

# Agenda

## Pwyllgor Safonau

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Dyddiad: Dydd Iau, 10 Mawrth 2022

Amser: 5.30 pm

Lleoliad:

At: Cynghorwyr: Davies, D Wilcox, P Hourahine, D Fouweather, A Mitchell (Cadeirydd),  
Watkins (Dirprwy Gadeirydd) and Worthington

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<b>Eitem</b>	<b>Wardiau Dan Sylw</b>
1	<u>Ymddiheuriadau dros Absenoldeb</u>
a	<u>Agenda - Cym</u>
2	<u>Datganiadau o ddiddordeb</u>
3	<u>Cofnodion y Cyfarfod Diwethaf</u> (Tudalennau 3 - 10)
4	<u>Materion yn codi</u>
5	<u>Cyhoeddiadau'r Cadeirydd</u> Derbyn unrhyw gyhoeddiadau y mae'r Cadeirydd yn dymuno eu gwneud.
6	<u>Cwynion</u> Bydd y Swyddog Monitro yn adrodd ar unrhyw gwynion a dderbyniwyd ers y cyfarfod diwethaf.
7	<u>Adborth o Gynhadledd Safonau Cymru Gyfan</u>
8	<u>Canllawiau Statudol Drafft - Safonau Ymddygiad</u> (Tudalennau 11 - 24)
9	<u>Arolwg Ymadael Aelodau</u>
10	<u>Hyfforddiant Cynefino i Aelodau</u>
11	<u>Gwe-ddarllediad y Pwyllgor</u> <a href="#">Standards Committee, 10 March 2022 - YouTube</a>



# Minutes

## Standards Committee

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Date: 6<sup>th</sup> January, 2022

Time: 5:30pm

Venue: Microsoft Teams Meeting

Present: A. Mitchell (Chair), K. Watkins (Vice Chair) J. Davies, R. Morgan, G. Nurton, P Worthington, D Wilcox, P Hourahine, Gareth Price (Head of Law and Regulation). Samantha Schanzer (Governance Support Officer), Anne Jenkins (Governance Team Leader), Leanne Rowlands (Democratic Services Manager)

Apologies: None

Non-attendance: Councillors D Fouweather

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### 1. Apologies for Absence

None.

### 2. Declarations of Interest

None.

### 3. Minutes of the Previous Meeting: held 15<sup>th</sup> July 2021

Councillor Hourahine asked for it to be noted that his non-attendance at the 11<sup>th</sup> November 2021 meeting was due to his being detained on other council business as the Governance and Audit Committee was scheduled for an additional meeting to discuss budgets which its chair was unable to attend, therefore leaving the Councillor to sit as Chairperson in their absence.

The Chair asked the Head of Law and Regulation whether the Standards Committee Annual Report was presented at the November Council. The Head of Law and Regulation confirmed that the report was presented by Councillor Hourahine without comment.

The minutes of the meeting held on the 11<sup>th</sup> November 2021 were **accepted as a true and accurate record**.

#### **4. Matters Arising**

None.

#### **5. Chair's Announcements**

None.

#### **6. Complaints Update**

The Head of Law and Regulation informed committee that since the last update, there had been one further complaint made to the Ombudsman concerning a Community Councillor not declaring a personal interest. The Head of Law and Regulation informed committee that the previous four outstanding complaints were still with the Ombudsman, meaning there were a total of five complaints awaiting a decision as to whether an investigation was needed.

#### **7. Election 2022 Training and Development Review**

The Head of Law and Regulation informed committee that he had hoped for more detailed guidance to be available for the training programme that was under development in readiness for the elections to be held in May 2022, but this was not the case at present and was still awaiting guidance regarding modules. The Head of Law and Regulation highlighted the Democratic Services Manager's active involvement in the development of these training programmes.

The Head of Law and Regulation reminded committee that while the Richard Penn review was complete, it was still with the minister and that they were awaiting a number of recommendations and amendments prior to May 2022's elections before they were able to update any training or the committee on its progress.

The Head of Law and Regulation informed committee that there was to be a new duty on party group leaders to manage and maintain ethical standards within their own groups. The Head of Law and Regulation added that draft guidance was being prepared by WGLA in conjunction with Welsh Government which they had hoped would be available by now. The Head of Law and Regulation informed committee that this guidance would include how this duty would be discharged by leaders and the role of Standards Committees in its oversight and monitoring these standards.

The Head of Law and Regulation advised committee that as the next meeting isn't scheduled until April, it may be worthwhile to schedule an additional meeting to address this if guidance is received beforehand.

