

STANDARDS AND ETHICS COMMITTEE:

15 DECEMBER 2015

REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES

**LOCAL GOVERNMENT ETHICAL FRAMEWORK – WELSH GOVERNMENT
CONSULTATION ON AMENDMENTS TO SUBORDINATE LEGISLATION**

Reason for this Report

1. To enable the Committee to consider the Welsh Government's proposed amendments to subordinate legislation relating to the local government ethical framework; and respond to the consultation on this matter.

Background

2. The Local Government Act 2000, Part III (and regulations made thereunder) sets an ethical framework for the conduct of local government members. In its 2012 White Paper, 'Promoting Local Democracy', the Welsh Government indicated its view that the current framework provides an appropriate balance between guiding Members on the standards of conduct expected of them, and giving reassurance to the public that misconduct will be dealt with consistently and appropriately. However, the White Paper also set out a number of proposals for improving the operation of the framework. Some of these proposals were addressed in the Local Government (Democracy)(Wales) Act 2013.

Issues

3. The Welsh Government is consulting upon two draft statutory instruments (to be made under Part III of the Local Government Act 2000), intended to give effect to the policy proposals set out in the 2012 White Paper and consequential upon legislative changes introduced by the Local Government (Democracy)(Wales) Act 2013 and related matters.
4. The Welsh Government Consultation Document, 'Local Government Act 2000 – Part III, Conduct of Local Government Members, Amendments to Subordinate Legislation', issued 30th November 2015 is attached as **Appendix A**. The deadline for responses is 10th January 2016.

5. Members will note that the proposals are largely technical. Substantive changes to the law have already been made by the Local Government (Democracy)(Wales) Act 2013. The current proposals are mostly consequential changes to subordinate legislation and the Model Code of Conduct to make them compatible with the primary legislation.
6. Members are invited to consider the proposals and consultation questions set out in **Appendix A**, and provide comments, as appropriate.

Legal Implications

7. Relevant legal provisions are set out in the Consultation Document, **Appendix A**.

Financial Implications

8. There are no financial implications arising from this report.

RECOMMENDATION

The Committee is recommended to:

1. Note the proposed amendments to subordinate legislation and consultation questions, as set out in **Appendix A**, and provide comments as appropriate; and
2. Delegate authority to the Monitoring Officer, in consultation with the Chair, to prepare and submit a response to the Welsh Government's consultation on behalf of the Committee.

Marie Rosenthal

Director Governance & Legal Services and Monitoring Officer

9 December 2015

APPENDICES

Appendix A Consultation Document, 'Local Government Act 2000 – Part III, Conduct of Local Government Members, Amendments to Subordinate Legislation, 30 November 2015