

Public Document Pack

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To: Julia Hughes (Chair)

Councillors: Gladys Healey, Patrick Heesom and Arnold Woolley

Co-opted Members:

David Wynn Davies, Jonathan Duggan-Keen, Jacqueline Guest, Mark Morgan and Gill Murgatroyd

4 January 2022

Dear Sir/Madam

NOTICE OF REMOTE MEETING
STANDARDS COMMITTEE
MONDAY, 10TH JANUARY, 2022 at 6.30 PM

Please note that a training session on the Code of Conduct will be held prior to the start of the meeting from 6.00pm to 6.30pm.

Yours faithfully

Gareth Owens
Chief Officer (Governance)

Please note: This will be a remote meeting and 'attendance' will be restricted to Committee Members and those Members of Council who have asked the Head of Democratic Services for an invitation. Such attendees may only speak at the Chair's discretion.

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire-public-i.tv/core/portal/home>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 DECLARATIONS OF INTEREST

Purpose: To receive any Declarations and advise Members accordingly.

3 MINUTES (Pages 5 - 12)

Purpose: To confirm as a correct record the minutes of the meeting held on 1 November 2021.

4 DISPENSATIONS

Purpose: To receive any requests for dispensations.

Members of the press/public will be able to remain at the meeting whilst an application for dispensation is presented to the Committee and will be able to return to hear the Committee's decision. However, under Paragraph 18C Schedule 12A Local Government Act 1972 the Committee will exclude the press and public from the meeting whilst it deliberates on any application for a dispensation.

ITEMS FOR DECISION

5 AGENDA ITEMS FOR THE NEXT ETHICAL LIAISON MEETING (Pages 13 - 30)

Purpose: To ask Members for suggested topics of discussion at the next meeting between the Chair/Vice Chair of the Committee and Senior Councillors.

6 NATIONAL FORUM FOR STANDARDS COMMITTEE CHAIRS (Pages 31 - 34)

Purpose: To consider whether there should be a national forum for Standards Committee Chairs of a type similar to the North and Mid Wales Forum for Independent Members

ITEMS FOR INFORMATION

7 ALL WALES STANDARDS CONFERENCE 2022

Purpose: To inform Members about the arrangements for the All Wales Standards Conference 2022 that will take place on Wednesday 9th February starting at 10.00 a.m.

8 **FORWARD WORK PROGRAMME** (Pages 35 - 36)

Purpose: For the Committee to consider topics to be included on the attached Forward Work Programme.

Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours

Procedural Note on the conduct of meetings

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote

At County Council and Planning Committee meetings speaker's times are limited. A bell will be sounded to alert that the speaker has one minute remaining

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

STANDARDS COMMITTEE **1 NOVEMBER 2021**

Minutes of the meeting of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 1 November 2021

PRESENT: Julia Hughes (Chair)

Councillors:

Gladys Healey, Patrick Heesom, and Arnold Woolley

Co-opted members:

Jonathan Duggan-Keen, Phillipa Earlam, Jacqueline Guest, Mark Morgan, and Gill Murgatroyd

TOWN AND COMMUNITY COUNCIL REPRESENTATIVES:

Councillor Vivienne Blondek of Buckley Town Council, Mared Eastwood – Clerk, Argoed Community Council, John Golledge – Chair Northop Hall Community Council; Janet Jones, Clerk – Queensferry Community Council; Karen Perry – Queensferry Community Council; John Pattison, Holywell Town Council; Phillip Parry - Clerk to Caerwys Town Council Halkyn, Whitford and Dyserth Councils.

APOLOGIES: Andy Trumper - Holywell Town Council

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer, Democratic Services Team Leader and Democratic Services Officer

Prior to the start of the meeting the Chair welcomed the representatives of Town and Community Councils who had joined the meeting.

20. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Julia Hughes declared a personal interest in item 9: Public Services Ombudsman for Wales (PSOW) Annual Letter, as she was a member of the Standards Committee, Denbighshire County Council.

21. MINUTES

The minutes of the meeting held on 6 September 2021 were submitted.

