

Report



Standards Committee

Date: 19th October 2023

Subject **Welsh Government Statutory and Non-Statutory Guidance for Principal Councils in Wales (including guidance on standards of conduct)**

Purpose To inform the Committee of the Welsh Government's Statutory and Non-Statutory Guidance for Principal Councils in Wales (the Democracy Handbook'), issued in June 2023, which includes finalised guidance on the new duties of political group leaders in relation to standards of conduct and corresponding new duties placed on standards committees (introduced by Part 4 of the Local Government and Elections (Wales) Act 2021).

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 came into force on 5th 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 is 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 finalised the statutory guidance under section 52A (2) of the 2000 Act following a consultation period which ended on 16th May 2022.

Proposal

- i) That the Committee notes the contents of the report and the statutory guidance document included at Appendix 1.
- ii) That the Committee considers and agrees the proposal that the annual review of the duties placed on group leaders takes place during the first committee meeting in each financial when group leaders are invited to attend to present their bi-annual reports on conduct.
- iii) That the Committee reconsiders the information which should be published in the members' Register of Interests in relation to registering

beneficial interests in land, and puts forward any recommended changes to full Council at its next meeting.

Action by Head of Law and Standards

Timetable Immediate

This report was prepared after consultation with:

- Head of Finance
- Head of People, Policy & Transformation

Background

1. The Local Government Act 2000, Part III (and regulations made thereunder) sets an ethical framework for the conduct of local government members. Key components of the ethical framework include the statutory Members' Code of Conduct, which sets out the duties imposed on all elected and co-opted Members; and the statutory provisions relating to Standards Committees, established to promote and maintain high standards of conduct by the members and co-opted members of the authority.
2. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), Part 4 introduced certain changes to the statutory ethical framework which took effect from 5th May 2022, and includes:
 - (a) New duties for leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by members of their group, and to co-operate with the standards committee in the discharge of its functions; and
 - (b) New duties for standards committees to monitor the compliance of political group leaders with their new duties; and for advising and training (or arranging training) of political group leaders in relation to those duties 2 (referred to in paragraph (a) above); and to submit an annual report to full Council.
3. In complying with the new duties, political group leaders and standards committees must have regard to any guidance issued by the Welsh Ministers. Draft statutory guidance was issued in February 2022 for consultation. The draft guidance was considered by this Committee on 10th March 2022 with a view to agreeing a response to the consultation. On 15th June 2023, the Welsh Government issued its finalised Statutory and Non-Statutory Guidance on democracy within principal councils ('the Guidance').
4. Part 2 of the Guidance refers to guidance on elected members' support, training and development and includes the following topics:
 - 4.0 Statutory guidance on duties of leaders of political groups in relation to standards of conduct.
 - 5.0 Statutory guidance on the functions of standards committees.
 - 6.0 Duty of a standards committee to monitor group leaders' compliance with their duties, and provision of advice and training.
 - 7.0 Duty of standards committee to make annual report.

