



City and County of Swansea

Notice of Meeting

You are invited to attend a Special Meeting of the

Standards Committee

At: Multi-Location Meeting - Gloucester Room, Guildhall / MS Teams

On: Friday, 17 February 2023

Time: 10.00 am

Chair: Mike Lewis

Membership:

Councillors: O G James, M B Lewis and L G Thomas

Community / Town Council Representative: C Rabaiotti

Co-opted Members: Michaela Jones, Janet Pardue-Wood, Mark Rees and Margaret Williams

Watch Online: <http://bit.ly/3XNWmL4>

Agenda

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2 Disclosures of Personal and Prejudicial Interests. www.swansea.gov.uk/disclosuresofinterests	
3 Group Leaders Duty. 10.10 am – Councillor Rob Stewart 10.30 am – Councillor Chris Holley 10.50 am – Councillor Lyndon Jones	1 - 25
4 Dispensation Form & Guidance.	26 - 35

Next Meeting: Friday, 17 March 2023 at 10.00 am

A handwritten signature in black ink that reads 'Huw Evans'.

Huw Evans
Head of Democratic Services
Friday, 10 February 2023

Contact: Democratic Services – (01792) 636923

Councillors Labour: 2

Oliver G James	Mike B Lewis
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Councillors Liberal Democrat & Independent Group 1

L Graham Thomas	
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Independent Members

Name	Term of Office	Name	Term of Office
Michaela Jones	01.10.2017 to 30.09.2023	Mike Lewis (Chair)	01.10.2017 to 30.09.2023
Janet Pardue- Wood	24.05.2022 to 23.05.2028	Mark Rees	19.10.2022 to 18.10.2028
Margaret Williams*	01.04.2015 to 31.03.2021 Re-appointed to 31.03.2025		

Community / Town Council Representative

Name	Term of Office
Carlo Rabaiotti	06.10.2022 to next Local Government Election 2027

NOTE:

1. * Denotes that the **period of office cannot be extended further**.
2. The **term of office for Independent Members** can be for not less than 4 nor more than 6 years. They can be reappointed for one further consecutive term but that term cannot be for more than 4 years.
3. **Members of the Local Authority/Community Town Councillors** who are members of the Standards Committee will have a term of office of no more than 4 years or ending at the next ordinary local government election following their election, whichever is the shorter.
4. The Standards Committee **shall not sit if the Independent Members are outnumbered by Councillors**. A Councillor shall remove him/herself from the meeting in order for the business to be transacted.
5. Only one Executive Member (except Leader) can sit on Standards Committee.

Agenda Item 3



Report of the Monitoring Officer

Special Standards Committee – 17 February 2023

Group Leader Duty

Purpose:	To meet with political Group Leaders and discuss how they maintain high standards of behaviour within their group.
Policy Framework:	Standards Committee Terms of Reference – Council Constitution.
Consultation:	Legal, Access to Services and Finance.
Recommendation(s):	It is recommended that the Standards Committee: 1) Consider the templates received by political Group Leaders and discuss with them how they consider that they have complied with their new duty to maintain high standards of behaviour within their Group.
Report Author:	Tracey Meredith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Background

1.1 At the Standards Committee meeting on 24 June 2022 the Committee resolved that:

- The Committee meets formally with the Group Leaders on an annual basis
- The Chair and Vice Chair of the Committee meet with the Group Leaders on an informal basis to monitor their compliance with the duty
- That a template report is drafted to be sent to Group Leaders to complete in terms of members of their group who have attended training (mandatory and recommended) and any steps they have taken during the year to promote high standards within their group.

1.2 A template was circulated to Group Leaders and responses are attached at Appendix A.

2. Duty of Group Leaders

- 2.1 The new duty of group leaders is to take reasonable steps to promote and maintain high standards of conduct by the members of the group. This could include leading by example, using their influence to create a positive culture, being proactive in promoting high standards of behaviour within group and addressing issues as soon as they arise. Also working with the Monitoring Officer for early advice and guidance.
- 2.2 Attached at Appendix B is the draft Guidance on Group Leader duties from Welsh Government. A final version of the Guidance is awaited following the close of consultation on the Guidance in June of 2022.