Accuracy

Page 7, Item 18: Gill Murgatroyd referred to the third bullet point and said that it had been agreed that the item on Independent Member visits to Council meetings would be moved from January to June 2022. It was agreed that the minutes would be amended.

Matters arising

Page 5, Item 14: In response to a question from the Chair the Monitoring Officer confirmed that the findings had been formally shared with Chairs of Committees and Group Leaders.

Page 6, Item 16: the Monitoring Officer advised that the date for the Pan Wales Standards Conference had not yet been confirmed but he would make further enquiries.

Page 7, Item 17: The Chair reminded members that a date was yet to be confirmed for the next Ethical Liaison meeting.

Subject to the above amendment the minutes were moved by Mark Morgan and seconded by Gill Murgatroyd.

RESOLVED:

That subject to the above amendment, the minutes be approved as an correct record.

22. CHANGE IN THE ORDER OF THE AGENDA

The Chair proposed that item 4: Dispensations be moved to the final item on the agenda as this would facilitate a less disruptive process for those present at the meeting. This was agreed by the Committee.

23. PENN REVIEW OF THE ETHICAL STANDARDS FRAMEWORK

The Monitoring Officer introduced a report to share the findings of a report by Richard Penn, a former Chief Executive (latterly at Bradford City Council), following his review of the Ethical Standards Framework, and the Welsh Government's (WG) response.

The Monitoring Officer provided background information and explained that the terms of the review were as detailed in the report. He advised that a link was provided in the report to the written statement from the WG in response to the Penn report. The Monitoring Officer reported on the findings of the Penn review as detailed in the report. Some of the findings were statements and others were best practice recommendation.

Councillor Mared Eastwood asked if a member had been offered or provided with training relating to poor behaviour would this be taken into account in any subsequent formal complaint was made or investigation undertaken. The Monitoring Officer explained that training was taken into account by the Public Services Ombudsman and may recommend that training be provided in some cases.

Gill Murgatroyd said the WG had not yet indicated which findings it proposed to action and referring to the Local Government elections taking place in May 2022, asked when this would be made known. The Monitoring Officer explained that it was expected that the WG would make changes to the Code of Conduct for Councillors before May 2022 but other changes may take place later.

Janet Jones asked how Town/Community Councillors could be encouraged and supported to engage in training. The Monitoring Officer advised that attendance at training was voluntary and suggested that the Clerk could give a copy of the Public Services Ombudsman's guidance for Town and Community Councils; raise awareness of virtual training provision; and that the option of a training event being hosted by a Town or Community Council in the future be considered.

The Chair drew attention to the third recommendation in the report and asked the Committee to consider whether it wished to receive training on the holding of hearings now, and again when a hearing was due to take place. Following discussion the Chair proposed that the Committee receive training on hearings only when a hearing was imminent. Jacqueline Guest seconded the motion. The recommendation was carried.

RESOLVED:

- (a) That the Committee notes the findings of the report;
- (b) That the Monitoring Officer explores whether a national forum for Independent Members can be established; and
- (c) That the Committee receives training on hearings only when a hearing was imminent.

24. STANDARDS FORUM PRE-BRIEFING

The Monitoring Officer provided background information and advised that Gwynedd County Council had volunteered to hold the next meeting of the Standards Forum in November, however, the planned biennial Standards Conference might delay this. The Monitoring Officer referred to the purpose of the Forum, as detailed in the report, and asked if there were any items for discussion that the Committee wished to put forward on the agenda for the next meeting. The Monitoring Officer explained that he had suggested a number of items in section 1.04 of the report for consideration.

The Chair asked that the Committee contact the Monitoring Officer before the end of the week with any further suggestions or comments they wished to propose.

RESOLVED:

That members of the Committee contact the Monitoring Officer with any further suggestions/comments on the agenda for the next meeting of the Standards Forum.

25. ITEMS RAISED BY TOWN AND COMMUNITY COUNCILS

Town and Community Councils had been given the opportunity to raise any items in advance of the meeting: none were received.