5. The finalised Guidance largely reflects the same provisions that were included within the Consultation Draft Guidance previously considered by the Committee at its meeting in March 2022.
6. The Guidance was amended at paragraph 6.4 to read that standards committees, as opposed to standards committee chairs as originally proposed, should meet with group leaders at the beginning of each council year to agree a number of issues, to include:
 - frequency of meetings between political group leaders and the standards committee through the year to discuss compliance with the duties covered by this guidance;
 - annual reporting processes;
 - and issues arising from the analysis of complaints in respect of standards of behaviour.
7. The committee has previously agreed that it will monitor group leaders' compliance with their duties by receiving a bi-annual report in an agreed format and through the attendance by group leaders at standards committee on a bi-annual basis to discuss the content of their report. These arrangements must be reviewed by the Committee with group leaders on an annual basis, as part of the process described in paragraph 6 above. It is suggested that this meeting is included as part of the first Standards Committee each year when group leaders are invited to present their report.
8. The Committee will note that paragraph 2.34 includes guidance on Members' home addresses and the Members Register of Interests, confirming that: '... it is the view of the Welsh Government that while members have an obligation to declare interests and not to participate in or influence council business, there is no requirement for members to include their full primary address (or any other address) when registering beneficial interests in land in the authority's area. It would be sufficient for members to state that they own a property in the authority's area (for example identifying the road or ward), in order to discharge their duties under paragraph 15 of the Code.' This replicates the provisions of the draft guidance considered previously by the Committee in March 2022. Members will note that, whilst the Welsh Government's view is that identifying the ward in which property is located may be sufficient to discharge a Member's duty under the Code of Conduct (to register a description of 'any land and property in the authority's area in which you have a beneficial interest (or a licence to occupy for more than 28 days)', however, the Ombudsman's statutory guidance on the Code of Conduct refers to the street name or postcode.
9. The Committee may also wish to note that the Welsh Government has developed a set of short videos on ethical standards and the code of conduct, which can be found within the consolidated Guidance as a html online by using the following links:
https://www.youtube.com/watch?v=oolt7Nlz_4o
<https://www.youtube.com/watch?v=nJ0-2Z8i1qY>
<https://www.youtube.com/watch?v=Vf3nLmGsfsA>
10. Councils are encouraged to use the videos for their own purposes. The Head of Democratic Services and Monitoring Officer will progress the sharing of these links with Community Council Clerks for Newport as soon as possible with the recommendation that they are shown at their next meeting as a reminder of the Code of Conduct and the complaints process.

Financial Summary

1. There are no financial implications.

Risks

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Risk Title / Description	Risk Impact score of Risk if it occurs* (1-5)	Risk Probability of risk occurring (1-5)	Risk Mitigation Action(s) What is the Council doing or what has it done to avoid the risk or reduce its effect?	Risk Owner Officer(s) responsible for dealing with the risk?
An ineffective Standards Committee would undermine public confidence in local government and would lead to poor quality decision making, with the risk of legal challenge, reputational harm to the Council and sanctions imposed on individual Members	4	1	Implementing the requirements of the Statutory guidance will encourage the Promotion of high standards of ethical conduct among elected Members and officers, and by providing for the delivery of effective training.	Standards Committee Monitoring Officer Deputy Monitoring Officer

Links to Council Policies and Priorities

- 14 The Nolan principles, which underpin the ethical standards framework, and principles of good governance, are all enshrined in the Council's corporate and well-being objectives. The Members' Code of Conduct is contained within the Council's constitution.

Proposed Action

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- iii) That the Committee reconsiders the information which should be published in the members' Register of Interests in relation to registering beneficial interests in land, and puts forward any recommended changes to full Council at its next meeting.

Options Available

- i) Accept the recommendations set out in this report.
- ii) Do not accept the recommendations and put forward alternative proposals to enable the Council to comply with its statutory duties in relation to members' support, training and development as per the Statutory Guidance.

Comments of Chief Financial Officer

There are no financial impacts associated with this report.

Comments of Monitoring Officer

Included in the Report.

Comments of Head of People, Policy & Transformation

There are no specific staffing implications or policy implications.

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

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

- There are no negative impacts in terms of equalities or social disadvantage.
- In terms of the sustainable development principle and 5 ways of working

Long-term – The Statutory Framework will assist Standards Committee and the Council in working towards improving ethical standards in the long-term

Prevention – The new duties placed on group leaders will help to prevent future complaints of misconduct

Integration – The Guidance has been produced following a period of consultation which with key stakeholders including Standards Committee

Collaboration – The new duties placed on group leaders to report and interact with Standards Committee will encourage a more collaborative approach to maintaining standards of conduct amongst members.

Involvement – The bi-annual reports to be produced by Group Leaders will encourage greater involvement in resolving code of conduct matters and complaints.

The Statutory and Non-Statutory Guidance is published in English and Welsh.

Background Papers

Appendix 1: Statutory and Non-Statutory Guidance for Principal Councils in Wales, June 2023

[Statutory and non-statutory guidance on democracy within principal councils | GOV.WALES](#)

Report to Standards Committee in relation to draft guidance - 10th March 2022

<https://democracy.newport.gov.uk/documents/s21289/Standards%20Committee%20Report%20->

[%20draft%20guidance%20on%20Standards%20of%20Conduct%20March%202022.pdf?LLL=0](#)

Dated: 11th October 2023