

STANDARDS COMMITTEE

Date of Meeting	Monday 10 January, 2022
Report Subject	Agenda items for the next Ethical Liaison Meeting
Report Author	Chief Officer Governance

EXECUTIVE SUMMARY

The Committee on Standards in Public Life recommends that the Chair and Vice Chair of the Standards Committee meet periodically with senior members of the Council to discuss ethical issues. The next such meeting needs to be arranged and will include the Chair and Leader of Council plus the Group Leaders.

At the last meeting the principal topic of discussion was the forthcoming statutory duty on Group Leaders to promote good standards of behaviour. The primary focus was on training/induction and Group Leaders agreed a number of actions to assist in the induction programme for Members after the elections in May 2022. There was insufficient time to discuss how the Committee would report on the performance of the duty and this should be discussed at the next meeting.

RECOMMENDATIONS

1	That the draft agenda for the next Ethical Liaison Meeting be agreed.
2	That the final agenda be agreed by the Chief Officer Governance in consultation with the parties to the meeting.

REPORT DETAILS

1.00	EXPLAINING THE ETHICAL LIAISON MEETING
1.01	The Committee on Standards in Public Life recommends that the Chair and Vice Chair of the Standards Committee should meet periodically with

	<p>senior members of the Council to discuss ethical issues. Two such meetings have taken place.</p> <p>A second meeting was held on 16th August and it is now appropriate to arrange the third meeting.</p>
1.02	<p>The last meeting discussed how the Council will apply the new duty on group leaders under the Local Government and Elections (Wales) Act 2021. The duty comes into force in May 2022 and inserts a new section into the Local Government Act 2000 which also creates a new reporting duty as set out below:</p> <p>Section 56B Local Government Act 2000</p> <p>(4) An annual report by a Standards Committee of a County Council must include the Committee's assessment of the extent to which leaders of political groups on the Council have complied with their duties under section 52A(1) [duties of leaders of political groups in relation to standards of conduct] during the financial year.”</p>
1.03	<p>The focus at the last meeting was on the induction programme to be put in place following the elections in May. It was not possible to talk about the duty on the Committee to prepare an annual report that comments on the compliance of Group Leaders with their new duty. This is an important part of the new statutory duties and needs to be agreed between the Committee and group leaders.</p>
1.04	<p>We have now received an early draft of the statutory guidance in respect of the group leaders' duty (see Appendix 1). It has not been formally published for consultation yet (which was due in December but has been slightly delayed), and so the final guidance may change. However, it is a good early indication of what will be expected under the new duty, and can help to frame the expectations of group leaders against which the Committee will report.</p>
1.05	<p>The draft statutory guidance suggests that failure to fully comply with duty might be regarded as bringing the office of group leader into disrepute, so it is necessary to be precise about what can reasonably be expected of group leaders. For example, the new duty does not make group leaders responsible for the behaviour of their group members. So a breach of the code by a group member should not necessarily reflect on the leader of that group, if she or he has been active in promoting good behaviour.</p>
1.06	<p>Derived from the guidance the following standards seem to be those against which levels of compliance should be reported -</p> <ol style="list-style-type: none"> a) Each group leader must take reasonable steps to promote and maintain high standards of conduct by the members of the group as set out within the code of conduct and the Public Services Ombudsman's guidance; b) Each group leader must take reasonable steps in maintaining standards, setting an example, using their influence to promote a

	<p>positive culture, being proactive in promoting high standards of conduct in their group and addressing issues as soon as they arise.</p> <p>c) Taking reasonable steps includes:</p> <ul style="list-style-type: none"> - demonstrating personal commitment to and attending relevant development or training around equalities and standards; - encouraging group members to read the Ombudsman’s guidance on the code plus local codes and protocols, attend relevant development or training around equalities and standards; - encouraging group members to attend relevant development or training for committees that require specific training (currently Planning, Governance & Audit and Licensing Committees); - promoting civility and respect within Group communications and meetings and in formal Council meetings; and - overseeing and promoting existing informal resolution in order to prevent, where possible, issues of behaviour needing to be escalated for formal action
1.07	<p>The draft guidance says (paragraph 3.7) that group leaders need to report to the Committee and suggests the following:</p> <p>“ [the report] 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. “</p> <p>A twice yearly report might be sufficiently frequent without being too onerous.</p>
1.08	<p>It is suggested that the agenda for the meeting should focus on the issues highlighted in this report plus anything that might be suggested by the group leaders.</p>

2.00	RESOURCE IMPLICATIONS
2.01	None directly arising from this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The Chair and Leader of Council plus the Group Leaders will be consulted on the proposed agenda.

4.00	RISK MANAGEMENT
4.01	Resolving how the new reporting duty 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.
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5.00	APPENDICES
5.01	Appendix 1 – draft statutory guidance on the duty of Group Leaders to promote good behaviour.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None. Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: Gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None