The Chair invited the representatives of Town and Community Councils who were present at the meeting to put forward any items for discussion: none were received.

The Deputy Monitoring Officer gave a verbal presentation on the general power of competence under the Local Government and Elections (Wales) Act 2021 and explained how it applied to Town and Community Councils. The Monitoring Officer commented on the opportunities presented under the legislation which could benefit Town and Community Councils.

In response to a question from Philip Parry, Clerk to Town and Community Councils, concerning expenditure in relation to Section 137, the Monitoring Officer explained that the new legislation was an enabling power and did not have the limitations imposed by Section 137.

26. OVERVIEW OF ETHICAL COMPLAINTS

The Monitoring Officer presented the regular report on the number of ethical complaints alleging a breach of the Code of Conduct which had been submitted to the Public Services Ombudsman for Wales (PSOW). He reported that since the last report in July 2021, 5 complaints had been received; 4 complaints had been resolved; and 1 remained outstanding. He commented on the nature and trend of the complaints. A list of the complaints in summary form received during 2019/20 was appended to the report.

Councillor Gladys Healey expressed concern that a number of complaints were made due to allegations of bullying. The Monitoring Officer acknowledged the point made and gave a brief overview of how the complaints were compiled. He commented that allegations of bullying were not evidence that bullying had actually taken place.

The recommendation was moved by Mark Morgan and seconded by Councillor Gladys Healey

RESOLVED:

That the Committee notes the number and type of complaints.

27. PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) ANNUAL LETTER FROM THE PSOW

The Deputy Monitoring Officer introduced the report to share the Public Services Ombudsman for Wales (PSOW) Annual Letter 2020/21. He provided background information and advised that the Letter was appended to the report. The Letter must be presented to the Council's Cabinet to assist in their scrutiny of the Council's performance and actions related to that were to be reported back to the PSOW by 15 November 2021.

The Deputy Monitoring Officer reported on the key considerations as detailed in the report. In respect of the number of Code complaints that were closed during the year relating to Flintshire County Councillors, there was 1 in total for which a finding of no evidence of a breach was made. In respect of the number of Code complaints that were closed during the year relating to Town and Community Councillors in Flintshire, there were 11 in total, 9 of which led to findings of no evidence of breach, 1 was discontinued and 1 was withdrawn.

The Deputy Monitoring Officer advised that the Annual Letter explained that the PSOW had introduced a new publication called 'Our Findings'. The publication replaced the quarterly case books for both cases relating to services and Code of Conduct cases and would be updated regularly. There were currently no additional cases contained on the 'Our Findings' publication.

The Monitoring Officer explained that there was no comparative data/benchmarking regarding ethical complaints between councillors. It was agreed that the Monitoring Officer would discuss this with Monitoring Officers in other Councils to consider putting forward a joint request to the PSOW for information to be made available.

The recommendation was moved by Councillor Arnold Woolley and seconded by Phillipa Earlam.

RESOLVED:

That having had regard to the PSOW's annual letter and having noted that the complaints submitted during 2020/21 either led to findings of no evidence of a breach of the Code, or were discontinued or withdrawn, the Committee concludes that no action was needed.

28. FORWARD WORK PROGRAMME

The Forward Work Programme was presented for consideration.

Gill Murgatroyd thanked the Deputy Monitoring Officer for updating the Programme to incorporate the requests made at the previous meeting.

Referring to the items for consideration at the meeting to be held in January 2022, the Chair asked if a report on the Standards Conference could be included if this had been held beforehand

.The recommendation was moved by Councillor Arnold Woolley and seconded by Jonathan Duggan-Keen.

RESOLVED:

That the Forward Work Programme be noted.

29. DISPENSATIONS

The Monitoring Officer invited Councillor Clive Carver and Hawarden Community Councillor Pauline Cheryl Carver, to present their requests for dispensation which related to the proposal to close Vickers Close Play Area and for it to become a dog agility site.

Councillor Clive Carver explained that Hawarden Community Council was to have a working group of Members to process residents' consultation responses and recommend to Hawarden Community Council the way forward. Without a dispensation local Hawarden residents views would likely not be represented.