3. Integrated Impact Assessment

- 3.1 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.
- 3.2 The Well-being of Future Generations (Wales) Act 2015 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'.
- 3.3 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.
- 3.4 An IIA Screening Form has been completed with the agreed outcome that a full IIA report is not required as there are no integrated impact implications.

4. Financial Implications

4.1 There are no financial implications associated with the report.

5. Legal Implications

5.1 There are no legal implications associated with this report.

Background Papers:

None

Appendices:

Appendix A – Group Leader Templates.

Appendix B – Draft Guidance.



GROUP LEADERS REPORT ON LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021 DUTIES

Group Leader: Councillor Rob Stewart

Political Group: Labour

Number of Members: 45

Date completed:

1. Training

- Number of new members in group trained on Code of Conduct - **10**
- Number of existing members in group trained on Code of Conduct - **27**
- Number of members in group who have undertaken induction training - **10**

I have also encouraged members of my Group to undertake a range of other training opportunities including;

- Understanding Local Area Co-ordination
- E Voting
- Local Government Finance
- Licensing Committee Training (where applicable)
- Planning Committee Training – Rights of Way & Commons/Village Green Status
- Governance & Audit Committee – Induction
- Introduction to Scrutiny
- Governance & Audit Committee (Governance, Financial Management & Accounting, External Audit, Values of Good Governance)
- Governance & Audit Committee (Corporate Complaints, Governance, Performance Management, Whistleblowing)
- Governance & Audit Committee – Counter Fraud
- Licensing Committee Training – HMO's
- Chair/Vice Chair Training
- Introduction to Interests, Gifts, Hospitality, Code of Conduct and Standards
- Bias/Predetermination & Rules of Natural Justice

- Cllrs Allowances & Independent Remuneration Panel for Wales, Cllrs Self Serve – Claims for Travel, Subsistence Allowances & Cllrs Handbook.
- Communications & Social Media (and its safe use)
- Data Protection Training, Cyber Security, FOI Training and Cllrs as Data Controllers
- Corporate Parenting Training
- Recruitment and Selection Training
- Disciplinary Training
- Violence against Women, Domestic Abuse and Sexual Violence
- Safeguarding Adults and Protection of Children
- Wellbeing of Future Generations Act
- Planning Training (Applications referred to Council)

Answer/response:

Please note that while this is a summary of information recorded for physical attendance at training, members may have also accessed the online training.

2. What actions have you undertaken within your group to promote compliance with the duty to promote and maintain high standards of conduct by members of your group.

Answer/Response:

In addition to the training stated above that has been provided by the council, I have also delivered a number of Group training sessions to assist with induction of new members, refreshers for existing members and greater understanding of the processes and procedures of Council.

I also meet with all members regularly as a Group and hold 1-2-1 sessions with cabinet members and officers regularly.

I also meet with Group members regularly and on a Ward basis to check in and see how they are doing, identify any issues, provide advice and guidance and assist in finding resolutions

Other actions I have taken include;

- Attending relevant development and training myself
- Encouraging group members to attend all relevant training and chasing any non attendance
- Ensuring nominees to Committees have received the recommended training

- Working to ensure chairs of committees receive additional training
- Promoting civility, respect within all communications and at meetings
- Promoting informal resolution procedures within my group and also within the Council and working with the Monitoring Officer/ Standards Committee to achieve local resolution
- Promoting a culture within my group which supports high standards of conduct and integrity and the Nolan principles
- Attending meetings of the Standards Committee if requested to discuss Code of Conduct issues
- Meeting regularly with other group leaders to discuss items of importance and any issues and always to support high standards of conduct within the Council

3. Are there any specific issues which you wish to bring to the Chair's attention in relation to your new duty. (This would include any sensitive issues which have arisen, any use of the member/officer code of conduct, PSOW investigations).

Answer/Response:

None at present.

