

STANDARDS AND ETHICS COMMITTEE:

3rd MARCH 2021

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

**NEW DRAFT OMBUDSMAN'S GUIDANCE ON THE CODE OF
CONDUCT - CONSULTATION**

Reason for this Report

1. To inform the Committee of a consultation on new draft guidance on the Members' Code of Conduct, issued by the Public Services Ombudsman for Wales and invite any comments to be provided in response.

Background

2. Under section 68 of the Local Government Act 2000, the Public Services Ombudsman for Wales ('the Ombudsman') may issue guidance to relevant authorities on matters relating to the conduct of their members and co-opted members. Under this statutory power, the Ombudsman has issued two separate sets of guidance on the Members' Code of Conduct – one for Members of Principal Councils and another for Members of Town and Community Councils, intended to help Members to understand their obligations under the Code. The Ombudsman's guidance was last updated in 2016.

Issues

3. The Ombudsman has issued a consultation on revised draft guidance for: (i) Members of Principal Councils and (ii) Members of Town and Community Councils: [Consultation – New draft Guidance on the Code of Conduct for members of County and Community/Town Councils \(ombudsmanwales\)](#) – both attached as **Appendix A**. The deadline for consultation responses in respect of both sets of guidance is 21st March 2021.

4. The revised draft guidance outlines Members' duties under the Code and explains the test applied by the Ombudsman when deciding whether to investigate an alleged breach of the Code. It also includes examples drawn from cases considered by the Ombudsman, local standards committees and the Adjudication Panel for Wales and reflects on issues of concern and recent trends.
5. The separate guidance for Members of Town and Community Councils is tailored to the different nature of the role that community councillors undertake in their communities.
6. The Committee is invited to consider the two separate sets of revised draft guidance on the Members' Code of Conduct issued by the Ombudsman and provide any comments to be given in response to the consultation.

Legal Implications

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

Financial Implications

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

RECOMMENDATION

The Committee is recommended to consider the Ombudsman's revised draft guidance on the Members' Code of Conduct for (i) Members of Principal Councils; and (ii) Members of Town and Community Councils (both attached as **Appendix A**), to provide any comments in response to the consultation and to request the Monitoring Officer to respond to the consultation on behalf of the Committee.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

24th February 2021

Appendices

Appendix A Public Services Ombudsman for Wales - Consultation – New draft Guidance on the Code of Conduct for members of County and Community/Town Councils: [Consultation – New draft Guidance on the Code of Conduct for members of County and Community/Town Councils \(ombudsman.wales\)](https://www.ombudsman.wales/consultation-new-draft-guidance-on-the-code-of-conduct-for-members-of-county-and-community-town-councils)