Mrs Nurton expressed her understanding of the situation and sympathised with the Head of Law and Regulation's position. Mrs Nurton expressed an interest in the role of the Standards Committee regarding party leader's duty to uphold ethical standards within their own parties. Mrs Nurton highlighted the importance of Code of Conduct training and asked whether Newport City Council would add a commitment into the Declaration of Acceptance of Office to complete training.

- The Head of Law and Regulation highlighted that this was one of the recommendations put forward in the Richard Penn report but for it to be implemented, the regulations and Code of Conduct would have to be changed. The Head of Law and Regulation informed the committee that at present, the Declaration included the duty to abide by the Code of Conduct but not for the undertaking of mandatory training.
- The Head of Law and Regulation informed committee that it is Newport City Council's policy that members must undertake mandatory training for some committees such as Planning, Licensing and Ethical Standards training but that this was just policy and not incorporated into the Declaration. The Head of Law and Regulation assured committee that once it was implemented into the Declaration, there would be an absolute expectation for members to sign and abide by it.

Mrs Nurton emphasised the importance of Code of Conduct training. Mrs Nurton questioned how Community Councils within Newport received such training.

- The Head of Law and Regulation informed committee that it was primarily via One Voice Wales and that the obligation to provide training within Community Councils fell upon the Clerk and the Community Council.
- The Head of Law and Regulation informed committee that some support is provided by Newport City Council, but the Council cannot write policies on their behalf.
- The Head of Law and Regulation highlighted that ethical standards training is within the remit of the Standards Committee which resulted in there being a duty to ensure that all councillors are trained. The Head of Law and Regulation informed committee that for Community Councils who do not subscribe to One Voice Wales were offered such training.

Mrs Nurton asked whether Newport City Council was using e-Learning to train councillors?

- The Head of Law and Regulation confirmed that e-Learning was used.
- The Head of Law and Regulation informed committee that they were trying to address issues not only regarding the training itself, but the platforms on which they are accessed as some members found the platform difficult to navigate. The Head of Law and Regulation informed committee that they were waiting for an update and guidance on the improvement of both platform and modules, but the intention was to subscribe to it once available.

The Head of Law and Regulation informed committee that he and the Democratic Services Manager took a report to Democratic Services Committee, who were startled by the amount of training available. The Head of Law and Regulation assured committee that the expectation was not to have every councillor complete every module, but instead to offer a choice of modules to tailor an individual programme based on the councillor's needs depending on what committees they sit. The Head of Law and Regulation informed committee that they were currently developing individual training plans based upon member's roles within the council.

Councillor Davies informed committee that while One Voice Wales does offer training, it was not a free service and with a high turnover of Community Councillors, training all councillors on all courses was not feasible or affordable. Councillor Davies assured committee that training courses were nonetheless offered to all Community Councillors who wished to attend them.

Councillor Wilcox expressed that the innovation of e-Learning made essential training more available, but that cost should not impact the delivery of said training. Councillor Wilcox expressed that training needed to be something to suit both the masses but also be relevant to the individual. Councillor Wilcox felt that e-training was a more efficient way of undertaking training both initially and updating said training.

Councillor Hourahine informed committee that there was a drive to create diversity within government of all levels but there remained difficulty in attracting people to become councillors. Councillor Hourahine felt that a new approach needed to be adopted to encourage a range of councillors from various backgrounds, but was wary that excessive training and surveys may serve to discourage prospective councillors

## **8. Ethical Standards Exit Survey for Councillors**

The Head of Law and Regulation informed committee that exit surveys would be undertaken for departing members but were more aimed toward diversity and encouraging participation. The Head of Law and Regulation informed committee that through Democratic Services Committee a strategy was being developed to encourage public participation and to encourage diversity in standing members and to create ease of access in doing so. The Head of Law and Regulation informed committee that there was already information on becoming a councillor and what the role involves on the council's website.

The Head of Law and Regulation suggested that a more specific survey be conducted by the Standards Committee regarding ethical standards and the Code of Conduct. The Head of Law and Regulation informed committee that something similar was carried out previously but the response to that survey was disappointing; while only a few replies were received, the responses were positive and encouraging of the system. The Head of Law and Regulation suggested that this format could be improved upon and reused for this purpose.

Mrs Nurton expressed that this may be more the remit of Democratic Services to ask for responses regarding accessibility and behavioural issues rather than the overall feel of training.

