

Meeting of:	Standards Committee
Date of Meeting:	Thursday, 23 June 2022
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Matters for consideration: Meeting with Group Leaders, All Wales Standards Forum, Progress with Regard to the Richard Penn Report Recommendations, Update on the Welsh Government Consultation on the Standards of Conduct Statutory Guidance and Expressions of Interest for the Community Council Representative on the Standards Committee
Purpose of Report:	To provide the Committee with an update re progress on matters previously reported to Committee
Report Owner:	Debbie Marles, Monitoring Officer / Head of Legal and Democratic Services
Responsible Officer:	Karen Bowen, Principal Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	This report does not require consultation to be undertaken
Policy Framework:	This is a matter for decision by the Standards Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> • To provide Committee with a progress update regarding the following matters : <ul style="list-style-type: none"> - Duties of Leaders and Political Groups in relation to standards of conduct under Section 62 of the Local Government and Elections (Wales) Act 21 - All Wales Standards Forum - Update re Review of Ethical Standards Framework in Wales commissioned by Welsh Government and undertaken by Richard Penn Recommendations, Update on the Welsh Government Consultation on the Standards of Conduct Statutory Guidance and Expressions of Interest for the Community Council Representative on the Standards Committee. 	

Recommendation

1. THAT following the Standards Committee meeting on 23rd June, 2022 the Monitoring Officer in consultation with the Chair, makes arrangements to meet with Group Leaders to discuss the requirements of Section 62 of the Local Government and Elections (Wales) Act 2021 with the intention that a further report be presented to the Standards Committee in due course.
2. THAT the Committee notes that a further update will be provided in due course to the Standards Committee regarding the establishment of an All Wales Standards Forum.
3. THAT following the meeting with Welsh Government, the Public Services' Ombudsman for Wales and a small group of Monitoring Officers in relation to the Ethical Standards Framework preliminary consultation a further progress update report be presented to the Standards Committee.
4. THAT the Standards Committee notes the progress regarding the submission of representations to Welsh Government regarding the draft statutory guidance on Standards of Conduct.
5. THAT the Standards Committee notes the progress regarding seeking expressions of interest from Town and Community Councils within the Vale of Glamorgan with a view to appointing a Community Council representative to the Standards Committee.
6. THAT in light of Councillor Cuddy's Term of Office coming to an end as the Community Councillor representative on the Standards Committee, the Standards Committee write to express their appreciation for his service and dedication.

Reason for Recommendations

- 1-5 In order to apprise Members of progress in relation to the matters.
- 6 In order to acknowledge the service provided by Councillor Cuddy and the appreciation of the Committee.

1. Background

- 1.1 Section 62 of the Local Government and Elections (Wales) Act 2021 places duties on Leaders of Political Groups in relation to standards of conduct.
- 1.2 The Standards Committee have previously considered the work of the North Wales Standards Forum with a view being expressed that an All Wales Standards Forum be considered.
- 1.3 Richard Penn an independent consultant was commissioned to undertake a review of the Ethical Standards Framework in Wales with the aim to report to Welsh Government Ministers by the end of June 2021 with the intention that any agreed changes be made ahead of the Local Government Elections in May 2022.

- 1.4** The recommendations of the first phase of the review were reported to the Standards Committee on 25th November, 2021.

2. Key Issues for Consideration

Duties on Leaders of Political Groups in relation to standards of conduct.

- 2.1** Section 62 of the Local Government and Elections (Wales) 21 requires:

“(1) A leader of a political group consisting of members of a county council or county borough council in Wales—

(a) must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and

(b) 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.

(2) In complying with subsection (1), a leader of a political group must have regard to any guidance about the functions under that subsection issued by the Welsh Ministers.

(3) The Welsh Ministers may by regulations make provision for the purposes of this section 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.

(4) Before making regulations under subsection (3), the Welsh Ministers must consult such persons as they think appropriate.”