4. Are there any matters upon which the Standards committee could assist ie training, higher profile etc

Answer/response:

None at present



GROUP LEADERS REPORT ON LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021 DUTIES

Group Leader: Christopher Holley

Political Group: Liberal Democrat/Independents

Number of Members: 18

Date completed: 08/02/2023

1. Training

- Number of new members in group trained on Code of Conduct - **6**
- Number of existing members in group trained on Code of Conduct - **12**
- Number of members in group who have undertaken induction training - **6**
- Any other training which members have undertaken:

The full induction training

Answer/response:

Please see my separate letter

2. What actions have you undertaken within your group to promote compliance with the duty to promote and maintain high standards of conduct by members of your group. Examples could include:

- Demonstrating personal commitment to and attending relevant development and training
- Encouraging group members to attend relevant training around equalities, safeguarding and standards
- Ensuring nominees to Committees have received the recommended training
- Promoting civility and respect within group communications and meetings
- Promoting informal resolution procedures in the Council and working with the Monitoring Officer/ Standards Committee to achieve local resolution

- Promoting a culture within the group which supports high standards of conduct and integrity
- Attending meetings of the Standards Committee if requested to discuss Code of Conduct issues
- Working together with other group leaders to collectively support high standards of conduct within the Council

Answer/Response:

We have regular group meetings by which all the issues above are highlighted. I have one-to-one meetings with all the councillors new and old by that I mean newly elected home or councillors. I've been elected for some time. At those one-to-one's I discuss any issues they have and also remind them of their roles and responsibilities.

3. Are there any specific issues which you wish to bring to the Chair's attention in relation to your new duty. (This would include any sensitive issues which have arisen, any use of the member/officer code of conduct, PSOW investigations).

Answer/Response:

In the covering letter I sent there is an issue about training and whether or not the standards committee would like to have a look at how that training is conducted. I also believe that there should be a method by which in an informal way the standards committee could meet the new members.

4. Are there any matters upon which the Standards committee could assist ie training, higher profile etc

Answer/response:

As I said above, I think an informal meeting with the standards committee with members all members and especially new members could help understand the role of standards and understand the rules of what elected members are. I think there is one specific issue that needs to be brought up as if there are going to be compulsory redundancies this year and in consequential years with the budgets I do believe that there should be a set procedure where members are involved in various committees and scrutiny have definitive roll when it comes to redundancies. This is an extremely difficult and taxing issue which I think the standards committee along with members elected members, senior elected members should have a discussion.

From: Chris Holley (Councillor)

Sent: 09 February 2023 08:38

To: Tracey Meredith

Subject: Leader's Report

The last year has been quite difficult because of the new intake of Councillors and requirement of training, and of understanding of the role of Councillors within the council set up and their responsibilities to the code of conduct.

I feel towards that end we as a council improve our training and also with the help of the Standards Committee. I think there should be a process by which new Councillors have an opportunity to meet up with the Standards Committee, just to understand the view and role within the council.

I believe that the next few years are going to be very difficult for Swansea Council because of the budgets, and also the prospect of job reductions and with that comes to change in roles for many of our employees.

That will bring into question the role of elected members, and one I think that you should consider when we meet to discuss how elected members can engage with our staff when there are redundancies because I believe the understanding of members in their role, as elected, as opposed to part of the management of the council needs to be reinforced.

I think that the behaviour of members because of the role of the various leaders of the groups has improved. I also believe that the dispute resolution process is that we have in place now help no end.

I look forward to seeing you all and answering any questions that you may have when we have a face-to-face meeting in a couple of weeks' time.

Thank you

Councillor Chris Holley OBE



GROUP LEADERS REPORT ON LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021 DUTIES

Group Leader: Cllr. Lyndon Jones MBE

Political Group: Welsh Conservative Group

Number of Members: 7

Date completed: 9th February, 2023

1. Training

- Number of new members in group trained on Code of Conduct
- Number of existing members in group trained on Code of Conduct
- Number of members in group who have undertaken induction training
- Any other training which members have undertaken

Answer/response:

- All new members (2) of the group have been trained on the code of conduct.
- All existing members (5) of the group have been trained on the code of conduct.
- All members of the group have taken most of the induction training. Omissions have been as follows, but will be encouraging members to complete this training as soon as possible.
 1. Lyndon Jones: e-voting
 2. Paxton Hood Williams: Local Government Finance & e-voting
 3. Richard Lewis: Understanding Local Area Co-ordination & e-voting
 4. Will Thomas: Understanding Local Area Co-ordination & e-voting
 5. Francesca O'Brien: e-voting
 6. Angela O'Conner: Understanding Local Area Co-ordination

As Group Leader, I encourage members to take training in all aspects of our work, including training provided by the Welsh Conservative Party.

