

Duties on Members of County Councils (Chapter 2)

76. The majority of respondents to the White Paper consultation agreed the roles and responsibilities of Councillors should be defined in legislation. Sections 82 to 86 provide that Members of the new County Councils will be subject to certain statutory responsibilities, as described below.
77. Members of County Councils will be placed under an obligation to attend meetings of the full Council and any Committees of which they are members, and other meetings they would reasonably be expected to attend in the exercise of their functions as Members of the Council, unless they have a good reason.
78. Members will be subject to a requirement to hold regular 'surgeries', i.e. sessions held within their wards to which members of their electorates may attend and speak with their Councillor in private.
79. Members will also be subject to a requirement to answer correspondence sent to their official address, unless they have a good reason for not doing so.
80. Members will be required to complete all compulsory training courses. Councils will be enabled to decide what elements of the training and developmental courses made available to members should be compulsory for the Members to complete. The Welsh Ministers will produce guidance to which Councils and their Members should have regard.

81. At present, Members are encouraged to produce annual reports to summarise what they have achieved for local people in the previous year. However, not all do so. Section 86 will make it a requirement that all Members publish an annual report.

Breaches of Duties under Chapter 2 (Chapter 3)

82. Section 87 provides that a person may make a complaint about an alleged failure by a Councillor to abide by the duties set out above to the monitoring officer of that Council. Sections 88 to 93 set out the procedure for handling such complaints. The procedure requires the monitoring officer to refer the matter to the chair of the Standards Committee. If the Monitoring Officer and the chair of the Standards Committee both consider that a matter should not be investigated, no investigation may take place. If either the Monitoring Officer or the chair of the Committee considers a matter should be investigated, the Monitoring Officer must investigate it. After conducting an investigation the Monitoring Officer must provide the Standards Committee of the Council with a report of the investigation. The provisions set out the role of the Standards Committee and the actions it may take if a Councillor has breached a duty.

Further Provision about Duties on Members (Chapter 4)

83. Sections 94 and 95 provide that the Welsh Ministers may by regulation make further provision about the way in which a possible breach of the duties is to be dealt with, and issue guidance which Councillors, Monitoring Officers and Standards Committees must have regard to. Sections 96 and 97 amend the duties on Standards Committee to provide training for Members so that it includes the new duties.

84. Section 98 provides that a leader of a political group of a Council must take reasonable steps to promote and maintain high standards of conduct by the members of the group. This provision supports the policy intention of ensuring the promotion of diversity and combating bullying and harassment amongst Councillors and Council staff. The provisions in Chapter 7 of this Part place a duty on a Standards Committee to make an annual report which will include the Committee's assessment of the extent to which leaders of political groups on the Council have complied with their duties.

98. Given the more significant role afforded to Standards Committees under the Draft Bill, it is important they have an opportunity to review their work periodically and report on significant matters they have dealt with and any emerging trends. Under section 109, Standards Committees will be

required after the end of each financial year to make an annual report to the Council describing how the Committee's functions have been discharged during the financial year.