

Meeting of:	<b>Standards Committee</b>
Date of Meeting:	<b>Thursday, 23 November 2023</b>
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Duty to Co-operate with the Council's Standards Committee (and any Sub-Committee) in the Exercise of the Standards Committee's Functions – Threshold Criteria
Purpose of Report:	To seek Committee endorsement of the threshold criteria
Report Owner:	D. Marles, Monitoring Officer / Head of Legal and Democratic Services
Responsible Officer:	K. Bowen, Principal Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	No consultation is required
Policy Framework:	This is a matter for Standards Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• Following discussions held between Standards Committee and Group Leaders at the last meeting on 28<sup>th</sup> September, 2023, Appendix 1 to this report details the threshold criteria to be utilised having regard to the duty under the Local Government Act 2000 as amended by Section 62 of the Local Government and Elections (Wales) Act 2021.</li> </ul>	

## **Recommendation**

1. THAT the threshold criteria attached at Appendix 2 to this report be approved for use in compliance with the duty of a Standards Committee to monitor Group Leaders' compliance with the duties and provision of advice and training.

## **Reason for Recommendation**

1. Having regard to the duty under the Local Government Act 2000 and the Local Government and Elections (Wales) Act 2021.

## **1. Background**

- 1.1 The Local Government and Elections (Wales) Act 2021 (LG&E Act) places a duty on a Standards Committee to monitor Group Leaders' compliance with the duties and provision of advice and training.
- 1.2 The Standards Committee have previously approved a proforma for Group Leaders to complete in compliance with this duty, which can be found attached at Appendix 1 to this report.

## **2. Key Issues for Consideration**

- 2.1 Having regard to the Group Leader duty to co-operate with the Council's Standards Committee (and any sub-committee) in the exercise of the Standards Committee's functions, following discussions with Group Leaders and Members of the Standards Committee at its last meeting on 28<sup>th</sup> September 2023, a threshold criteria has been developed and is attached as Appendix 2 to this report.
- 2.2 The threshold criteria document has also been shared with all Monitoring Officers within Wales.
- 2.3 As Members will note, the threshold will be used to establish whether the Standards Committee is content that political Group Leaders have complied with the duties of the 2021 Act.
- 2.4 Democratic Services Officers will ensure that the criteria is included on the Group Leader's proformas for future use.
- 2.5 The Standards Committee is therefore requested to approve the threshold criteria attached at Appendix 2 to this report.

### **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 is intended that the process adopted within this report will aim to promote that role.

### **4. Climate Change and Nature Implications**

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

### **5. Resources and Legal Considerations**

#### **Financial**

- 5.1** Members are able to be remunerated for attendance under the allowance scheme agreed by the Independent Remuneration Panel and the Vale of Glamorgan Council's Constitution.

#### **Employment**

- 5.2** Members will be remunerated for attendance under the allowance scheme agreed by the Independent Remuneration Panel and the Vale of Glamorgan Council's Constitution. Independent Members are able to claim for a maximum of 10 days per annum as detailed within the Council's Constitution.

#### **Legal (Including Equalities)**

- 5.3** 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.
- 5.4** 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.

### **6. Background Papers**

<b><u>Promoting Compliance With the Code of Conduct</u></b>					
Report by:					
Political Group:					
No. of members:		No. trained on Code:	(Y%) 100%		
For the period:					
<b><u>Number, Source and Level of Complaint(s) / Concern(s)</u></b>					
	Informal	Local Resolution (Stage)			PSOW
		1	2	3	
Public					
Officers					
Councillors					
<b><u>Steps taken to Promote Compliance (To Be Completed by Group Leader)</u></b>					
Include matters such as:					
<ul style="list-style-type: none"> <li>- Using influence to support a positive culture, being proactive in promoting high standards of conduct in the group and addressing issues of alleged non – compliance as soon as they arise</li> <li>- demonstrating personal commitment to and attending and participating in relevant development or training around equalities and standards including on the Code of Conduct;</li> <li>- actively encouraging group members to attend relevant development or training around equalities and standards including in relation to the Code of Conduct;</li> <li>- ensuring nominees to a Committee have received the recommended training for participating on that Committee;</li> </ul>					