(3) In section 54 (functions of standards committees), after subsection (2) insert—

“(2A) A standards committee of a county council or county borough council in Wales also has the specific functions of—

(a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and

(b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.”

- 2.2** Having regard to the requirements of the above it is recommended that following the Standards Committee on 23rd June, 2022 in consultation with the Chair arrangements will be made to meet with the Group Leaders to discuss the requirements. A further report following the meeting will be presented to the Standards Committee in due course.

- 2.3** Committee can however be reassured that as part of the Members Code of Conduct training section 62 of the Local Government and Elections Act 21 was referred to during the sessions with Members also being informed that further discussions would take place with Group Leaders following confirmation of the appointment of Chair of Standards Committee on 23rd June 2022.
- 2.4** **All Wales Standards Forum** - The suggestion that an All Wales Standards Forum be established has been discussed by the Standards Committee and the All Wales Monitoring Officer Group at recent meetings. The purpose of a forum being to share good practice on an All Wales basis and to consider consistencies of approach in relation to the work of the Standards Committee. Flintshire's County Council's Monitoring Officer is currently awaiting feedback from one/two Councils across South Wales regarding interest in participating in the All Wales Standards Forum and this is being expedited with a view to the inaugural meeting being held shortly.
- 2.5** **Ethical Standards Framework Review** - The first phase of the Ethical Standards Framework Review in Wales undertaken by Richard Penn was reported to the Standards Committee on 25th November 2021. Welsh Government however put on hold determination of the report in light of their workload and having regard to the Local Government elections that were taking place on 5th May 2022.
- 2.6** The second phase of the review is to focus on working with partners and stakeholders to deliver the necessary changes. The Committee will receive a further report in due course once the second phase has been completed.
- 2.7** In the meantime at the Monitoring Officer's Group meeting held on Friday, 10th June, 2022 the Public Services' Ombudsman for Wales, Michelle Morris, was present and advised that a meeting was to be arranged with a small group of Monitoring Officers, the Public Services' Ombudsman for Wales and Welsh Government in attendance to discuss the recommendations of the first phase of the review prior to the consultation on the Review being undertaken in the Autumn of 2022.
- 2.8** The Vale of Glamorgan Council's Monitoring Officer, Debbie Marles, has advised that she would be happy to take part in the meetings having regard to her availability. Should she be unable to attend any of the dates to be scheduled her comments would be fed into the consultation prior to it going live in the Autumn.
- 2.9** Having regard to the updates provided in the above paragraphs the Committee is recommended to note the current position with regard to the matters referred to above.

Welsh Government Consultation on Draft Statutory Guidance on Standards of Conduct (relating to Section 62 of the Local Government and Elections (Wales) Act 2021)

- 2.10** Standards Committee's observations at its meeting in March 2022 were shared and agreed by Cabinet and Corporate Performance and Resources Scrutiny Committee, and thereafter submitted to Welsh Government in advance of the deadline of 16th May, 2022.

Community Councillor Representative on the Standards Committee

- 2.11** Standards Committee will note that Councillor Mike Cuddy's Term of Office on the Standards Committee has now come to an end having completed two full terms of service which in line with the associated regulations is the maximum duration for the Term of Office.
- 2.12** Expressions of interest have been sought from each Town and Community Council within the Vale of Glamorgan to nominate a Town/Community Councillor to undertake the role of Community Councillor representative on the Standards Committee.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor representatives. It was intended that the process adopted within this report will aim to promote that role.

4. Resources and Legal Considerations

Financial

- 4.1** None as a result of this report.

Employment

- 4.2** None as a result of this report.

Legal (Including Equalities)

- 4.3** The Council has a duty to establish and maintain a Standards Committee as defined by legislation as set out in the Standards Committees Rules and Regulations 2001 and the Standards Committee (Wales) Amendment Regulations 2006.
- 4.4** The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives.

5. Background Papers

None.