



## Report of the Monitoring Officer

Standards Committee – 9 March 2022

### Standards of Conduct – Draft Statutory Guidance

|                                    |   |
|------------------------------------|---|
| <b>Purpose:</b>                    | To update the Committee on the Welsh Government draft statutory guidance which relates to new duties of the Standards Committee and Group Leaders.  |
| <b>Policy Framework:</b>           | Constitution.   |
| <b>Consultation:</b>               | Access to Services, Finance, Legal.   |
| <b>Recommendation(s):</b>          | It is recommended that:<br><br>1) The Standards Committee consider the draft statutory guidance attached at Appendix A and agree any response from the Committee to the consultation to be submitted to Welsh Government by the Monitoring Officer. |
| <b>Report Author:</b>              | Tracey Meredith   |
| <b>Finance Officer:</b>            | Ben Smith   |
| <b>Legal Officer:</b>              | Tracey Meredith   |
| <b>Access to Services Officer:</b> | Rhian Millar  |

#### 1. Introduction

- 1.1 The Local Government and Elections (Wales) Act 2021 amends the Local Government Act 2000 to provide additional duties for both Standards Committees and Group Leaders in Wales.
- 1.2 The Committee is aware of the new duty on political Group Leaders to take reasonable steps to promote and maintain high standards of conduct by the members of their group and to co-operate with the Standards Committee in the exercise of the Standards Committee's functions.
- 1.3 The Committee is also aware of the new duties on Standards Committees which includes making an annual report to Council setting out how it has discharged its functions including how it has monitored compliance by group leaders with their duties under the Act.

## 2. Draft Statutory Guidance

- 2.1 The Standards Committee previously received a report from the Monitoring Officer on 4 December 2020 in relation to changes to the duties of both the Standards Committee and the Group Leaders following the Local Government and Elections (Wales) Act 2021.
- 2.2 The new duties of the Group Leaders is set out at section 62 of the Act which amends the Local Government Act 2000 to provide that leaders of political groups must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and 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. In complying with the new duty a leader of a political group must have regard to any guidance about the functions under that subsection issued by the Welsh Ministers.
- 2.3 Welsh Government have now issued draft Standards of Conduct Statutory Guidance for consultation. The draft Guidance is attached at Appendix A.
- 2.4 The Guidance is designed to support group leaders in discharging their new duties and sets out expectations on how they will perform those duties.
- 2.5 In particular the Committee will note:
- the Guidance recognises that group leaders are best placed to develop their own approach and reflects the minimum requirements expected
  - the duty does not make group leaders accountable for the behaviour of members as conduct is a matter of individual responsibility
  - the Guidance usefully sets out the reasonable steps the group leader may undertake such as promoting internal resolution and training
  - the Guidance stipulates that group leaders should be pivotal in preventing the escalation of frivolous/low level complaints
  - failure to comply with the new duty in a meaningful way may potentially be regarded as bringing the office into disrepute (my emphasis but therefore may be a breach of the code of conduct)
  - group leaders should report any serious concerns as to members behaviour
  - the Guidance emphasises the co-operation with the Monitoring Officer and the Standards Committee in promoting positive behaviours.
- 2.6 The new functions of the Standards Committee include making an annual report to Council setting out how the committee's functions have been discharged during the financial year and include a summary of what has been done to discharge the general and specific functions of the Committee and the

Committees' assessment of the extent to which leaders of political groups have complied with their duties.

2.7 In particular the Committee will note:

- the Guidance recommends that the 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
- the standards committee chair may wish to meet with group leaders periodically to review behaviour
- the Guidance sets out the minimum which should be included in any annual report including the committee's assessment of how political group leaders have complied with the new duty to promote high standards of conduct, including the advice the standards committee has provided and the training it has suggested

### **3. Consultation**

3.1 The consultation on the statutory guidance runs until 16 May next. The key questions for the Committee 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?

**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?

3.2 This is the Committee's opportunity to feed into the consultation along with group leaders.

### **4. Integrated Assessment Implications**

4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

4.4 An IIA screening form has been undertaken but there are no integrated assessment implications directly associated with this report as the reports seeks to update the Committee on a statutory consultation with Welsh Government.

## **5. Financial Implications**

5.1 There are no financial implications associated with this report at this stage.

## **6. Legal Implications**

6.1 There are no legal implications other than those set out in the body of the report.

**Background Papers:** None.

### **Appendices:**

Appendix A Welsh Government Consultation on Standards of Conduct  
Statutory Guidance.