2. What actions have you undertaken within your group to promote compliance with the duty to promote and maintain high standards of conduct by members of your group. Examples could include:

- Demonstrating personal commitment to and attending relevant development and training
- Encouraging group members to attend relevant training around equalities, safeguarding and standards
- Ensuring nominees to Committees have received the recommended training
- Promoting civility and respect within group communications and meetings
- Promoting informal resolution procedures in the Council and working with the Monitoring Officer/ Standards Committee to achieve local resolution
- Promoting a culture within the group which supports high standards of conduct and integrity
- Attending meetings of the Standards Committee if requested to discuss Code of Conduct issues
- Working together with other group leaders to collectively support high standards of conduct within the Council

Answer/Response:

- As Group Leader, I encourage attending training courses, because I take the view that however experienced, you can always learn.
- All members of the Group have attended courses around equalities, safeguarding and standards.
- The Council offers training for the relevant committees, which members are encouraged to take up. As Chair of Education Scrutiny in Swansea, I arranged for the first meeting to be a training briefing for members, particularly new members of the panel.
- In the event of any Group Leader contacting me about an issue surrounding one of my Councillors, this is something I would treat very seriously and deal with urgently.
- Respect should be the watchword between Councillors across the Council and also I think equally between Councillors and Officers and Staff. You should treat others in a respectful way, you would like to be treated yourself.
- I expect the highest standards in my group with regard to respect, conduct and integrity, especially as a former Chair of the Welsh Conservative Party and Member of the UK Board of the Conservative Party, I now sit on the Disciplinary Committee for the UK Conservative Party.
- I also insist on the same standards when it comes to Social Media.
- I am fortunate that all members of my group have the highest integrity and sign up to my “respect” agenda.

3. Are there any specific issues which you wish to bring to the Chair's attention in relation to your new duty. (This would include any sensitive issues which have arisen, any use of the member/officer code of conduct, PSOW investigations).

Answer/Response:

I believe that you should treat and deal with Officers and Staff as you would like to be dealt with yourself. I am therefore pleased that all Councillors in my group agree. Courtesy and Respect are key to this.

4. Are there any matters upon which the Standards committee could assist ie training, higher profile etc

Answer/response:

In this time, it is vital that everyone is mindful of the "Courtesy and Respect" agenda that I adopt when dealing with Social Media and I think training across Council would be useful, so that the highest standards happen.

Statutory guidance for leaders of political groups in principal councils made under section 52A(2) of the Local Government Act 2000, inserted by section 62, of the Local Government and Elections (Wales) Act 2021

Overview

This document provides statutory guidance for leaders of political groups in principal councils about the exercise of their duties under section 52A of the Local Government Act 2000, inserted by section 62, of the Local Government and Elections (Wales) Act 2021.

This guidance is intended to constitute guidance under section 52A(2) of the Local Government Act 2000, inserted by section 62(2) of the Local Government and Elections (Wales) Act 2021 once commenced.

Action required

The duties in section 52A apply from 5 May 2022. Leaders of political groups in principal councils must have regard to the guidance once the relevant powers and duties come into force.

Further information

Enquiries about this document should be directed to:

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

Email: LGDTMailbox@gov.wales

This document may be accessed from the Welsh Government's website [insert link](#).

Foreword

**Rebecca Evans, MS
Minister for Finance and Local Government**

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Summary

The Local Government and Elections (Wales) Act 2021 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 Local Government and Elections Wales Act 2021 (“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 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 Local Government and Elections Wales Act 2021. These aspects of the 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.