The Head of Law and Regulation informed committee that this would be done through the Democratic Services Committee where more general questions would be asked. The Head of Law and Regulation hoped that the legislation for hybrid meetings may serve to encourage a more diverse range of people to stand as members due to obstacles being removed with the use of remote meetings. The Head of Law and Regulation assured committee that this would be addressed by Democratic Services Committee and the Participation Strategy that the Democratic Services Manager was developing but informed committee that there was some overlap into Standards Committee i.e. behaviour and ethical standards. The Head of Law and Regulation noted that if there was anything specific that the committee wished to do to investigate this further, Officers would be happy to develop it and bring it back to committee.

The chair noted that it was important that people were aware of Standards Committee and its purpose. The chair felt that a more tailored survey for members would be a positive.

Councillor Wilcox felt that a survey tailored to Newport Councillors would be beneficial and felt that it would be an excellent idea to do something such as this.

Dr Worthington echoed the previous points and highlighted that it was part of the function of the committee to ensure that ethical training was picked up. Dr Worthington expressed that it was good that it was an integral part of the Democratic Services Committee's strategy but should be picked up by Standards Committee also. Dr Worthington expressed that e-Learning was beneficial and offered members an opportunity to learn at their own pace but felt that the committee needed assurance that training was being completed and rolled out.

Mr Watkins asked whether Standards Committee specific questions could be added to the existing Democratic Services Committee survey.

The Head of Law and Regulation advised that Democratic Services Committee were not producing their own survey and it was being provided by Welsh Government who required a survey of candidates as an ethnicity survey, which the committee would oversee. The Head of Law and Regulation suggested that a Standards committee survey be created separately.

The Head of Law and Regulation informed committee that mentoring of new members was left to individual parties to arrange but was actively encouraged. The Head of Law and Regulation agreed that it was beneficial that training modules online could be undertaken by members in their own time and at their own pace but felt that they could not be a whole substitute for collective and interactive training, whether that is delivered in person or on a hybrid basis. The Head of Law and Regulation informed committee that there was plan to supplement training modules with some of their own bespoke training.

Councillor Hourahine felt that it might benefit committee to be able to read the Democratic Services Meeting minutes and reports regarding these surveys and strategies. Councillor Hourahine suggested that if the any of the committee found there to be areas missing in the report/strategy, it could be brought back to the Head of Law and Regulation.

The Head of Law and Regulation informed committee that there was a comprehensive list of training, which had been seen as off-putting to some members due to its volume. The Head of Law and Regulation echoed Councillor Wilcox' sentiment that training shouldn't be seen as a one-off and that one of the advantages of e-Learning was modules for continual development.

Councillor Davies asked that in the case of a complaint being made to the Ombudsman regarding a councillor, was it the process for the Ombudsman to continue his investigation if that councillor were to resign?

- The Head of Law and Regulation informed committee that the normal process would be that the investigation would be stopped if it only regarded the councillor and no other factors/influences as the sanctions available to the Standards Committee or Adjudication Panel for Wales were limited.
- The Head of Law and regulation informed committee that there may be a public interest report issued.
- Councillor Davies asked who informed the Ombudsman of the resignation.
- The Head of Law and Regulation informed committee that the member would have to inform the Ombudsman.

The Chair asked the Head of Law and Regulation what the best way to proceed with a survey would be.

- The Head of Law and Regulation informed committee that the previously developed series of questions was distributed via email, which received a small response. The Head of Law and Regulation suggested committee consider whether this was the best way of delivering the survey.
- The Head of Law and Regulation informed committee that a copy of the previous questions could be distributed to members for their consideration and any improvements or additions could be brought back to the committee at a future date.
- The chair agreed that this would be a good idea and asked that any improvements or additions be forwarded to him to be forwarded to the Head of Law and Regulation and the Governance Support Officer.
- The Head of Law and Regulation was content with this. The Head of Law and Regulation asked the Governance Support Officer to distribute the previous survey to members as a starting point, with additions or improvements to be brought back to a future meeting.
- Councillor Hourahine expressed that the timing of the survey's distribution should be considered to ensure maximum participation.
- The Head of Law and Regulation felt that he did not want to make the survey seem onerous to members and agreed that timing should be considered. The Head of Law and Regulation reiterated that email may not be the best form of delivery to ensure response.
- The chair expressed his interest in observing the outcome.

## **9. Date of Next Meeting:**



The chair suggested an extra meeting be scheduled wherein more up-to-date information regarding guidance could be presented. The chair suggested the date of the 10<sup>th</sup> March 2022 at 5:30pm on the proviso that the Head of Law and Regulation has such information to present.

The Head of Law and Regulation informed committee it was very likely that guidance would be available by then.

