

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO STANDARDS COMMITTEE

30 SEPTEMBER 2022

REPORT OF THE MONITORING OFFICER

STANDARDS OF CONDUCT

1. Purpose of report

- 1.1 The purpose of this report is to apprise the Committee of the new duties under the Local Government and Elections (Wales) Act 2021 in relation to leaders of political groups taking steps to promote and maintain high standards of conduct of their members.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions for all people in the county borough.
 2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
 3. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 Part 3 of the Local Government 2000 Act 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, a national park authority and a Corporate Joint Committee. The framework consists of the ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'):

- Selflessness
- Honesty
- Integrity and propriety

- Duty to uphold the law
- Stewardship
- Objectivity in decision-making
- Equality and respect
- Openness
- Accountability
- Leadership

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.

3.2 The provisions in the Local Government and Elections (Wales) Act 2021 build on this by supporting a culture where members have a responsibility to act in a manner which respects and values all people. A new duty under the Act is placed on the leaders of political groups to take steps to promote and maintain high standards of conduct of their members. Under the Local Government (Committees and Political Groups) Regulations 1990 a political group is constituted where the Proper Officer is notified of two or more members who wish to be treated as a political group, the name of the group and the name of the one member of the group who is to act as its leader. At the Annual Meeting on 18 May 2022, the Proper Officer was informed in writing of the following political groups and leaders:

- **Labour** – Group Leader: Cllr Huw David, Leader of the Council
- **Bridgend County Independents** – Group Leader: Cllr Amanda Williams
- **Democratic Alliance Group** – Group Leader: Cllr Ross Penhale-Thomas

3.3 The duty under the Act recognises those in positions of leadership and influence within a principal council should have responsibility for combating bullying and harassment amongst elected members and council staff, and must act as a positive role model. Among other things, this duty is designed to support Welsh Government's diversity in democracy agenda and actions in its Race Equality Action Plan. The 2021 Act also requires that a leader of a political group, must co-operate with the Standards Committee in the exercise of the Committee's functions.

3.4 Standards Committees play an important role in supporting members, individually and collectively, to develop and maintain a culture which embraces high standards of conduct. The 2021 Act also extends 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.

4. **Current situation/proposal**

4.1 Welsh Government draft guidance has been issued 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. The draft guidance is available via the following link: <https://gov.wales/consultation-local-government-and-elections-wales-act-2021-standards-conduct-statutory-guidance>.

- 4.2 Group Leaders are required to report compliance with their duty to the Standards Committee. This could 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 has not been remedied by informal actions, in line with the requirement in the Code for councillors to report breaches. It is recommended that the Council's political Group Leaders and the Standards Committee agree on the form and frequency of a report from each Group Leader to the Committee. The Committee should then consider each report and provide feedback to the Group Leaders. The Chair of the Standards Committee has therefore invited the three Group Leaders to attend the Committee meeting on 30th September 2022. The Chair may also wish to meet with Group Leaders privately and periodically to review behaviour.
- 4.3 The Committee is also required to 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 six months of the election and be reviewed at least annually. Training on the new duties has been arranged for the Committee and Group Leaders on 30th September 2022 by an external facilitator.

5. Effect upon policy framework and procedure rules

- 5.1 There is no effect upon policy framework and procedure rules.

6. Equality Act 2010 implications

- 6.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

8.1 Financial implications

- 8.1 The training is being funded from existing budgets.

9. Recommendation

- 9.1 It is recommended that the Committee note the report.

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Background documents: None