<ul style="list-style-type: none"> <li>- promoting civility and respect within group communications and meetings and in formal Council meetings;</li> <li>- supporting informal resolution procedures in the Council, and working with the Standards Committee and Monitoring Officer to achieve local resolution;</li> <li>- encouraging a culture within the group which supports high standards of conduct and integrity;</li> <li>- attend a meeting of the Council's Standards Committee if requested to discuss Code of Conduct issues;</li> </ul>
<ul style="list-style-type: none"> <li>- drive forward work to implement any recommendations from the Standards Committee about improving standards;</li> <li>- work with the Standards Committee to proactively identify, consider and tackle patterns of inappropriate behaviour;</li> <li>- work together with other group leaders, within reason, to collectively support high standards of conduct within the Council and when any issues identified involve more than one political group..</li> </ul>

**NB Part 2 section 4.29 of the Welsh Government Statutory and Non-Statutory Guidance states -** Political group leaders will want to ensure they are able to evidence the steps they have taken to help create an environment in which members demonstrate appropriate standards of behaviour, undertake appropriate training and address, with members, instances where standards of behaviour falls short of that expected. It is a matter for individual group leaders how they choose to evidence their compliance with this guidance, but it may include notes of meetings, copies of correspondence, audits of member training on issues such as equality and the Code of Conduct and action taken to address any gaps in that training.

Dated:

Statutory and Non - Statutory Guidance issued June 2023 (and updated in July 2023 and August 2023.)

Threshold Criteria - Role of Leader of Political Group -

Section 52 of the Local Government 2000 Act as amended by section 62 of the Local Government and Elections (Wales) Act 2021, requires that a leader of a political group consisting of members of a County Council or County Borough Council in Wales –

1. must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and
2. 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 Statutory and Non-Statutory Guidance includes at Part 2 the requirements to establish -

“the threshold which the Standards Committee will use to establish whether it is content that Political Group Leaders have complied with the duties of the 2021 Act” .

Following discussions with Group Leaders and the Standards Committee at the Vale the following suggestions have been put forward with regard to the threshold to be used it being noted that the threshold would not have regard to historical matters which arose before the duty was in place:

1. Group Leaders to make themselves available to meet with the Monitoring Officer, Chair of the Standards Committee and Standards Committee as required,
2. Group Leaders to meet with the Standards Committee on an annual basis at the start of each Council year. However, should areas of concern arise regarding a Group during the year the relevant Group Leader may be required to attend before Standards Committee as advised by the Monitoring Officer,
3. Group Leaders to meet with the Monitoring Officer and Chair of Standards Committee on a six monthly basis,
4. Group Leaders to take reasonable steps to ensure that Members within their Group make themselves available to meet with the Monitoring Officer as required,
5. Group Leaders to take reasonable steps to ensure that Members within their Group co-operate with the Monitoring Officer and the Standards Committee when an issue is referred to the Monitoring Officer and or the Standards Committee,
6. Group Leaders to record any areas of concern in their Groups and raise them with the Monitoring Officer in a timely manner including identifying any areas requiring training by any Members of the Group,
7. Group Leaders to take reasonable steps to ensure Member attendance at mandatory training events,

8. Group Leaders to take reasonable steps to ensure that where there is a policy decision by the Council or Cabinet that this is adhered to by Members of their respective Groups,
9. Group Leaders to take reasonable steps to ensure that factually inaccurate information is not put into the public domain by their Members so as not to damage the reputation of the Council,
10. Group Leaders to ensure that the relevant DBS checks are applied for by Members, as and when required, in line with Cabinet resolution and that Members engage with the process in a timely manner,
11. Group Leaders to complete the Group Leader proforma, promoting compliance with the Code of Conduct, as required,
12. Group Leaders to support within their Group's decisions of the Standards Committee and /or Adjudication Panel for Wales.
13. Group Leaders to support within their Groups decisions of the Local Dispute Resolution Panel.