

Report to	Standards Committee
Date of meeting	3 rd December 2021
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Gary Williams, Monitoring Officer
Title	Penn Review of the Ethical Standards Framework

1. What is the report about?

1.1. The report is about the review commissioned by the Welsh Government of the Ethical Standards Framework in Wales conducted by Mr. Richard Penn, (the Review')

2. What is the reason for making this report?

2.1. The Review has made a number of recommendations in respect of the ethical framework. It is not clear which of these will be taken forward by the Welsh Government. The purpose of the report is to seek the committee's views on the review in anticipation of any future consultation conducted by Welsh Government in respect of any of the recommendations.

3. What are the Recommendations?

3.1. That the Committee considers the report produced by the Review, a copy of which is attached as Appendix 1 to this report and comments on the recommendations contained therein.

4. Report details

4.1. In March 2021 the Welsh Government announced an intention to commission an independent review of the ethical standards framework for local government in Wales. The current ethical framework was established by the Local

Government Act 2000 and has remained largely unchanged apart from some minor amendments to the Code of Conduct.

4.2. The purpose of the Review was to ensure that the framework remains fit for purpose, is open and transparent, and that it commands the confidence of all involved with it.

4.3. The Welsh Government commissioned Mr. Richard Penn, a former local authority chief executive to undertake the Review with the aim to report to Welsh Government Ministers by the end of June 2021. The intention was that any agreed changes be made ahead of the local government elections in May 2022.

4.4. The Review was to include:

- an audit of the Codes of Conduct adopted by authorities;
- an analysis of the effectiveness of the framework in fostering high standards of conduct in local government and public confidence in those arrangements;
- whether the framework is still fit for purpose;
- the role of Standards Committees;
- an analysis of the arrangements and protocols in place to support members and staff;
- consideration of the current sanctions and whether they are still appropriate.

4.5. A copy of Mr. Penn's report on the outcome of the Review is attached to this report as Appendix 1.

4.6. The overall finding of the Review was that the framework is fit for purpose and does not need major alteration. The Review suggest that some minor adjustments and amendments to the current framework could result in a lower number of low level complaints being made and the need for formal investigations being significantly reduced.

4.7. The Welsh Government has published the findings of the Review and has issued a written statement, a copy of which is attached as Appendix 2 to this report. The statement suggests that minor adjustments may be made to the

Model Code of Conduct in the short term and that any recommendations requiring legislative change will be consulted upon. It suggests that other recommendations will be considered in the medium to longer term.

4.8. The outcomes of the review are a mixture of recommendations and statements made under separate headings. These headings are:

- An audit of the Codes of Conduct adopted by all the required authorities against the Model Code 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 ten principles of conduct are still relevant and whether the Model Code of Conduct needs updating. This will include identification of areas where improvements could/should be made to the current arrangements’
- Changes to the powers and processes of the Adjudication Panel for Wales
- Consideration of the role of Standards Committees, including their role in relation to Town and Community Councils and whether the establishment of sub-committees has had any impact on the process of supporting Community Councils and dealing with complaints.

4.9. The statements and recommendations made under each of the headings listed above can be found on pages 43 – 52 of Appendix 1. They have been summarised in Appendix 3 to this report. Some of the recommendations will require some form of legislative change. Most of the recommendations that require a change in the law will require statutory instruments but there may be the need for a change to primary legislation for some of them.

4.10. The views of the Committee are sought on the Review and the recommendations set out in Appendix 3 in anticipation of future consultations.

5. How does the decision contribute to the Corporate Priorities?

5.1. There is no direct link to the Corporate Priorities

6. What will it cost and how will it affect other services?

6.1. There are no direct costs associated with this report. There may be resource requirements depending on which of the recommendations the Welsh government chooses to implement. Any future implementation will be the subject of further consultation.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. A well-being impact assessment is not required for this report.

8. What consultations have been carried out with Scrutiny and others?

8.1. There have been no consultations with Scrutiny or others. This report is brought to seek the Committee's views on the proposals contained within the Review.

9. Chief Finance Officer Statement

9.1. Text here

10. What risks are there and is there anything we can do to reduce them?

10.1. There are no particular risks associated with this report. There may be risks associated with future implementation of some of the recommendations of the Review.

11. Power to make the decision

11.1. There is no decision required.