

A new Senedd Act to Recall Local Government Councillors

Y Pwyllgor Deisebau | 20 Ionawr 2025
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Petition Number: P-06-1477

Petition title: A new Senedd Act to Recall Local Government Councillors

Text of petition: As it stands there is no mechanism for constituents to remove a sitting local Councillor other than at the next election, which are every five years. There needs to be an Act similar to Recall of MPs but this time Recall of Councillors.

I believe it is only fair that we treat and deal with Local Councillors in the same way as Members of Parliament. If they are not doing their job they should be removed and replaced with someone who will carry out the wishes of the people who voted them in.



1. Background

1.1. Recall mechanisms

Recall mechanisms – the means by which an elected politician can be removed from office by their constituents between elections – are a relatively rare practice in democratic institutions. The UK Parliament was the first legislature in the UK to introduce a system of recall through the [Recall of MPs Act 2015](#) for Members of the House of Commons.

The Senedd’s Standards of Conduct Committee is currently [gathering evidence](#) on whether a recall mechanism should be introduced for Members of the Senedd through its inquiry into Individual Member Accountability.

1.2. Westminster system

The [Recall of MPs Act 2015](#) provided a system of recall for Members of the House of Commons for the first time.

A recall petition against a sitting MP can only be opened if one of three conditions are met:

- The MP has, after becoming an MP, been convicted of an offence and sentenced to be imprisoned or detained for a period of less than 12 months (including suspended sentences).¹
- Following a report from the Committee on Standards, the House of Commons orders the suspension of the MP from the house for at least 10 sitting days (or 14 calendar days).
- The MP has, after becoming an MP, been convicted of providing false or misleading information in support of an expenses claim under section 10 of the Parliamentary Standards Act 2009.

For a petition to succeed, it must be signed by 10% of eligible registered electors on the parliamentary register in that constituency.

More information on the recall of MPs can be found in this [House of Commons Library briefing](#).

¹ If a sitting MP convicted of an offence receives a custodial sentence of more than a year and is detained, they would already automatically lose their seat and recall does not apply.

1.3. Accountability of Councillors

While there is no recall mechanism for councillors in Wales, there are a number of other accountability measures already in place.

The [Local Government Act 2000](#) provides for the publication of a set of principles to govern the conduct of councillors and of a model Code of Conduct.

The [Conduct of Members \(Principles\) \(Wales\) Order 2001](#) sets out these principles:

Selflessness	Objectivity in Decision-making
Honesty	Equality and Respect
Integrity and Propriety	Openness
Duty to Uphold the Law	Accountability
Stewardship	Leadership

These principles set the ethical framework for how councillors should act in their roles. Each local authority is also required to have a [Code of Conduct](#) for members based on a national Model. The current Model Code of Conduct is set out in the [Local Authorities \(Model Code of Conduct\) \(Wales\) Order 2008](#).

Members of the public can complain to the [Public Services Ombudsman for Wales](#) (PSOW) if they believe that a councillor has breached their Code of Conduct. The PSOW will assess the case and decide whether or not to investigate the complaint. If they determine that the councillor did something wrong and that further action is needed, they can refer their report to the [Standards Committee](#) of the relevant local authority or to the Adjudication Panel for Wales.

The [Adjudication Panel for Wales](#) is an independent tribunal that decides on whether councillors (and members of other public authorities) have broken their Code of Conduct. It takes on references from the Public Services Ombudsman for Wales and considers appeals against decisions made by authorities' Standards Committees. The [decisions](#) made by the Panel are published on its website.

The [Local Government and Elections \(Wales\) Act 2021](#) inserts new provisions into the Local Government Act 2000 placing an additional duty on the leaders of political groups within the 22 local authorities in Wales. Leaders of a political groups must take reasonable steps to promote and maintain high standards of conduct by the members of their group. It also requires them to co-operate with the council's Standards Committee.

2. Welsh Government action

In 2021, the then Minister for Housing and Local Government commissioned an independent review of the ethical standards framework for local government in Wales that was established by the Local Government Act 2000.

The review, conducted by Richard Penn, was published in July 2021. It concluded that the “overwhelming consensus” is that the current framework is ‘fit for purpose’, works well in practice and is viewed by many as “far superior to that currently used in English local government”.

However, it recommended a number of minor adjustments to the Model Code of Conduct, including to specify a threshold beyond which gifts or hospitality must be declared, to formalise guidance on the use of social media and to oblige members to report their own criminal conduct. The review also recommended that there should be mandatory training on the Code of Conduct for all members of principal and community councils and to extend the powers of the Public Services Ombudsman for Wales.

The Welsh Government published its response for consultation in 2023.

3. Welsh Parliament action

The Senedd’s Standards of Conduct Committee is currently considering the issue of recall for Members of the Senedd as part of its inquiry into Individual Member Accountability. This follows a commitment from the Welsh Government to work to see legislation introduced before the 2026 election to establish a system of recall for the Senedd.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.