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

Policy context

- 1.1 Part 3 of the Local Government Act 2000 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 and a national park authority.
- 1.2 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
- 1.3 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.
- 1.4 Building on the existing arrangements, section 62 of the Local Government and Elections (Wales) Act 2021 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).
- 1.5 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 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

- 1.6 The ethical standards framework in Wales aims to promote the observance of consistent standards of conduct by local government members. For any organisation to be effective it must respect diversity. 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.
- 1.7 The standards of conduct provisions in the Local Government and Elections (Wales) Act 2021 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

- 1.8 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 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 LGA, NILGA and COSLA, has been promoting the Civility in Public Life programme, which seeks to promote civil, constructive and respectful political discourse.
- 1.9 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

2.1 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 Local Government Act 2000, 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

2.2 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.

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

New Duty

2.4 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.**

2.5 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.

2.6 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;
- promoting civility and respect within Group communications and meetings and in formal Council meetings.

- overseeing and promoting existing or developing new informal resolution procedures with other Group Leaders in the council; and

2.7

2.8 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: [Guidance/Policies](#)

2.9 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 to identify the training requirements for themselves and for their group members.

2.10 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 vexatious, malicious or frivolous 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.

2.11 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 Ombudsman's Guidance). In the situation where the behaviour or conduct of the group leader is the problem, the relevant Party has a responsibility to act.

2.12 It is noted that a party's internal disciplinary procedures remain a matter for that party's own rules.

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

- 3.1 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 Local Government Act 2000.
- 3.2 The duties will come into force from the start of the next local government electoral cycle, on 5 May 2022.

New Duty

- 3.3 Section 52A(1)(b) of the 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

- 3.4 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.
- 3.5 Leaders of a political group should build good relations, and work constructively with the head of democratic service and 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.
- 3.6 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: [References from the Public Services Ombudsman for Wales | The Adjudication Panel for Wales](#)

Chapter 4 - Functions of standards committees

Introduction

- 4.1 This chapter describes the duties of standards committees in relation to standards of conduct, within the Local Government Act 2000, inserted by section 63 of the Local Government and Elections (Wales) Act 2021.
- 4.2 The duties will come into force from the start of the next local government electoral cycle, on 5 May 2022.

Current position

- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 Monitoring officers work closely with standards committees and support them in providing day-to-day advice to members on conduct matters.
- 4.9 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

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

4.10 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 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.

4.11 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 three months of the election and be reviewed at least annually.

b) Duty of standards committee to make annual report

4.12 Section 63 of the Local Government and Elections (Wales) Act 2021 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.

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

4.14 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.

DRAFT

Agenda Item 4



Report of the Monitoring Officer

Special Standards Committee – 17 February 2023

Dispensation Form and Guidance

Purpose:	To review the Councillor Dispensation form
Policy Framework:	Standards Committee Terms of Reference – Council Constitution.
Consultation:	Legal, Access to Services and Finance.
Recommendation(s):	It is recommended that the Standards Committee: 1) Approve the amended Dispensation Form with associated Guidance.
Report Author:	Tracey Meredith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Background

- 1.1 Local Authorities are required to adopt a Code of Conduct for Members and to maintain a register of Members' interests. The Code also provides that a member who has an interest in a matter must disclose that interest before taking part in any business of the authority which relates to that interest. Depending on whether the interest is personal or prejudicial members may be prevented/restricted from taking part in the matter.
- 1.2 The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 allows a Standards Committee to consider applications for dispensations from members allowing them to participate in business where that participation would otherwise be a breach of the provisions of the Code of Conduct.
- 1.3 Regulation 4 of the Local Government (Standards Committees, Investigation, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 provides that an application by a member for a dispensation can be referred to the Standards Committee of another authority for determination. This is to overcome any potential conflict of interest and possibly expedite an urgent application. Changes were also made under this legislation to the grounds for seeking a dispensation.

- 1.4 Should a Member require a dispensation they need to complete the Councillors Request for Dispensation Form which is appended as **Appendix 1**. That form is then presented to the Standards Committee for consideration.
- 1.5 As part of this Review of Councillors Dispensation, the form has been reviewed and an amended form is appended at **Appendix 2**. The amended form seeks to simplify the request for dispensations by adding boxes to set out what type of dispensation they require but also adding a tick list to the reasons they are seeking a dispensation.
- 1.6 There are some minor changes to the Guidance which goes with the Dispensation Form.

