

Statutory Guidance



Llywodraeth Cymru
Welsh Government

Statutory Guidance for Fire and Rescue Authorities and National Park Authorities in relation to standards of conduct (WG23-25)

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Statutory Guidance for Fire Rescue Authorities and National Park Authorities in relation to standards of conduct

Policy context

1. Part 3 of the Local Government Act 2000 (“the 2000 Act”) established a statutory framework to promote and maintain high standards of ethical conduct by members and employees of relevant authorities in Wales. A ‘relevant authority’ for this purpose includes a Fire and Rescue Authority and a National Park Authority.
2. The framework consists of the ten general principles of conduct for members (derived from Lord Nolan’s ‘Seven Principles of Public Life’), set out below:
 - Selflessness;
 - Honesty;
 - Integrity and propriety;
 - Duty to uphold the law;
 - Stewardship;
 - Objectivity in decision-making;
 - Equality and respect;
 - Openness;
 - Accountability;
 - Leadership.
3. These are included in the statutory Model Code of Conduct (“the Model Code”) (as required under section 50 of the 2000 Act), which lays down 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. As the Model Code may from time to time be updated, members must familiarise themselves with any changes with which they are required to observe.

Statutory Guidance on the Functions of Standards Committees

Status of this guidance

4. This guidance is issued under section 54(7) of the Local Government Act 2000 (“the 2000 Act”) as amended by the section 68(3)(c) of the Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”).
5. The duty on relevant authorities to have regard to any relevant guidance issued by the Welsh Ministers came into force on 1 May 2015.

Purpose of this guidance

6. Local standards committees play an important role in supporting members, individually and collectively, to develop and maintain a culture which embraces high standards of conduct.
7. A Fire and Rescue Authority and a National Park Authority is required by section 53 of the 2000 Act to establish a standards committee.
8. The general functions of a standards committee under section 54(1) of the 2000 Act are to promote and maintain high standards of conduct by members and co-opted members of a relevant authority and to assist them to observe the authority’s Code of Conduct (“the Authority’s Code”).
9. In addition, a standards committee also has specific functions under section 54(2) of the 2000 Act, namely to:
 - advise the authority on the adoption or revision of a code of conduct;
 - monitor the operation of the Authority’s Code; and
 - provide advice and training, or arrange training, on matters relating to the Authority’s Code.
10. An important aspect of governance arrangements is the approach taken to gifts and hospitality. While there has been some support for a Wales wide approach we consider this is a matter to be dealt with by individual authorities. We would expect standards committees to regularly review the approach taken in respect of gifts and hospitality and the use of thresholds. We would recommend this to be a matter included in standards committees annual reports. In addition it is considered this is a matter which would be routinely discussed at regular meetings of fire and rescue authorities or National Park authorities across Wales.

Duty of standards committee to make annual report

Status of this guidance

11. This guidance is issued under section 54(7) of the Local Government Act 2000 (“the 2000 Act”) as amended by the section 68(3c) of the Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”).

Purpose

12. Section 63(1) of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) inserts section 56B into the 2000 Act which places a requirement on standards committees in each relevant authority to make an annual report to the authority concerned.

13. As a minimum, the report must:

- describe how the committee has discharged its functions during the preceding financial year;
- confirm the operation of a local protocol for the resolution of complaints about members’ standards of conduct and provide an assessment of its impact. Where no local protocol has been adopted, the standards committees must consider whether the adoption of such a protocol would support its functions in relation to promoting high standards of ethical conduct;
- include an analysis of complaints about members’ standards of conduct. This analysis must include information about the number of members who have been the subject of a complaint which has been upheld, and whether they have or have not attended a training session on the Authority’s Code prior to or after the complaint was received;
- include a summary of reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales relating to the investigation of alleged breaches of the Authority’s Code, and any subsequent action taken by the committee;
- include a summary of notices given to the committee by the Adjudication Panel for Wales, relating to the Panel’s decisions on possible breaches of the Authority’s Code;
- describe the advice it has provided on training for all members and how that has been implemented.

14. The committee may also wish to report on the number of cases considered under local resolution processes. This would help to capture data on an “all Wales” basis, on matters which do not reach the Public Services Ombudsman for Wales.

15. Approaches to the management and monitoring of gifts and hospitality are often sensitive matters. It is recommended the approach to this is reviewed and agreed within individual authorities and that the regular review of thresholds for declaration of gifts, hospitality, material benefit or advantage, are included in standards committee's annual report. This will assist in terms of transparency of the arrangements.
16. The requirement to make an annual report is intended to ensure there is a regular and consistent approach to the reporting and consideration of standards of conduct by members of relevant authorities in Wales. This is intended to promote local ownership and collective responsibility by members for ensuring high standards of conduct within their authority. To this end, section 56B(6) places an obligation on a relevant authority to consider the report and any recommendations made by its standards committee within three months of its receipt. The authority's consideration of a report will be a matter of public record through the published minutes of the meeting.
17. The standards committee should consider whether there are improvements that can be made to strengthen the standards of behaviour of members. This may include recommendations about matters such as mandating training in equalities and the model code of conduct.
18. It would be good practice for standards committees to share their Annual Reports with the Public Services Ombudsman for Wales.