The date of the next meeting was then set to take place at 5:30pm on the 10<sup>th</sup> March, 2022.

Meeting terminated at 18:18pm.

Mae'r dudalen hon yn wag yn

# Report

## Standards Committee

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### Part 1

Date: 10<sup>th</sup> March 2022

**Subject** **Draft Statutory Guidance – Standards of Conduct**

**Purpose** To consider the draft Statutory Guidance published by Welsh Government on Standards of Conduct and formulate any consultation responses.

**Author** Head of Law and Standards

**Ward** General

**Summary** The Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) introduced a number of new duties for leaders of political groups on the Council and Standards Committee in relation to the promotion and maintenance of high standards of conduct. All of these additional duties under the 2021 Act come into force on 5<sup>th</sup> May 2022.

Group leaders have a duty to take reasonable steps to promote and maintain high standards of conduct by the members of their groups and a duty to co-operate with Standards Committee. Standards Committee must monitor group leaders’ compliance with these duties and provide appropriate advice and training. In addition, there will be a new statutory requirement for Standards Committee to produce an annual report

Welsh Ministers have the power to issue statutory guidance which group leaders and standards committees must have regard to when exercising these additional functions. The Minister for Finance and Local Government has now issued draft statutory guidance under section 52A (2) of the 2000 Act for consultation, and is inviting comments on the draft guidance by **16<sup>th</sup> May 2022**. A full copy of the Consultation questions and the draft statutory guidance is attached at **Appendix 1**.

**Proposal** **To consider the draft Statutory Guidance and agree and response to the consultation.**

**Action by** Head of Law and Regulation

**Timetable** Immediate

**Signed**

## Background

1. The Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) introduced a number of new duties for leaders of political groups on the Council and Standards Committee in relation to the promotion and maintenance of high standards of conduct. The following additional duties are set out in sections 62 and 63 of the 2021 Act (amending Part 3 of the Local Government Act 2000, insofar as it applies in Wales):-
  - (a) Duty on the part of group leaders to take reasonable steps to promote and maintain high standards of conduct by the members of their groups:
  - (b) Duty to co-operate with the Council’s Standards Committee (and any sub-committee) in the exercise of the Standards Committee’s functions
  - (c) Duty of Standards Committee to monitor group leaders’ compliance with these duties, and provision of advice and training;
  - (d) Duty of Standards Committee to make an annual report to full Council.
2. All of these additional duties under the 2021 Act come into force on 5<sup>th</sup> May 2022. Leaders of political groups must have regard to any guidance issued by Welsh Ministers in relation to the exercise of their functions under section 52A (2) of the 2000 Act. The Minister for Finance and Local Government has now issued draft statutory guidance under section 52A (2) of the 2000 Act for consultation, and is inviting comments on the draft guidance by **16<sup>th</sup> May 2022**. A full copy of the Consultation questions and the draft statutory guidance is attached at **Appendix 1**.
3. The guidance is designed to support leaders of political groups understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to and should be encouraged to develop their own approach in line with their wider statutory obligations, local circumstances, and best practice. The guidance also provides advice to Standards Committees on the discharge of their monitoring, training and reporting duties. The Minister has requested comments, in particular, about whether the draft guidance is sufficiently clear about what is expected of both leaders of political groups and Standards committees in a way that can be easily understood.
4. **Duty on the part of group leaders to take reasonable steps to promote and maintain high standards of conduct by the members of their groups**
  - 4.1 Section 52A(1)(a) of the 2000 Act (as amended by the 2021 Act) requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group. A “group” for this purpose is defined as 2 or more members who give notice to the Proper Officer that they wish to be treated as a group for the purposes of political balance requirements and the allocation of seats on Council Committees. It should be noted that opposition Group Leaders are only entitled to receive a senior salary under the IRP determinations if their group represents not less than 10% of the overall Council membership (which will mean a minimum of 6 Councillors, as from May 2022, when the Council is increased to 51 members).
  - 4.2 The guidance makes it clear that this duty does not make leaders of a political group accountable for the behaviour of their members, as conduct is a matter of individual responsibility. However, they do have a role in taking reasonable steps in maintaining standards, setting an example, using their influence to promote a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues as soon as they arise. A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code.

