain high standards of conduct. In turn, a standards committee has new functions under the above 2021 Act to ensure group leaders have access to advice and training to support their new duties and to monitor group leaders’ compliance with those duties.

Secondly, after the end of each financial year, standards committees will be required to make an annual report to the council describing how the committee’s functions have been discharged and setting out an overview of conduct matters within the council. The council will be obliged to consider the report and any recommendations within 3 months of receipt.

The independent review (“the Review”) was undertaken by Richard Penn, a former local authority chief executive and former chair of the Independent Remuneration Panel for Wales.

The terms of the Review were as follows:

- an audit of the codes of conduct adopted by all the required authorities against the Model Code of Conduct to identify any local variances
- an analysis of the effectiveness of the Framework in fostering high standards of conduct in local government in Wales and public confidence in those arrangements
- consideration of whether the Framework is still ‘fit for purpose’, including whether the 10 principles of conduct are still relevant and whether the Model Code of

Conduct needs updating. This included identification of areas where improvements could/should be made to the current arrangements

- consideration of the role of standards committees, including their role in relation to community councils and whether the establishment of sub-committees has any impact on the process of supporting community councils and dealing with complaints
- an analysis of the arrangements and protocols in place within authorities to support members and staff in preventing the need for issues to a) arise in the first place, and b) be escalated beyond local resolution. This included areas such as clear communication and signposting, training and awareness and the authorities' approach to addressing concerns

The Review concluded the current Framework is 'fit for purpose' and works well in practice. It suggested a few amendments could lead to a greater emphasis in the Framework on prevention of complaints, improve the handling of complaints and result in already high ethical standards being further enhanced.

Since the publication of the Review, Welsh Government have engaged with stakeholders including monitoring officers, the Public Services Ombudsman for Wales (PSOW) and her office, the Welsh Local Government Association (WLGA) and One Voice Wales.

Accordingly, the Welsh Government have now issued a consultation on the recommendations of the Review and are seeking views on their response.

The proposed recommendations from the Review and the Welsh Government response are included at Appendix 1 of this report.

Attached at Appendix 2 are the consultation questions that Welsh Government have issued and some suggested responses for the Standards Committee to discuss and endorse.

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 consider and note the Welsh Government Response to the Local Government Ethical Standards Framework Review and approve the proposed consultation response by Neath Port Talbot Council

Appendices:

Appendix 1 – Welsh Government Response to the Local Government Ethical Standards Framework Review

Appendix 2 – Proposed consultation responses by Neath Port Talbot Council

List of Background Papers:

None

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