

## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 6 June 2022
<b>Report Subject</b>	Welsh Government Guidance on the duty of Group Leaders to promote Ethical Behaviour
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

The Local Government and Elections (Wales) Act 20221 imposed a new duty on Group Leaders to take reasonable steps to promote and maintain high standards of conduct by members of the group. It also imposes a duty on the Standards Committee to comment on Group Leaders' compliance with that duty as part of its new annual report.

Group Leaders and the Committee must have regard to statutory guidance issued by Welsh Government. It has previously considered an early draft of that guidance. A consultation draft of the guidance was earlier this year. It is broadly the same as the previous guidance in that it sets out the ways in which a Group Leader might promote good conduct and suggests that it would bring their position into disrepute if they fail to do so. A notable difference is in respect of the reporting function which is now less detailed.

The consultation opened in February and in May which largely coincided with the pre-election period. It has therefore not been possible to report to the draft guidance to the Committee before now.

### RECOMMENDATIONS

1	That the Committee notes the proposed guidance.
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### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE PROPOSED STATUTORY GUIDANCE</b>
1.01	The Committee has previously received reports informing it of the new duty on a Group Leader to promote and maintain good standards of conduct by members of their group. It also considered an early draft of the statutory guidance on how that duty should be performed.

1.02	<p>Welsh Government published a consultation draft of the guidance in February. The guidance mirrors the early draft in many respects. It still includes examples of how Group Leaders might perform this duty such as:</p> <ul style="list-style-type: none"> <li>• demonstrating personal commitment to and attending relevant development or training around equalities and standards;</li> <li>• encouraging group members to attend relevant development or training around equalities and standards;</li> <li>• ensuring nominees to a Committee have received the recommended training for that Committee;</li> <li>• promoting civility and respect within group communications and meetings and in formal Council meetings;</li> <li>• promoting informal resolution procedures in the Council, and working with the standards Committee and monitoring officers to achieve local resolution;</li> <li>• promoting a culture within the group which supports high standards of conduct and integrity;</li> <li>• attend a meeting of the Council's Standards Committee if requested to discuss Code of Conduct issues;</li> <li>• work to implement any recommendations from the Standards Committee about improving standards;</li> <li>• work together with other Group Leaders, within reason, to collectively support high standards of conduct within the Council.</li> </ul> <p>NB the final example was included following representations by this Committee on the early draft.</p>
1.03	<p>The guidance makes clear that the Committee should arrange to train the Group Leaders on the duty within 6 months of the elections and annually thereafter. It suggests meeting periodically with Group Leaders to review behaviour which, of course, this Committee already does and has been doing for some time.</p>
1.04	<p>The early draft contained more detail on the duty to report on Group Leaders' performance. The current draft states  "... 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."</p> <p>The issue of reporting on this duty was due to be discussed at an Ethical Liaison Meeting that was due to take place in March. Unfortunately, that meeting needed to be re-arranged and will now take place on 27 June. The Committee considered the issue of reporting at its meeting in January following which I developed the attached template at Appendix 1</p>
1.05	<p>Draft responses to the consultation have been prepared and are attached at Appendix 2 for consideration.</p>
1.06	<p>The consultation was launched when the council had ceased Committee meetings in order to allow preparations for the elections to be resourced. It then ran through the pre-election period and closed in May. Though the Committee's comments will be late we can ask WG to accept them in the circumstances.</p>

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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None arising from this report. The resources exist to prepare an annual report which includes commentary on the Group Leaders' performance of the new duty.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The statutory guidance will be discussed with Group Leaders at the Ethical Liaison Meeting on 27 June 2022.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Guidance on the new duty and how it is to be fulfilled will help to increase clarity around expectations and thereby increase the chance of compliance. Conversely it should minimise the risk of conflict or contention in the event of perceived non-compliance. Fulfilling the duty will in itself help to promote behaviour that reduces the risk of behaviour that fails to meet statutory requirements.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Template report Appendix 2 – Suggested response

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<a href="#">Consultation document.</a>  <b>Contact Officer:</b> Gareth Owens, Chief Officer Governance <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:Gareth.legal@flintshire.gov.uk">Gareth.legal@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Ethical Liaison Meeting</b> – periodic meeting between the Chair and Vice Chair of the Standards Committee with the Chair and Leader of Council plus Group Leaders  <b>Group Leader</b> – Councillors split into political groups based on shared opinions or values for support and administrative reasons. They can but do not always correlate to national political parties. The Council has 5 such groups.