Councillor Clive Carver and Hawarden Community Councillor Pauline Cheryl Carver were seeking dispensation to write to or speak with officers; to write to, speak and/or answer questions at Council/Committee meetings; to remain in the room during any debate; and to vote at Hawarden Community Council meeting. The details of the prejudicial interest for both requests were detailed on the application forms.

The Monitoring Officer provided an overview and advice on the dispensation process.

Councillor Clive Carver provided further information in response to a request for clarification around the relevant paragraph (c) under which the dispensations were requested.

30. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

At this point, the Chair proposed that the meeting move into closed session - as provided for under the Local Government (Access to Information) Act 1985.

RESOLVED:

That the press and public be excluded from the meeting as the item was considered to be exempt by virtue of paragraph 18C of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

31. DISPENSATIONS

RESOLVED:

That Councillor Clive Carver and Hawarden Community Councillor Pauline Cheryl Carver be granted dispensation to write to or speak with officers; to write to, speak and/or answer questions at Council/Committee meetings or Working Group; if speaking outside a formally minuted meeting there needs to be 4 people present and the meeting must be minuted; if speaking at Committee it must be an 'open' committee or if speaking to a Working Group the meeting must be minuted.

The Committee had not granted dispensation to remain in the room during any debate or to vote.

The dispensation to be granted for a period of 12 months ending on 31 October 2022 under paragraphs (d) (i) and (j) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001.

32. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting started at 6.30pm and ended at 9.25pm)

.....
Chairman

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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> <ul 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

Statutory guidance for leaders of political groups in principal councils made under section 52A(2) of the Local Government Act 2000, inserted by section 62, of the Local Government and Elections (Wales) Act 2021

Overview

This document provides statutory guidance for leaders of political groups in principal councils about the exercise of their duties under section 52A of the Local Government Act 2000, inserted by section 62, of the Local Government and Elections (Wales) Act 2021.

This guidance is intended to constitute guidance under section 52A(2) of the Local Government Act 2000, inserted by section 62(2) of the Local Government and Elections (Wales) Act 2021 once commenced.

Action required

The duties in section 52A apply from 5 May 2022. Leaders of political groups in principal councils must have regard to the guidance once the relevant powers and duties come into force.

Further information

Enquiries about this document should be directed to:

Local Government Democracy Division
Local Government Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

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This document may be accessed from the Welsh Government's website [insert link](#).

Foreword

**Rebecca Evans, MS
Minister for Finance and Local Government**

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Summary

The Local Government and Elections (Wales) Act 2021 provides a new and reformed legislative framework for local government elections, democracy, governance and performance.

This guidance sets out how leaders of political groups in principal councils should meet their duties contained in section 52A of the Local Government Act 2000 (“the 2000 Act”), inserted by section 62, of the Local Government and Elections Wales Act 2021 (“the 2021 Act”), which relates to the promotion and maintenance of high standards of conduct by the members of the group.

Leaders of political groups must have regard to guidance issued by Welsh Ministers in relation to the exercise of their functions under section 52A(2) of the 2000 Act.

The guidance is designed to support leaders of political groups 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.

This guidance specifically addresses the following duties:-

Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group

Section 52A(1)(a) of the 2000 Act requires 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.

Duty to co-operate with the council’s standards committee (and any sub-committee) in the exercise of the standards committee’s functions

Section 52A(1)(b) of the 2000 Act 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.

This guidance refers specifically to these duties on a leader of a political group, and sets out the expectations on how they will perform these duties. All of the duties apply from 5 May 2022. Leaders of a political group will be required to have regard to the guidance once the relevant duties come into force.

There are other provisions within Part 3 of the 2000 Act relating to standards committees, inserted by sections 62 and 63 of the Local Government and Elections Wales Act 2021. These aspects of the Act are also described in this guidance.

The guidance is set out as follows:-

Chapter 1 - describes the policy context within which the duties are set and the purpose of the duties.

Chapter 2 - explains the duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group.

