

## Local Authority Constitution

Y Pwyllgor Deisebau | 23 Hydref 2018  
Petitions Committee | 23 October 2018

### Research Briefing:

**Petition number:** P-05-845

**Petition title:** End Conflict of Interest in Local Authority Constitution

**Text of petition:**

We, the undersigned, call on the Welsh Government to enforce better code of conduct policies for employees in local authorities. Currently, planning authority officers are able to run private planning consultancy companies at the same time as maintaining their public roles. There is no available resource to invest in policing these private firms, where declared in the necessary forms, to ensure the prevention of fraud and corruption. In the example of planning officers, running private consultancies 'on the side' could potentially facilitate corruption, of which there are many types, generally relating to the abuse of office. This practice needs to be stopped immediately and the constitutions amended to no longer allow this conduct. We demand greater accountability and transparency from our local authorities and standards of conduct in such public roles need to be set higher than the private sector, where this is highly unacceptable.

### Background

[Section 82\(7\) of the \*Local Government Act 2000\*](#) makes a Code of Conduct part of the terms of appointment, or conditions of employment, of every qualifying employee. Sections 82(2) and [105\(1\)](#) of the *Local Government Act 2000* provides Welsh Ministers with the powers to make orders or regulations on this matter.

The [Code of Conduct \(Qualifying Local Government Employees\) \(Wales\) Order 2001](#) came into force in July 2001. The Schedule attached to the Order set out the key principles around what is expected of employees of local authorities in their day to day conduct.

Accountability, personal interests and treatment of information are all covered in the Code.

Local authority Monitoring Officers are responsible for ensuring that both Members and employees maintain the highest standards of conduct in fulfilling their duties.

The main duties of the Monitoring Officer are set out below. The Monitoring Officers' legal basis is found in [Section 5 of the Local Government and Housing Act 1989](#), as amended by [Schedule 5 paragraph 24 of the Local Government Act 2000](#).

The Monitoring Officer has three main roles:

1. To report on matters he/she believes are, or are likely to be, illegal or amount to maladministration.
2. To be responsible for Matters relating to the conduct of councillors and officers.
3. To be responsible for the operation of the council's constitution.

In order to ensure separation of roles, the monitoring officer may not also fulfil the duties of the Chief Finance Officer or the Director of Finance.

## Welsh Government action

In a letter to the Chair of the Petitions Committee, the Cabinet Secretary for Local Government and Public Services said:

Local Planning authority officers, along with all other officers, are required to abide by their authority's code of conduct. This does not preclude them from undertaking work in their field outside of their local authority's area of responsibility, as long as their private interests are properly registered according with the rules and they do not allow their private interests to conflict with their public duty.

The Cabinet Secretary also highlights the potential to raise any concerns about unethical behaviour with the relevant professional body, in this case the Royal Town Planning Institute.

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