

Draft Statutory Guidance – Standards of conduct

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Question 1: Does the draft guidance make it clear what is expected of leaders of political groups in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by leaders of political groups in principal councils?
If not, why not?

Response - In respect of the reasonable steps set out at page 8 of the draft Guidance whereas one of the bullet points places an expectation on the group leader “demonstrating”, it is suggested that more of the steps should place a requirement on a group leader to demonstrate reasonable steps taken; this would assist with ensuring engagement on the part of a group leader in their compliance with section 62 of the Local Government and Elections (Wales) Act 2021/section 52A of the Local Government Act 2000.

It is recommended that the provisions set out at page 7 and 9 are better aligned regarding implications associated with the Members’ Code of Conduct. The draft Guidance at page 7 states “the duty does not make leaders of a political group accountable for the behaviour of their Members as conduct must be a matter of individual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”. Page 9 of the draft Guidance reference is made to “a leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their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...” It is recommended that the reference at page 7 also mentions the fact that failure to take reasonable steps however could be a breach of the code by the Group Leader..

At page 10 of the draft Guidance reference is made to “Group leaders should also report any serious concerns about Members’ behaviour which have not been remedied by informal actions, in line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”. This should be re-phrased so as to remind Group Leaders of the duty on members under the code to report matters to their Monitoring Officer which they reasonably believe to be a breach of the code.

Reference is also made at page 10 of the draft Guidance to “If a member is found by the standards committee to be in breach of the Code of Conduct and is disciplined by the committee, **the leader of the political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”

(my emphasis). It is suggested that for the benefit of a group leader and the Standards Committee that there is further indicative detail as to what would equate to supporting the action

Question 2: Does the draft guidance make it clear what is expected of Standards Committees in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by Standards Committees?
If not, why not?

Response: Save for the point raised below, it is considered that the draft Guidance provides sufficient clarity whilst providing scope for each Standards Committee to determine how to proceed with compliance with the requirements expected of the Standards Committee.

However, with reference to the provision at page 12 of the draft Guidance to “a council’s political group leaders and its standard committee should agree on the form and frequency of a report from each group leader to the standards committee”, whereas consultation on this point with group leaders is supported, it may not be possible to agree in which case the Standards Committee must be able to decide the format and required content for the report.

Question 3: We would like to know your views on the effects that the guidance would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Response: The Guidance would neither have an adverse nor positive impact.

Question 4: Please also explain how you believe the guidance could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and have no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Response: No comments in this regard.

Question 5: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response to express your views.

Response: No further comments.