Chapter 3 - provides guidance on the duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions

Chapter 4 - describes the functions of standards committees in relation to the new duties.

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Chapter 1 - Policy context and purpose of the duties set out in section 52A of the Local Government Act 2000

Policy context

- 1.1 Part 3 of the Local Government Act 2000 established a statutory framework to promote and maintain high standards of ethical conduct by members and employees of relevant authorities in Wales. A 'relevant authority' is a county or county borough council ("a principal council"), community council, fire and rescue authority and a national park authority.
- 1.2 The framework consists of the ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'), set out below:
- Selflessness
 - Honesty
 - Integrity and propriety
 - Duty to uphold the law
 - Stewardship
 - Objectivity in decision-making
 - Equality and respect
 - Openness
 - Accountability
 - Leadership
- 1.3 These are included in the statutory Model Code of Conduct (as required under section 50 of the 2000 Act), which lays down a set of enforceable minimum standards for the way in which members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity as well. It also guides members on the declaration and registration of interests. All elected members must give a written undertaking to observe the Code before they can take up office.
- 1.4 Building on the existing arrangements, section 62 of the Local Government and Elections (Wales) Act 2021 inserts a new section 52A into the 2000 Act which places a duty on leaders of political groups within a principal council to promote and maintain high standards of conduct by members of their group. Group leaders are required to co-operate with the council's standards committee in the exercise of its general and specific functions for promoting high standards (see below).
- 1.5 Subsection (3) amends section 54 of the 2000 Act to extend 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 Act to promote and maintain high standards of conduct by members of their group. A standards committee must also provide advice or provide or arrange training for group leaders on the new duty.

Purpose of the standards of conduct provisions

- 1.6 The ethical standards framework in Wales aims to promote the observance of consistent standards of conduct by local government members. For any organisation to be effective it must respect diversity. Engendering a culture within a principal council which embraces high standards of conduct, requires both local leadership and all elected members to accept responsibility for their actions both individually and collectively.
- 1.7 The standards of conduct provisions in the Local Government and Elections (Wales) Act 2021 complement the existing statutory ethical framework and support the Code of Conduct process. The provisions are designed to ensure leaders of political groups in principal councils, supported by standards committees, promote and maintain high standards of conduct by the members of their group.

The wider environment in which the standards of conduct duties operate

- 1.8 The standards of conduct provisions contained in the 2021 Act support the Welsh Government's wider commitment to equality and diversity in public life. Action has been taken through the Diversity in Democracy Programme to tackle the barriers which prevent individuals' active participation in local democracy. Within local government, and through the WLGA, there has been a commitment to Diversity in Democracy, including councils signing Diverse Council declarations which seek, amongst other actions, to ensure councils 'demonstrate an open and welcoming culture to all'. Furthermore, the WLGA, working with the LGA, NILGA and COSLA, has been promoting the Civility in Public Life programme, which seeks to promote civil, constructive and respectful political discourse.
- 1.9 The Race Equality Action Plan for Wales - An anti-racist Wales sets out a series of goals and actions designed to improve the outcomes for black, Asian and minority ethnic people in Wales. The Action Plan sets out a number of goals and actions for local government relating to its leadership and representation role. It recognises that a more diverse elected representation is good for decision making and likely to lead to decisions which reflect society as a whole.

Chapter 2 - Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group

Introduction

2.1 This chapter of guidance should be read by a leader of a political group in a principal council to support the discharge of their duties in section 52A of the Local Government Act 2000, to take reasonable steps to promote and maintain high standards of conduct by the members of the group. The guidance here reflects the minimum requirements, recognising that leaders are best placed to build on this to develop the detail of their own approach.

Definition of political groups and group leaders

2.2 Section 52A(3) of the 2000 Act enables the Welsh Ministers to make provision in regulations about the circumstances in which (a) members of a county council or county borough council in Wales are to be treated as constituting a political group; (b) a member of a political group is to be treated as a leader of the group.

