

<b>MEETING</b>	<b>Standards Committee</b>
<b>DATE</b>	<b>14 June 2021</b>
<b>TITLE</b>	<b>Local Government and Elections (Wales) Act 2021 changes to the Ethical Framework.</b>
<b>AUTHOR</b>	<b>Monitoring Officer</b>

## **1. Introduction**

There is considerable history to the Local Government and Elections (Wales) Act 2021, which stems from the Local Government (Wales) Bill introduced by the former Local Government Minister Leighton Andrews in 2015. Since then, there have been several changes and developments to the aim and emphasis of the legislation. The main change is a step back from an Act, which focused, on reorganising Councils be that voluntarily or through statute.

There is now Legislation on the table that introduces a number of changes and powers in relation to the governance of Local Government in Wales. This is not to say that there are elements of the Act that are not far reaching; this is especially true in the area of Local Government franchise, Collaboration and Performance Management. It also includes provisions deriving directly from temporary arrangements put in place during the Coronavirus crisis.

## **2, The Act**

The Act received Royal Assent on 20 January 2021. It has nine main parts that relate to Principal Councils and Town and Community Councils. The provisions will come into force during the next 12-15 months. A summary of the Act is provided at Appendix 1

## **3. Changes to the Ethical Framework**

Part 4 of the Act contains two provisions which relate to the maintenance of standards of conduct amongst members and the functions of the Standards Committee (Appendix 2)

- A statutory duty on Leaders of Political Groups in relation to the standards of conduct of members
- Setting the annual report of the Standards Committee on a statutory basis.

## **4. Duties of Political Group Leaders.**

(a) Group Leaders are subject to two main duties under Section 62 of the Act:

- To take reasonable steps to promote and maintain high standards of conduct by members of their group.
- Co-Operate with the Standards Committee in the exercise of it's functions

In addition the functions of the committee are extended to include:

- Monitor how Group leaders are meeting the duty
- Provide training and guidance to the leaders on their duties

- (b) The Concept of Political Groups stems from the provisions of the Local Government and Housing Act 1989 which established the requirement for political balance in appointments to Committees and Sub-Committees and other appointments. Although they generally reflect membership of Political Parties, they do not represent the same thing. They are formed through statutory arrangements in order to meet and take advantage of the system. Therefore at this juncture the following Political Groups are found:

Plaid Cymru

Independent

Llais Gwynedd

United Gwynedd Independent Group

Propel

It is also a requirement that a Group appoints a member to be Leader. The aim of the system is to inject political fairness into the allocation of seats but it also relevant for the appointment of officers to political assistants.

- (c) Thus far the direct role of Leaders in relation to the conduct of their members has been generally informal. Although Group Leaders have a clear interest in the conduct of their members it has not been incorporated in a duty of this nature. In formal terms the main role of the Leader would be to assist with internal resolution in order to maintain standards under the Officer Member Protocol or the Gwynedd Standard.

## 5. Discussion

This new duty which comes into force in May 2022 imposes a positive duty on Group Leaders to take steps to promote and maintain conduct. This will have to work in co-operation with this Committee which will involve establishing a relationship or direct communication with Political Group Leaders in a way which has not occurred previously. It can be appreciated that this is a positive step to support standards of conduct amongst members and to avoid issues or problems developing into bigger issues. There is provision under the Act for the Minister to publish statutory guidance and regulations to implement the duty and a close eye will need to be kept on the Government's work programme.

## 6. Recommendation

1. **Subject to the publication of guidance by Welsh Government steps should be taken to provide training for Political Group Leaders on the requirements and how they can be met.**
2. **The Standards Committee should establish a Protocol for implementing, co-operating and monitoring implementation of the duty by December 2021 and do so in co-operation with Leaders of the current Political Groups.**
2. **These matters should be incorporated into the Committees Work Programme.**