
**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

REVIEW OF ETHICAL STANDARDS FRAMEWORK

Reason for this Report

1. To inform the Committee of the outcomes of an independent review of the ethical standards framework for Wales.

Background

2. The Ethical Standards Framework for Wales was established by Part 3 of the Local Government Act 2000, to promote and maintain high standards of ethical conduct by members and officers of relevant authorities in Wales. A 'relevant authority' is a county or county borough council ("a principal council"), a community council, a fire and rescue authority and a National Park authority in Wales.
3. The Framework consists of ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'). These are included in the Conduct of Members (Principles) (Wales) Order 2001. Further, the Local Authorities (Model Code of Conduct) (Wales) Order 2008 ("Model Code of Conduct") provides for a set of enforceable minimum standards for the way in which Members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity. It also includes provisions relating to the declaration and registration of interests. The Framework has remained largely unchanged, though there have been a number of small amendments to improve the operation of the Framework over the last twenty years.

Issues

4. An independent review of the ethical standards framework for Wales has been commissioned by the Welsh Government to assess whether the Framework remains fit for purpose. The review was undertaken between April and July 2021 and took into account the new legislative requirements set out in the Local Government and Elections (Wales) Act 2021 and the current equality and diversity policy context.

5. As part of the investigation undertaken for the review, the former Chair of the Standards and Ethics Committee and the Monitoring Officer for Cardiff Council were amongst the wide range of stakeholders who were interviewed to share their experiences and views about the operation of the ethical standards framework in Wales.
6. The final report on the Independent Review of the Ethical Standards Framework in Wales ('the Independent Review Report') was published on 14th October 2021, and is appended as **Appendix A**.
7. The Committee will note that the Independent Review Report concludes the current arrangements are fit for purpose, but recommends certain changes to the Framework, including a number of changes to the Model Code of Conduct. In particular, the Committee may wish to note the following:
 - (a) There is a recommendation that initial and refresher training on the Code of Conduct should be made mandatory for all members of principal councils and community councils. The Committee will note that Cardiff Council has already designated Code of Conduct training as mandatory for all its elected Members and makes arrangements to check and follow up on completion of the training, as necessary.
 - (b) It is proposed that the Model Code of Conduct should be amended to require that any complaint should be considered for local resolution before it can be referred subsequently to the Public Services Ombudsman. The review found there was a consensus that this, combined with mandatory training on the Code of Conduct for all Councillors, would speed up the complaints process and ensure that the Ombudsman's resources are devoted to the investigation of serious complaints. The Committee should note that this recommendation, if implemented, would result in a significant increase in the number of complaints to be dealt with by the Monitoring Officer and the Standards and Ethics Committee, with associated resource implications.
 - (c) It is recommended that the Code of Conduct should be amended to formalise guidance on social media (such as that issued by the Welsh Local Government Association and the Ombudsman), in recognition of concerns about the potential for breaches of the Code as a result of the extensive and increasing use of social media. The Committee will note that Cardiff has developed a Members' Social Media Code of Principles and incorporated this within its Code of Conduct.
 - (d) There is a recommendation that members of Standards Committees should receive training, not only on the Model Code of Conduct, but also on how to hold Hearings, to ensure openness and fairness to the member complained of, to the complainant and to any witnesses. The Committee will note that Cardiff already has arrangements in place to ensure that all members of the Hearings Panel have completed training on hearings before they sit on a Panel.
 - (e) It is recommended that there should be an All-Wales Forum for Independent Chairs of Standards Committees; and the re-establishment of

the Annual Conference for Independent Chairs and Independent members of Standards Committees, to encourage consistency of approach and the adoption of best practice across Wales. The Committee will note that an Annual Welsh Standards Conference is being held on 9th February 2022 and all Committee members have been invited to attend this. Monitoring Officers are also working on setting up an All Wales Forum for Independent Chairs of Standards Committees.

- (f) There is a recommendation that the Chair of the Standards Committee should play a leadership role, along with the Chief Executive, the Monitoring Officer and the leaders of political groups, in promoting high standards of conduct across the Council. The Committee will note that this does happen in Cardiff. The (former) Chair of the Standards and Ethics Committee spoke at the initial Member induction session after the local elections in 2017, and the Chair will be invited to do so again at the Member induction following the 2022 local elections. The Chair also hosts an annual meeting of group leaders and whips to discuss Code of Conduct and standards issues.
 - (g) The review also notes the requirements being introduced, under the Local Government and Elections (Wales) Act 2021, for Standards Committees to make an annual report to the authority on the discharge of its functions, its assessment of standards of conduct within the authority and any recommendations for improving standards. The Committee will be aware that the presentation of the Committee's Annual Report to Council is a well-established practice in Cardiff.
 - (h) The review found there was serious concern about the extent of bullying, lack of respect or otherwise generally disruptive behaviour by some Members at meetings of Town and Community Councils. It suggested this is an issue that may be mitigated by a requirement for mandatory training of councillors and greater use of local resolution procedures. The Committee will note that Community Councils in Cardiff have been offered bespoke training sessions on the Code of Conduct by the Monitoring Officer, and encouragement and support to adopt their own local resolution procedures. In addition, the Monitoring Officer meets quarterly with the Clerks of the Community Councils to advise and support them on dealing with any Code of Conduct issues.
8. On receiving the Independent Review Report, in October 2021, the Welsh Government's Minister for Finance and Local Government issued a written statement saying that 'I will be considering the recommendations to amend the Model Code of Conduct in the short term. Any legislative change will be subject to a technical consultation. Action to address other recommendations will be taken forward in partnership with key stakeholders in the medium to longer term.'

Legal Implications

9. Relevant legal provisions are set out in the body of the report.

Financial Implications

10. The body of the report refers to the potential impact on resources of the proposals arising from the review. Any additional costs arising from new duties would need to be determined and supported by an identified source of funding.

RECOMMENDATION

The Committee is recommended to note the information set out in the report and the Independent Review Report (**Appendix A**); and provide any appropriate comments.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

3 February 2022

Appendices

Appendix A – Independent Review of the Ethical Standards Framework in Wales,
[Local Government Ethical Standards framework: review | GOV.WALES](#)

Background papers

Welsh Government Written Statement: [Written Statement: Review of the Ethical Standards Framework for Wales \(14 October 2021\) | GOV.WALES](#)