- 4.3 The draft guidance sets out examples of what reasonable steps group leaders can take to discharge this duty, including a commitment to training, local resolution and establishing a good working relationship with other group leaders and Standards Committee. However, the guidance is not intended to be prescriptive and allows considerable flexibility and discretion in developing a personal approach.
5. **Duty to co-operate with the council’s standards committee (and any sub-committee) in the exercise of the standards committee’s functions**
- 5.1 Section 52A (1) (b) of the 2000 Act (as amended) requires that a leader of a political group must co-operate with the council’s standards committee (and any sub-committee of the committee) in the exercise of the standards committee’s functions.
- 5.2 The draft guidance provides that Leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate ones. Group leaders should also report compliance with their duty to the standards committee. This can take the form of a short letter or report at a frequency agreed by the political group leaders in the council and its standards committee. Group leaders should also report any serious concerns about members’ behaviour which have not been remedied by informal actions, in line with the requirement in the Code for councillors to report breaches.
6. **Duty of Standards Committee to monitor group leaders’ compliance with the duties, and provision of advice and training**
- 6.1 Section 62(3) of the 2021 Act amends section 54 of the 2000 Act to extend the specific functions of a standards committee to include monitoring compliance by leaders of political groups with the new duty to promote and maintain high standards of conduct by members of their group.
- 6.2 The draft Guidance suggests that the political group leaders and Standards Committee should agree on the form and frequency of a report from each group leader to the standards committee, which would then consider each report and provide feedback to the group leaders.
- 6.3 Standards Committee must also provide advice and training, or arrange to train group leaders on the new duty. At the start of each administration this should take place within six months of the election and be reviewed at least annually. The guidance also suggests that the standards committee chair may wish to meet with group leaders periodically to review behaviour.
7. **Duty of Standards Committee to make annual report**
- 7.1 Section 63 of the 2021 Act inserts a new section 56B into the 2000 Act which places a requirement on Standards Committee to make an annual report to the relevant authority. In the case of a principal council, the requirement to report to “the authority” in this context includes any community councils in its area. The draft guidance sets out those matters that should be included within the annual report.
- 7.2 Standards Committee already present an annual report to Council which meets most of the requirements of the 2021 Act. The only difference is that the statutory report will need to be in relation to the previous financial year, while the current report (presented in November) reflects on the previous 12 calendar months. In terms of the future work programme, it may be advisable to bring the annual reporting year more into line with the financial year. Also, the guidance recommends that the Standards Committee annual report is also submitted to each of the local community councils and a copy is sent to the Ombudsman. In future, the annual report will also need to set out how the committee is discharging its new duties in relation to monitoring group leaders’ compliance with their new duties, and the provision of advice and training to group leaders.

8. The consultation document sets out a number of specific questions. Some of the questions are general in nature and relate to promotion of the Welsh language. The specific questions that relate to the substantive guidance are;

**Question 1**

*Does the draft guidance make it clear what is expected of leaders of political groups in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by leaders of political groups in principal councils?*

*If not, why not?*

**Question 2**

*Does the draft guidance make it clear what is expected of Standards Committees in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by Standards Committees?*

*If not, why not?*

There is also an opportunity under **Question 5** to add any general comments not covered by the specific questions.

**Financial Summary (Capital and Revenue)**

9. There are no financial implications.

**Links to Council Policies and Priorities**

10. The Nolan principles, which underpin the ethical standards framework, are enshrined in the Council's corporate and well-being objectives.

**Options Available and considered**

11. The Committee have the option of
- (a) Considering and commenting on the draft statutory guidance on standards of conduct; or
  - (b) Not responding to the consultation.

**Preferred Option and Why**

12. To consider the report and provide any comments in response to the draft consultation.

**Comments of Chief Financial Officer**

There are no financial implications.

**Comments of Monitoring Officer**

Included in the report.

## **Comments of Head of People and Business Change**

There are no specific staffing implications or policy implications.

## **Fairness and Equality Impact Assessment:**

The principles of fairness and equality are embodied within the Members Code of Conduct and the Ethical Framework. No FEIA is required, as the report is for information purposes only.

## **Background Papers**

Welsh Ministers Consultation on the Local Government and Elections (Wales) Act 2021: standards of conduct statutory guidance - 18<sup>th</sup> February 2020

Dated: 2<sup>nd</sup> March 2022

## **Appendix 1.**

### **Consultation on the Local Government and Elections (Wales) Act 2021: standards of conduct statutory guidance**

**18<sup>th</sup> February 2020**

#### **Foreword by the Minister for Finance and Local Government**

Councils must be places where an open culture thrives and people are made to feel welcome and respected, whatever their background, in order to encourage a more diverse range of people to seek elected office in local government. Standards of behaviour are key to this, and all members have a responsibility to act in a manner which respects and values all people.

