

## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 3 April 2017
<b>Report Subject</b>	White Paper – Reforming Local Government: Resilient and Renewed
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

The White Paper makes proposals for the reform of local government and provides consultation questions which are open for response until the 11 April 2017.

The White Paper appends a table of the proposals set out in the Local Government Bill which was published in November 2015 (the Bill), and summarises which of those proposals will be omitted, amended or retained in a new local government bill, and the consultation questions seek views on those proposals.

The provisions about mandatory mergers of councils will be removed from the Bill. There is proposed provision for some mandatory regional working (e.g. Transport and Social Services) and scope for voluntary mergers or voluntary shared services where authorities have to put their proposals to WG for approval. However, where such shared services exist councillors will of course still be bound by the code of conduct in undertaking their role in those services.

As well as re-organisation the White Paper contains proposals on how to improve behaviour within councils. The main matters relating to the duties and business of standards committees are:-

- Duties on members of County Councils to show how they communicate and engage with their electorate and the role of standards committees in providing advice and training to members about their new duties
- Duties on leaders of political groups to promote good standards of conduct amongst their members;
- Proposals for triggering a by-election where a member is subject to a sanction for breach of their duties;
- Training requirements for Town and Community Councillors; and
- Annual reporting for standards committees

This report will summarise the above matters, including where provisions from the Bill are retained or amended, or where new provisions are proposed.

## RECOMMENDATIONS

1	To consider and discuss the White Paper and share views on the proposals within the White Paper relating to the business of the standards committee so that those views can be reported in response to the consultation.
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## REPORT DETAILS

<b>1.00</b>	<b>THE WHITE PAPER</b>
1.01	<p><b>Duties on members of County Councils to show how they communicate and engage with their electorate and the role of standards committees in providing advice and training to members about their new duties</b></p> <p>The Bill sets out new duties of Councillors to show, amongst other matters, engagement with their constituents. Those duties are set out under Part 4, Chapter 2 of the Bill and include specific duties to attend meetings, hold surgeries for their constituents, respond to correspondence within 14 days, complete training and complete an annual report on compliance with those duties. Part 4, Chapter 3 of the Bill set out procedures for investigating breaches of those new duties and then provisions for the standards committee to make decisions about alleged breaches. The standards committee would therefore have a new role over and above the role of considering ethical breaches under the code of conduct.</p> <p>The intention set out in the White Paper is to retain these provisions in principle but make some minor amendments such as replacing the duty to hold surgeries to one of facilitating discussion of constituents' issues with them in private; the annual reports duty is to be replaced by one requiring Councillors to say how they have carried out communications with their electorate. There is an intention to extend the period of time from two to three weeks for Councillors to respond to correspondence from their constituents.</p> <p>The intention is to offer a "menu of choices" for councillors so that they can chose the best way to engage with their constituents, depending on the local needs of constituents.</p> <p>In terms of sanctions for breaching those new proposed duties there is a proposed amendment to the Bill to include a provision that if a member is subject to a sanction for breach from the Standards Committee, and a petition of more than 20% of the electorate is signed seeking removal of the member from office, then there will be a by-election.</p> <p>Of some concern to Monitoring Officers is the proposed duty to report to the Standards Committee where they have information to suspect a breach of this duty. This would alter the relationship between councillors</p>

	<p>and officers and might deter councillors from seeking advice and support from the monitoring officer. The monitoring officer group, Lawyers in Local Government, is providing comments in response to the White Paper on this issue.</p> <p>The standards committee will be required to provide advice and training to councillors about these new duties.</p>
1.02	<p><b>Duties on leaders of political groups to promote good standards of conduct amongst their members and to co-operate with standards committees in exercising their functions</b></p> <p>This duty is to be included in the new Bill, as are the provisions relating to the role of standards committees in providing advice and training about their new duties.</p>
1.03	<p><b>Training requirements for Town and Community Councillors</b></p> <p>The provisions about reviewing community council arrangements, and placing various accounting duties upon community councils (annual reports etc.) are to be omitted from the Bill. The Bill also set out detailed duties for community councillors to undertake training and set out provisions for community councillors who breach those very specific duties.</p> <p>The White Paper proposes removing the duty to undertake specific training and replace it with a duty for community councils to consider their training needs and prepare and publish a plan setting out how it proposes to respond to the training needs identified.</p>
1.04	<p><b>Annual reporting requirements for standards committees</b></p> <p>The Bill proposed a requirement for standards committees to produce an annual report of their functions and how they have been carried out. This will include reporting on their functions regarding the new duties set out above.</p>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	Additional requirements placed on the standards committee may increase the need for the committee to meet.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The White Paper is open to consultation responses until the 11 April 2017.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	N/A

<b>5.00</b>	<b>APPENDICES</b>
5.01	The White Paper, Annex one: Status of proposals consulted on as part of the Bill

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p><a href="https://consultations.gov.wales/sites/default/files/consultation_doc_files/170130-white-paper-en.pdf">https://consultations.gov.wales/sites/default/files/consultation_doc_files/170130-white-paper-en.pdf</a></p> <p><b>Contact Officer:</b> Matthew Georgiou, Deputy Monitoring Officer  <b>Telephone:</b> 01352 702330  <b>E-mail:</b> <a href="mailto:matthew_georgiou@flintshire.gov.uk">matthew_georgiou@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	PSOW:- the Public Services Ombudsman for Wales whose duty it is to investigate complaints made by members of the public in relation to the actions and decision making of public bodies in Wales.
7.02	WG: - Welsh Government