2.3 The Local Government (Committees and Political Groups) Regulations 1990, made under the Local Government and Housing Act 1989, governs the position in this respect, until such time as regulations passed under 52A(3) of the 2000 Act are made.

New Duty

2.4 Section 52A(1)(a) of the 2000 Act requires 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.**

2.5 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.** However, they 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.

2.6 Reasonable steps the Group Leader *may* 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;
- promoting civility and respect within Group communications and meetings and in formal Council meetings.

- overseeing and promoting existing or developing new informal resolution procedures with other Group Leaders in the council; and

2.7

2.8 As set out in chapter 1, the purpose of the new duties is to build on and support a culture which is proactive, acts on and does not tolerate inappropriate behaviour. The Guidance from the Public Services Ombudsman for Wales for members on the Code of Conduct provides advice on the Code and its requirements. It includes examples of cases considered by the Ombudsman and decisions reached by local standards committees and the Adjudication Panel for Wales which demonstrate behaviours which are unreasonable or inappropriate. Leaders of political groups and all members should have regard to the Ombudsman's Guidance, which can be accessed on the Ombudsman's website: [Guidance/Policies](#)

2.9 The importance of attendance at training on the Code of Conduct has been highlighted by the Ombudsman and was raised under the independent review of the Ethical Standards Framework and Model Code of Conduct carried out by Richard Penn. **Leaders of political groups should encourage all members in their group to read the Ombudsman's Guidance and any local guidance issued by the monitoring officer or standards committee and to take up any offer of training.** They should also work constructively with standards committees to identify the training requirements for themselves and for their group members.

2.10 It is essential that relationships with members are established which encourage them to raise issues with the group leader. **The group leader has a significant role to play in creating a culture of trust and mutual respect in their group. Where issues arise, the importance of resolving low-level complaints at a local level has been raised by the Ombudsman and the independent Review of the Framework.** Typically, these complaints are about alleged failures to show respect and consideration for others and the making of vexatious, malicious or frivolous complaints. The group leader should be pivotal in preventing the escalation of these complaints to the stage where more formal interventions become necessary. Leaders of political groups should have informal discussions with members who may be showing early signs of inappropriate behaviour to 'nip this in the bud' before it becomes problematic or in danger of breaching the Code. This may include suggesting and requesting training for the members concerned.

2.11 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 (see Ombudsman's Guidance). In the situation where the behaviour or conduct of the group leader is the problem, the relevant Party has a responsibility to act.

2.12 It is noted that a party's internal disciplinary procedures remain a matter for that party's own rules.

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Chapter 3 - Duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions

Introduction

- 3.1 This chapter of guidance is about the duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions within section 52A of the Local Government Act 2000.
- 3.2 The duties will come into force from the start of the next local government electoral cycle, on 5 May 2022.

New Duty

- 3.3 Section 52A(1)(b) of the Act 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. The duties of a standard committee are described in more detail in chapter 4.

Role of leader of political group

- 3.4 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.
- 3.5 Leaders of a political group should build good relations, and work constructively with the head of democratic service and 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. Group leaders should also report any serious concerns about members' behaviour which have not been remedied by informal actions.
- 3.6 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: [References from the Public Services Ombudsman for Wales | The Adjudication Panel for Wales](#)

Chapter 4 - Functions of standards committees

Introduction

- 4.1 This chapter describes the duties of standards committees in relation to standards of conduct, within the Local Government Act 2000, inserted by section 63 of the Local Government and Elections (Wales) Act 2021.
- 4.2 The duties will come into force from the start of the next local government electoral cycle, on 5 May 2022.

