

Meeting of:	STANDARDS COMMITTEE
Date of Meeting:	7 JULY 2023
Report Title:	INDEPENDENT REVIEW OF THE ETHICAL STANDARDS FRAMEWORK
Report Owner / Corporate Director:	MONITORING OFFICER
Responsible Officer:	LAURA GRIFFITHS GROUP MANAGER LEGAL AND DEMOCRATIC SERVICES
Policy Framework and Procedure Rules:	There is no effect upon the Policy Framework and Procedure Rules
Executive Summary:	Consideration of the recommendations of the Independent Review of the Ethical Standards Framework which has remained largely unchanged over the last 20 years. An effective framework is essential to ensure people and councillors from all backgrounds have confidence to engage with local democracy

1. Purpose of Report

- 1.1 The purpose of the report is for the Committee to note the consultation on the Independent Review of the Ethical Standards Framework (Penn Review).

2. Background

- 2.1 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”).
- 2.2 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”).

2.3 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;
- consideration of the current sanctions and whether they are still appropriate.

3. Current situation / proposal

3.1 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.

3.2 Since the publication of the Review back in July 2021, engagement has taken place 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. The Review’s recommendations were also discussed at the All Wales Standards Conference in February 2022. The consultation paper published in March 2023 (available at the following link: <https://www.gov.wales/consultation-recommendations-independent-review-ethical-standards-framework-richard-penn-report>) builds on the Review’s recommendations taking these discussions and other communications into account. Members are requested to note that at the time of this report, the consultation period has closed. The outcome of the consultation will be reported to the Committee when available.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the

review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

- 5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report. This report also assists in the achievement of the following well-being objective under the Well-being of Future Generations (Wales) Act 2015:-

A county borough where people feel valued, heard and part of their community.

- 5.2 Standards are an implicit requirement in the successful implementation of the corporate well-being objectives.

6. Climate Change Implications

- 6.1 There are no climate change implications.

7. Safeguarding and Corporate Parent Implications

- 7.1 There are no safeguarding and corporate parent implications.

8. Financial Implications

- 8.1 There are no financial implications arising from this report.

9. Recommendation

- 9.1 It is recommended that the Committee note the report.

Background documents:

None