2. Integrated Impact Assessment

- 2.1 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.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 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'.
- 2.3 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.
- 2.4 An IIA Screening Form has been completed with the agreed outcome that a full IIA report is not required as there are no integrated impact implications.

3. Financial Implications

- 3.1 There are no financial implications associated with the report.

4. Legal Implications

4.1 There are no legal implications associated with this report.

Background Papers:

None

Appendices:

Appendix 1 – Current Dispensation Form and Guidance.

Appendix 2 – Proposed Dispensation Form and Guidance.

Councillors Request for Dispensation - Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 as amended

The Regulations above outline the circumstances in which the Standards Committee of a relevant Authority may grant dispensations (**Appendix A**). **Note: All Grey areas MUST be completed.**

1.	Personal Details	
Name:		
e-mail address:		
2.	Identify Paragraph(s) under which Dispensation is sought (Appendix A)	
3.	Reason Dispensation is Sought	
Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case outlining the issue / matter and your interest in it.		
4.	Dispensation Sought. Are you applying for dispensation to:	
		Please Select (Yes / No)
Exercise Executive Powers		
Request to Stay and Speak in the meeting		
Request to Stay, Speak & Vote in the meeting		
Make Written Representations		
5.	Signature & Date	
6.	Return form to: Interim Monitoring Officer (Interim Head of Legal & Democratic Services, Civic Centre or tracey.meredith@swansea.gov.uk	

Note: All Dispensations either cease at a Local Government Election or as indicated by the Standards Committee (whichever comes first). Any dispensation granted under section (j) must be reviewed by the Standards Committee once in every 12 month period from the date on which the dispensation is first granted.

Guidance Notes

Please read through the Code of Conduct. Which paragraph(s) are most appropriate to your case. Brief details of the relevant paragraphs are noted below. If unsure, contact the Monitoring Officer.

Para.	Type of Personal Interest
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> • Your employment or business; • Your employer, firm or company; • A contract made between the Council and you; • Any land, lease or licence in which you have an interest; • A public body or other association in which you have membership or hold a position of general control or management.
10(2)(b)	Council business in which there may be a conflict between your decision making role and your role in representing constituents in your ward.
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association.
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only].

The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where:

- 2(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- 2(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- 2(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- 2(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- 2(e) the interest is common to the member and a significant proportion of the general public;
- 2(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- 2(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- 2(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- 2(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- 2(j) it appears to the committee to be otherwise appropriate to grant a dispensation

**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

Please note that each section **MUST** be completed. Please refer to the attached Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name:

Contact telephone number(s):

Email address:

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

What is your interest in the above matter?

When will the above matter be considered?

Are you applying for dispensation to:

- Speak only Speak and vote:
- Make written Representations Exercise of Executive Decision

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

✓

<ul style="list-style-type: none"> at least half of the members considering the business has an interest 	
<ul style="list-style-type: none"> my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected 	
<ul style="list-style-type: none"> my participation would not damage public confidence 	
<ul style="list-style-type: none"> the interest is common to me and a significant proportion of the general public; 	
<ul style="list-style-type: none"> my participation in the business is justified by my particular role or expertise; 	
<ul style="list-style-type: none"> the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary/financial interest; 	
<ul style="list-style-type: none"> The business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest 	
<ul style="list-style-type: none"> It is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability 	

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

(Please note that failure to complete this section will result in the application form being returned to you)

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:

Date:

Please return this form to the Monitoring Officer

Guidance notes

(1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence in which you have an interest • a public body or other association in which you have membership or hold a position of general control or management
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association

(2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the Council or of a committee of the Council (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the Council by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) the inability of the member to participate would upset the political balance of the Council or any of its committees by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary/financial interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the Council and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business;
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed; or
- (j) It appears to the committee to be otherwise appropriate to grant a dispensation [If this circumstance is relied upon it will be required to be reviewed on a 12 month basis – Local Government (Standards Committees, Investigations, Dispensations and Referral)(Wales)(Amendment) Regulations 2016.