Current position

- 4.3 Local standards committees play an important role in supporting members, individually and collectively, to develop and maintain a culture which embraces high standards of conduct.
- 4.4 A principal council, fire and rescue authority or National Park authority in Wales (but not a community council) is required by section 53 of the 2000 Act to establish a standards committee.
- 4.5 The general functions of a standards committee under section 54(1) of the 2000 Act are to promote and maintain high standards of conduct by members and co-opted members of a “relevant authority” and to assist them to observe the code of conduct.
- 4.6 In addition, a standards committee also has specific functions under section 54(2) of the 2000 Act, namely to:
- advise the authority on the adoption or revision of a code of conduct;
 - monitor the operation of the code of conduct; and
 - provide advice or provide or arrange training on the code of conduct for members of the authority.
- 4.7 Section 56(1) of the 2000 Act provides that a principal council’s standards committee (or a sub-committee established for the purpose) also exercises these functions in relation to members of community councils in its area.
- 4.8 Monitoring officers work closely with standards committees and support them in providing day-to-day advice to members on conduct matters.
- 4.9 A principal council may arrange for its standards committee to exercise such other functions as it considers appropriate, for example, monitoring the operation of corporate maladministration complaint procedures.

New duties

a) Duty of a standards committee to monitor group leaders' compliance with the duties, and provision of advice and training

4.10 Section 62 (3) of the 2021 Act amends section 54 of the 2000 Act to extend 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 Act to promote and maintain high standards of conduct by members of their group. As noted above, 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.

4.11 A standards committee must also provide advice and training, or arrange to train group leaders on the new duty. At the start of each administration this should take place within three months of the election and be reviewed at least annually.

b) Duty of standards committee to make annual report

4.12 Section 63 of the Local Government and Elections (Wales) Act 2021 inserts a new section 56B into the 2000 Act which places a requirement on standards committees in each "relevant authority" to make an annual report to the authority concerned. In the case of a principal council, the requirement to report to "the authority" in this context includes any community councils in its area.

4.13 As a minimum, the report must:

- 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
- in the case of a principal council, include the committee's assessment of how political group leaders have complied with the new duty under section 52A(1) of the 2000 Act (inserted by section 62 of this Act) to promote high standards of conduct, including the advice the standards committee has provided and the training it has suggested.

4.14 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 relevant authorities 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, section 56B places an obligation on a relevant authority 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.

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STANDARDS COMMITTEE

Date of Meeting	Monday, 10 January 2022
Report Subject	National Forum for Standards Committee Chairs
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Penn Report on the Review of the Ethical Regime in Wales (“the Penn Report”) commented on the variety of practice across Wales in how Standards Committees discharge their duties. It recommended that a national forum for the Chairs of Standards Committees should be established modelled on the forum that exists in North and Mid Wales.

The administration for the current Mid and Wales forum is supplied in turn by each Council, and this could continue with a more formalised rota. At present it is unlikely that meetings would take place in person but should physical meetings resume then a central venue would need to be found.

RECOMMENDATIONS

1	That the Committee supports the creation of an all Wales forum for Standards Committee Chairs
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REPORT DETAILS

1.00	EXPLAINING THE NATIONAL FORUM FOR STANDARDS COMMITTEE CHAIRS
1.01	The Penn report commented on the variety of practice across Wales in how Standards Committees discharge their duties. At paragraph 4.4.1 the report says: “I was struck by the variation in the way that Standards Committees in Wales see their remit and at the role played by the Independent Chairs of

