

Consultation response form: WG47012 (Recommendations of the Independent Review of the Ethical Standards Framework (Richard Penn report))

Your name:

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Consultation Questions

We are not seeking specific responses on all the Recommendations. This is because taking into account discussions held with stakeholders and key partners Welsh Ministers' responses to the Recommendations include a number of suggestions for legislative change, highlights some actions which have subsequently been addressed without the need for legislation since the Report was published, some suggestions for non-legislative action and further suggestions for improvement which have been identified in discussion with stakeholders since the Report's publication.

However, there is a general question at the end of the consultation questions where you can add your comments on the Recommendations that do not have a specific question below, or where you wish to make any other comments on the consultation document.

Recommendation 4

Q1. Do you agree the relevant regulations relating to the Ethical Standards Framework should be amended to align with the definitions relating to protected characteristics in the Equality Act 2010, and that we should amend the definition of equality and respect in section 7 of The Conduct of Members (Principles) (Wales) Order 2001 (legislation.gov.uk)? **Yes**

Comment: (Optional)

Protected characteristics should include:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race-colour, nationality, ethnic or national origin
- religion or belief
- sex
- sexual orientation

Recommendation 10

Q2. Should the Adjudication Panel Wales (APW) be able to issue Restricted Reporting Orders? **Yes**

Comment: (Optional)

Q3. Should there be express legal provision to enable the APW to protect the anonymity of witnesses? **Yes**

Comment: (Optional)

Q4. Do you support the proposed changes to the permission to appeal procedure outlined in this recommendation. If not, what alternatives would you suggest?

No

Comment: (Optional)

A reasonable deadline on the APW reaching a decision should be imposed-say 56 days

Q5. Should there be an express power for the APW to summon witnesses to appeal tribunals?

Yes

Comment: (Optional)

Independent member commented: Depends on what is proposed./how far the powers extend. What happens if a witness who has been called fails to attend? Will they get fined for example

Q6. Should there be any changes in the procedure for referring appeals decisions back to standards committees? **No**

Comment: (Optional)

..requires the standards committee to consider a recommendation from the APW decision that a different penalty should be imposed to the original decision.
Agreed

...the standards committee remains responsible and can reflect its response to the Panel decision in the sanction it decides to impose. **Agreed**

whether there should be any changes in the procedure referring appeal decisions back to standards committees. **No**

Q7. Do you agree there should be an express provision to enable part or all of tribunal hearings to be held in private? **Yes**

Comment: (Optional)

Q8. Do you agree that the requirement to provide not less than seven days' notice of the postponement of a hearing should be retained?
No

Comment: (Optional)
Reduce to 3 working days.

Q9. Should there be a wider range of sanctions available to the APW, and if so, what should they be? **Yes**

Comment: (Optional)

- **Requirement to undertake training**
- **That Councillors cannot seek future re-election**
- **That a sanction includes their role as Town/Community Councillor (or vice versa)**
- **Councillors cannot receive "balloons payments".**

Q10a. Do you support the proposed amendments to the process for interim case tribunals outlined in this recommendation?
Yes

If not, could you please explain.

Comment: (Optional)

Q10b. If you do support the changes to the process for interim case tribunals, do you agree that an intermediate arrangement should be put in place i.e., by shortening and streamlining the process for interim case tribunals in The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001?

Yes- Amendment to the regulations could include a new schedule specifically for a shorter, more streamlined process for interim tribunals- Agreed

If yes, do you have any suggestions as to how this process could be streamlined within the regulations? **No**

Comment: (Optional)

Q11. Do you have any further views on the recommendations made in relation to the operation of the APW?

Make decisions quicker

Recommendation 12

Q12. Do you have any suggestions as to how work might be taken forward to raise awareness of the Ethical Standards Framework, in particular for people with protected characteristics as described in the Equality Act 2010?

Yes.

Comment: (Optional)

- **Local comms campaigns via social media/working with community groups?**
- **More user friendly webpages - easy read version**
- **Also in schools when teaching citizenship.**

It is not agreed that Educational resources could also be created to be used with school pupils as part of the Welsh Baccaalaureate

Other related matters outside of the Review Report

Q13. Advertising for independent members of standards committees: Do you agree the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed? **Yes.**

Comment: (Optional)

The following can be used:

- **Local Authority website**
- **social media**
- **recruitment sites such as Indeed.**
- **WLGA**
- **Welsh language social media platforms**
- **Welsh language publications**

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Q14a. Former council employees sitting as independent members on standards committees: Do you agree that the lifelong ban on former council employees being independent members of their previous employer's standards committee should be removed?

Yes

Q14b. If yes, what do you think would be a suitable period of grace between employment and appointment to a standards committee, and should this be the same for all council employees, or longer for those who previously holding statutory or politically restricted posts?

- Grace between employment and appointment to a standards committee? **2-5 years**
- Same for all council employees? **No, 2 years for regular employees whose roles are unrelated**
- Longer for those who previously holding statutory or politically restricted posts? **Yes, longer - 5 years**

Q15. Former councillors sitting as independent members on standards committees: Do you agree that the lifelong ban on serving as an independent member on the standards committee of the council to which a councillor was elected should be removed? If yes, what do you think would be a suitable period of grace?
No

Comment (Optional):

Q16. Standards committees' summoning witnesses and sanctions: Should standards committees have the power to summon witnesses?
No

Comment: (Optional)

**Depends on what is proposed/how far the powers extend.
What happens if a witness who has been called fails to attend? Will they get fined for example?**

Q17. Do you agree that the sanctions a standards committee can impose should be changed or added to? **Yes**

If yes, what sanctions would you suggest?

- **Increase suspension power period to 11m**
- **requirement that Councillor has training**
- **requirement that Councillor gives apology, with specification as to whom/which forum should receive it**

Welsh language

We would like to know your views on the effects that the above changes to the Framework and Model Code of Conduct would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

Q18. What effects do you think there would be? **None**

Any amendments to deadlines need to take into account access to translation facilities

Q19. How could positive effects be increased, or negative effects be mitigated? **n/a**

Q20. Please also explain how you believe the proposed amendments could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

No comment

Q21. Do you have any other comments you wish to make on the matters raised in this consultation, including for those Report Recommendations where no specific question has been posed?

No: (delete as appropriate)

Comment: (Optional)

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Thank you for taking time to respond to this consultation. A summary of responses will be published in due course.