The provisions in the Local Government and Elections (Wales) Act 2021 support this culture by providing a new duty on the leaders of political groups to take steps to promote and maintain high standards of conduct of their members. The duty recognises those in positions of leadership and influence within a principal council should have responsibility for combating bullying and harassment amongst elected members and council staff, and must act as a positive role model. Among other things, this duty is designed to support our diversity in democracy agenda and actions in our Race Equality Action Plan.

The duty is not intended to be the panacea and will not cover everyone (particularly those members who do not belong to a group), but it is designed to be proportionate and helpful. Its aim is to prevent or stop inappropriate behaviour before it escalates into a breach of the Code of Conduct.

All of us in public life must demonstrate the highest standards of behaviour and respect, particularly with regard to equalities and diversity. This guidance provides advice on the new duties introduced to support this position.

**Rebecca Evans, MS**

**Minister for Finance and Local Government**



## Introduction

The Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) provides a new and reformed legislative framework for local government elections, democracy, governance and performance.

This guidance sets out how leaders of political groups in principal councils should meet their duties contained in section 52A of the Local Government Act 2000 (“the 2000 Act”), inserted by section 62, of the 2021 Act, which relates to the promotion and maintenance of high standards of conduct by the members of the group.

Leaders of political groups must have regard to any guidance issued by Welsh Ministers in relation to the exercise of their functions under section 52A(2) of the 2000 Act.

The guidance is designed to support leaders of political groups understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to and should be encouraged to develop their own approach in line with their wider statutory obligations, local circumstances, and best practice.

This guidance specifically addresses the following duties:-

### **Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group**

Section 52A(1)(a) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group.

### **Duty to co-operate with the council’s standards committee (and any sub-committee) in the exercise of the standards committee’s functions**

Section 52A(1)(b) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council’s standards committee (and any sub-committee of the committee) in the exercise of the standards committee’s functions.

This guidance refers specifically to these duties on a leader of a political group, and sets out the expectations on how they will perform these duties. All of the duties apply from 5 May 2022. Leaders of a political group will be required to have regard to the guidance once the relevant duties come into force.

There are other provisions within Part 3 of the 2000 Act relating to standards committees, inserted by sections 62 and 63 of the 2021 Act. These aspects of the 2021 Act are also described in this guidance.

The guidance is set out as follows:-

**Chapter 1:** describes the policy context within which the duties are set and the purpose of the duties.

**Chapter 2:** explains the duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group.

**Chapter 3:** provides guidance on the duty to co-operate with the council’s standards committee (and any sub-committee) in the exercise of the standards committee’s functions

**Chapter 4:** describes the functions of standards committees in relation to the new duties.

## **Chapter 1: Policy context and purpose of the duties set out in section 52A of the Local Government Act 2000**

### **Policy context**

Part 3 of 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’ is a

county or county borough council (“a principal council”), community council, fire and rescue authority, a national park authority and a Corporate Joint Committee subject to the draft Corporate Joint Committees (General) (Wales) Regulations 2022 being made.

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

These are included in the statutory Model Code of Conduct (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 well. It also guides members on the declaration and registration of interests. All elected members must give a written undertaking to observe the Code before they can take up office.

Building on the existing arrangements, section 62 of the 2021 Act inserts a new section 52A into the 2000 Act which places a duty on leaders of political groups within a principal council to promote and maintain high standards of conduct by members of their group. Group leaders are required to co-operate with the council’s standards committee in the exercise of its general and specific functions for promoting high standards (see below).

Subsection (3) amends section 54 of the 2000 Act to extend the specific functions of a standards committee to include monitoring compliance by leaders of political groups with the new duty imposed on them by the 2021 Act to promote and maintain high standards of conduct by members of their group. A standards committee must also provide advice or provide or arrange training for group leaders on the new duty.

### **Purpose of the standards of conduct provisions**

The ethical standards framework in Wales aims to promote the observance of consistent standards of conduct by local government members. High ethical standards underpin and maintain public confidence in democratic governance and the decision making process. For any organisation to be effective it must respect diversity and treat everyone with respect. Engendering a culture within a principal council which embraces high standards of conduct, requires both local leadership and all elected members to accept responsibility for their actions both individually and collectively.

The standards of conduct provisions in the 2021 Act complement the existing statutory ethical framework and support the Code of Conduct process. The provisions are designed to ensure leaders of political groups in principal councils, supported by standards committees, promote and maintain high standards of conduct by the members of their group.