	Standards Committees. At the one extreme Standards Committees and their Independent Chairs seem to have either been given or have adopted a very limited role, meeting infrequently and only really active when there is a Hearing of a case referred by the Public Services Ombudsman for Wales. At the other extreme there are Standards Committees and Chairs that see their remit much wider than this, and as leading the development and maintenance of the ethical standards framework in that local authority.”
1.02	<p>Richard Penn then went on to comment positively upon the work of the forum for Chairs of Standards Committees in North and Mid Wales. Whilst acknowledging the place for local decision making, he recommends that a national forum be established along the same lines - see paragraph 4.4.5</p> <p>“I attended a meeting of this Forum and had a very useful exchange with the Chairs and Monitoring Officers who attended. Although a Forum for the Chairs of Standards Committees in South Wales no doubt would serve a similar purpose in the facilitation of exchange of information and experiences about the work of Standards Committees in that part of Wales, I suggest that there should be an all-Wales Forum ... would encourage consistency of approach and the adoption of best practice across Wales.”</p>
1.03	As agreed at the last Committee meeting, the Monitoring Officer has consulted other Councils on whether they would wish to support the creation of a national forum. The Monitoring Officers in other authorities have agreed to consult their Standards Committees on the issue.
1.04	<p>There are a number of issues to consider with the creation of such a national forum. These are outlined below but none seem to pose an insurmountable problem:</p> <ol style="list-style-type: none"> 1) Resources – in order to manage within the existing level of resources the national forum should replace rather than sit alongside the current Mid and North Wales forum; 2) Meeting format and location - previously the forum would meet in person on a peripatetic basis being hosted by each authority in turn. For the time being meetings are likely to be held remotely (which would save travel) but if they resumed meeting in person then a central location would need to be found. Typically, this would mean meeting in or near Llandrindod Wells. Perhaps more significantly venues in that area tend to be small and so would limit the number of attendees to 2 per authority; 3) Administration and advice – meetings of the Mid and North Wales forum are currently arranged and advised by the Monitoring Officer with each member authority taking a turn. If the forum was to span the whole of Wales then a formal rota would be advisable to ensure the fair distribution of duties; 4) Agendas – at present items for the agenda are suggested by all the member authorities. There is already a mail group for all the Monitoring Officers in Wales and this could be used to invite agenda items; 5) Meeting dates and frequencies – the current forum should meet every 6 months though this cycle has been disrupted by the response to the pandemic. In order to allow for Standards Committees to be consulted

	<p>on possible agenda items (and to include this within their own work programmes) it would be better if meetings took place at regular scheduled intervals.</p> <p>The Committee might perceive other issues that would also need to be addressed for such a forum to be successful.</p>
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2.00	RESOURCE IMPLICATIONS
2.01	A national forum would not, of itself, require significantly more resources than the current Mid and North Wales forum. Indeed, if more authorities take part in arranging the meetings then this could reduce the current demand. Physical meetings would entail small cost for venue hire and travel which can be accommodated within the Committee's small budget.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	All authorities in Wales are being consulted.

4.00	RISK MANAGEMENT
4.01	There are no issues arising from this report.

5.00	APPENDICES
5.01	None.

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

7.00	GLOSSARY OF TERMS
7.01	None

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FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2021/22

Date of Meeting	Topic	Notes/Decision/Action
June 2022	<ul style="list-style-type: none"> • Training • Dispensations • Independent Member Visits to Council Meetings • Forward Work Plan 	
March 2022	<ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Feedback from Ethical Liaison Meeting • Induction Programme for Councillors • All Wales Standards Conference 2022 report back • Welsh Government Guidance on the duty of Group Leaders to promote Ethical Behaviour • Forward Work Plan 	
January 2022	<ul style="list-style-type: none"> • Training • Dispensations • Agenda items for the next Ethical Liaison Meeting • National Forum for Standards Committee Chairs • All Wales Standards Conference 2022 • Forward Work Plan 	<p>Report by Gareth Owens Report by Gareth Owens Verbal report by Gareth Owens</p>
November 2021 Joint meeting with T&CCs	<ul style="list-style-type: none"> • Training • Dispensations • Overview of Ethical Complaints • Standards Forum pre-briefing 	<p>Report by Gareth Owens Report by Gareth Owens</p>

	<ul style="list-style-type: none"> • Public Services Ombudsman for Wales (PSOW) Annual Letter • Penn Review of the Ethical Standards Framework • Items raised by Town and Community Councils • Forward Work Plan 	<p>Report by Matt Georgiou</p> <p>Report by Gareth Owens Verbal</p>
September 2021	<ul style="list-style-type: none"> • Training • Dispensations • Penn Review of the Ethical Standards Framework (if available) • Feedback from the Ethical Liaison Meeting • Findings From Independent Member Visits to Committee Meetings • Pan Wales Standards Conference • Forward Work Plan 	<p>Report by Gareth Owens</p> <p>Report by Gareth Owens Report by Gareth Owens</p> <p>Report by Gareth Owens</p>
<p>Reports to be scheduled - Survey on the Production of Councillor Newsletters</p>		