



## **STANDARDS COMMITTEE – 28<sup>TH</sup> FEBRUARY 2023**

**SUBJECT: GROUP LEADERS DUTIES AND ANNUAL REPORT OF STANDARDS COMMITTEE**

**REPORT BY: HEAD OF LEGAL SERVICES & MONITORING OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 The Local Government and Elections (Wales) Act 2021 (“the Act”) has reformed the legislative framework for local government elections, democracy, governance and performance. This report concentrates on 2 changes brought about by the Act: the new duties on group leaders to promote and maintain standards of conduct by members of their respective political groups and the responsibility of the Standards Committee to produce an annual report to Council.

### **2. SUMMARY**

- 2.1 The Act introduces 2 new duties on leaders of political groups in Welsh councils, namely:-
- (1) 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) 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 in the exercise of the standards committee’s functions.
- 2.2 The production of an annual report by the Standards Committee.

### **3. RECOMMENDATIONS**

- 3.1 To note the changes to the legislation and to endorse how the Standards Committee will monitor compliance with the duties by the Group Leaders and how the Standards Committee will produce an annual report to council.

## **4. REASONS FOR THE RECOMMENDATIONS**

To comply with the legislative changes introduced by the Act.

## **5. THE REPORT**

### **Duties on Group Leaders**

- 5.1 The Act has introduced many changes for local government in the spheres of elections, governance, performance and democracy. The Act allows the Welsh Government to issue guidance on the changes within the Act. The Welsh Government has issued guidance to support leaders of political groups to 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.
- 5.2 The first duty on group leaders to take reasonable steps to promote and maintain high standards by the members of the group 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, the guidance says that group leaders 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.
- 5.3 The guidance says that reasonable steps the group leader can 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.

- 5.4 The second duty 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.
- 5.5 The guidance says that 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.
- 5.6 The guidance advises 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. It is suggested in Caerphilly that the group leaders complete a template as shown at **appendix A**. The template should be completed so that the information is available in time to be referred to in the annual report of the Standards Committee which will be given to the annual meeting of council in May each year, referred to later in the report. 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.
- 5.7 The template has been produced by Flintshire and it is hoped will be used across Wales. The completed template by the group leader will be used in a confidential meeting with the Standards Committee which will allow the Standards Committee to assess how each group leader is complying with the duties. The assessment will form part of the Standards Committee's annual report to Council.
- 5.8 The guidance on the second duty says that 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](#).

#### **Annual report of Standards Committee**

- 5.9 The Act also extends 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, the political group leaders will complete the template at appendix A annually for consideration by the standards committee in its assessment of how group leaders are complying with the duties. Its assessment of how the group leaders are complying with their new duties will be included in the annual report.
- 5.10 The annual report of the Standards Committee must include:
- 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
- the committee's assessment of how the 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.

- 5.11 The standards committee may also wish to report on the number of cases considered under the Council's local resolution protocol. This will help to capture data on an "all Wales" basis, on matters which do not reach the Public Services Ombudsman for Wales.
- 5.12 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 councils 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, the Act places an obligation on the Council 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.
- 5.13 The guidance states that it would be good practice for the Standards Committee to share the annual report with the Ombudsman.
- 5.14 The terms of reference of the Standards Committee has already been amended to include the new duty to produce an annual report.

## **6. ASSUMPTIONS**

- 6.1 No assumptions are required within this report.

## **7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 Due to the nature of the report, there is no requirement to undertake an Integrated Impact Assessment.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 There are no financial implications outside agreed budgets.

## **9. PERSONNEL IMPLICATIONS**

9.1 There are none.

## **10. CONSULTATIONS**

10.1 Any responses have been included within the report.

## **11. STATUTORY POWER**

11.1 Local Government and Elections Act 2021

Appendices: Appendix A - Promoting Compliance with the Code of Conduct

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