### **The wider environment in which the standards of conduct duties operate**

The standards of conduct provisions contained in the 2021 Act support the Welsh Government's wider commitment to equality and diversity in public life. Action has been taken through the Diversity in Democracy Programme to tackle the barriers which prevent individuals' active participation in local democracy. Within local government, and through the Welsh Local Government Association (WLGA), there has been a commitment to Diversity in Democracy, including councils signing Diverse Council declarations which seek, amongst other actions, to ensure councils 'demonstrate an open and welcoming culture to all'. Furthermore, the WLGA, working with the Local Government Association (LGA), Northern Ireland Local Government association (NILGA) and the Scottish body, COSLA, has been promoting the Civility in Public Life programme, which seeks to promote civil, constructive and respectful political discourse.

The Race Equality Action Plan for Wales: An anti-racist Wales sets out a series of goals and actions designed to improve the outcomes for black, Asian and minority ethnic people in Wales. The Action Plan sets out a number of goals and actions for local government relating to its leadership and representation role. It recognises that a more diverse elected representation is good for decision making and likely to lead to decisions which reflect society as a whole.

## **Chapter 2: Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group**

### **Introduction**

This chapter of guidance should be read by a leader of a political group in a principal council to support the discharge of their duties in section 52A of the 2000 Act, to take reasonable steps to promote and maintain high standards of conduct by the members of the group. The guidance here reflects the minimum requirements, recognising that leaders are best placed to build on this to develop the detail of their own approach.

### **Definition of political groups and group leaders**

Section 52A(3) of the 2000 Act enables the Welsh Ministers to make provision in regulations about the circumstances in which (a) members of a county council or county borough council in Wales are to be treated as constituting a political group; (b) a member of a political group is to be treated as a leader of the group.

The Local Government (Committees and Political Groups) Regulations 1990, made under the Local Government and Housing Act 1989, currently governs the position in this respect, until such time as regulations passed under 52A(3) of the 2000 Act are made.

### **New Duty**

Section 52A(1)(a) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group.

The duty does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility. However, they do have a role in taking reasonable steps in maintaining standards, setting an example, using their influence to promote a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues as soon as they arise.

Reasonable steps the group leader *may* undertake include:

- demonstrating personal commitment to and attending relevant development or training around equalities and standards;
- encouraging group members to attend relevant development or training around equalities and standards;

- ensuring nominees to a committee have received the recommended training for that committee;
- promoting civility and respect within group communications and meetings and in formal council meetings;
- promoting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution;
- promoting a culture within the group which supports high standards of conduct and integrity;
- attend a meeting of the council's standards committee if requested to discuss Code of Conduct issues;
- work to implement any recommendations from the Standards Committee about improving standards;
- work together with other group leaders, within reason, to collectively support high standards of conduct within the council.

As set out in chapter 1, the purpose of the new duties is to build on and support a culture which is proactive, acts on and does not tolerate inappropriate behaviour. The Guidance from the Public Services Ombudsman for Wales for members on the Code of Conduct provides advice on the Code and its requirements. It includes examples of cases considered by the Ombudsman and decisions reached by local standards committees and the Adjudication Panel for Wales which demonstrate behaviours which are unreasonable or inappropriate. Leaders of political groups and all members should have regard to the Ombudsman's Guidance, which can be accessed on the [Ombudsman's website](#).

The importance of attendance at training on the Code of Conduct has been highlighted by the Ombudsman and was raised under the independent review of the Ethical Standards Framework and Model Code of Conduct carried out by Richard Penn. Leaders of political groups should encourage all members in their group to read the Ombudsman's Guidance and any local guidance issued by the monitoring officer or standards committee and to take up any offer of training. They should also work constructively with standards committees and Monitoring Officers to identify the training requirements for themselves and for their group members.

It is essential that relationships with members are established which encourage them to raise issues with the group leader. The group leader has a significant role to play in creating a culture of trust and mutual respect in their group. Where issues arise, the importance of resolving low-level complaints at a local level has been raised by the Ombudsman and the independent Review of the Framework. Typically, these complaints are about alleged failures to show respect and consideration for others and the making of frivolous and low level complaints. The group leader should be pivotal in preventing the escalation of these complaints to the stage where more formal interventions become necessary. Leaders of political groups should have informal discussions with members who may be showing early signs of inappropriate behaviour to 'nip this in the bud' before it becomes problematic or in danger of breaching the Code. This may include suggesting and requesting training for the members concerned, asking for social media posts to be removed, and requesting apologies where appropriate.

A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code (see the Ombudsman's Guidance).

A political group's internal disciplinary procedures remain a matter for that group or any associated political party's own rules on discipline. However, it is expected that the group leader will take reasonable steps to promote and maintain high standards of conduct by members within group communications and meetings as well as their 'public' conduct outside of the group setting.

### **Chapter 3: Duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions**

## **Introduction**

This chapter of guidance is about the duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions within section 52A of the 2000 Act.

The duties will come into force from the start of the next local government electoral cycle, on 5 May 2022.

## **New Duty**

Section 52A(1)(b) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions. The duties of a standard committee are described in more detail in chapter 4.

## **Role of leader of political group**

It is essential the leaders of a political group co-operate, and ensure the members within their group co-operate, with the monitoring officer and standards committee when an issue is referred to the standards committee.

Leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate ones. Group leaders should also report compliance with their duty to the standards committee. This can take the form of a short letter or report at a frequency agreed by the political group leaders in the council and its standards committee. Group leaders should also report any serious concerns about members' behaviour which have not been remedied by informal actions, in line with the requirement in the Code for councillors to report breaches.

If a member is found by the standards committee to be in breach of the Code of Conduct and is disciplined by the committee, the leader of the political group must support the action, in order to maintain the high standards of conduct expected in public life and the Code. Group leaders should have regard to the Ombudsman's Guidance and the Sanctions Guidance issued by the President of the Adjudication Panel for Wales, which can be accessed on the [Adjudication Panel's website](#).

## **Chapter 4: Functions of standards committees**

### **Introduction**

This chapter describes the duties of standards committees in relation to standards of conduct, within the 2000 Act, inserted by section 63 of the 2021 Act.

The duties will come into force from the start of the next local government electoral cycle, on 5 May 2022.

### **Current position**

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.

A principal council, fire and rescue authority or National Park authority in Wales (but not a community council) is required by section 53 of the 2000 Act to establish a standards committee.

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 code of conduct.

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 code of conduct; and
- provide advice or provide or arrange training on the code of conduct for members of the authority.

Section 56(1) of the 2000 Act provides that a principal council's standards committee (or a sub-committee established for the purpose) also exercises these functions in relation to members of community councils in its area.

Monitoring officers work closely with standards committees and support them in providing day-to-day advice to members on conduct matters.

A principal council may arrange for its standards committee to exercise such other functions as it considers appropriate, for example, monitoring the operation of corporate maladministration complaint procedures.

### **New duties**

#### **Duty of a standards committee to monitor group leaders' compliance with the duties, and provision of advice and training**

Section 62(3) of the 2021 Act amends section 54 of the 2000 Act to extend the specific functions of a standards committee to include monitoring compliance by leaders of political groups with the new duty imposed on them by the 2021 Act to promote and maintain high standards of conduct by members of their group. As noted above, a council's political group leaders and its standards committee should agree on the form and frequency of a report from each group leader to the standards committee. The standards committee should then consider each report and provide feedback to the group leaders.

A standards committee must also provide advice and training, or arrange to train group leaders on the new duty. At the start of each administration this should take place within six months of the election and be reviewed at least annually.

The standards committee chair may wish to meet with group leaders periodically to review behaviour.

#### **Duty of standards committee to make annual report**

Section 63 of the 2021 Act inserts a new 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. In the case of a principal council, the requirement to report to "the authority" in this context includes any community councils in its area.

As a minimum, the report must:

- describe how the committee has discharged its functions during the preceding financial year;
- 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 member code of conduct, 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 member code of conduct;
- describe the advice it has provided on training for all members and how that has been implemented, and
- in the case of a principal council, include the committee's assessment of how political group leaders have complied with the new duty under section 52A(1) of the 2000 Act (inserted by

section 62 of the 2021 Act) to promote high standards of conduct, including the advice the standards committee has provided and the training it has suggested.

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.

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 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.

It would be good practice for Standards Committees to share their Annual Reports with the Public Services Ombudsman for Wales.

## **Consultation questions**

### **Question 1**

Does the draft guidance make it clear what is expected of leaders of political groups in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by leaders of political groups in principal councils?

If not, why not?

### **Question 2**

Does the draft guidance make it clear what is expected of Standards Committees in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by Standards Committees?

If not, why not?

### **Question 3**

We would like to know your views on the effects that the guidance 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.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

### **Question 4**

Please also explain how you believe the guidance 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 have 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.

### **Question 5**

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response to express your views.

## **How to respond**

Submit your comments by **16 May 2022**, in any of the following ways:

- complete our [online form](#)
- download, complete our [response form](#) and email [LGDTMailbox@gov.wales](mailto:LGDTMailbox@gov.wales)
- download, complete our [response form](#) and post to:

Local Government Democracy Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

### **Your rights**

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

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 [tell us](#).

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below: