

MEEETING	STANDARDS COMMITTEE
DATE	25 January 2016
TITLE	DRAFT LOCAL GOVERNMENT (WALES) BILL – WELSH GOVERNMENT CONSULTATION
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Background

1. In July 2014, the Welsh Government published the Devolution, Democracy and Delivery White Paper – Reforming Local Government, which stated the Governments’ intention to introduce legislation to deliver local government reform. Two further White Papers were published in October 2014 and February 2015 further developing these proposals. The first Local Government (Wales) Bill was passed by the Assembly on 20 October 2015, enabling preparations to be made for the programme of local government mergers and reform.

Consultation

2. The Welsh Government is now consulting upon a second Local Government (Wales) Bill. The Bill proposes fundamental reforms to the Local Government in Wales. The key aspect of the Bill relates to the re-organisation of local authorities. However, it also contains a range of other legislative provisions relating to the governance of both County and Community Councils:

- Part 1 Local Government Areas and County Councils
- Part 2 General Power of Competence
- Part 3 Promoting Access to Local Government
- Part 4 Functions of County Councils and their Members
- Part 5 County Councils Improvement of Governance
- Part 6 Community Councils
- Part 7 Workforce Matters

The consultation is intended to provide the opportunity for comments on the proposals to be considered by the Welsh Government after the May 2016 elections. The deadline for responses is 15 February 2016.

3. Part 4 of the draft Bill proposes statutory duties upon the Members of the proposed new County Councils relating to the performance of their functions. Members would be placed under a statutory obligation to attend meetings, hold regular ward surgeries, answer correspondence, complete compulsory training courses and publish an annual report. Leaders of political groups would be required to take reasonable steps to promote and maintain high standards of conduct by Members of their group

4. Standards Committees would be given new functions to handle complaints that Councillors have breached the statutory duties imposed on them, and to monitor compliance of group leaders with the duties imposed on them and to advise on, and arrange, relevant training. Given the enhanced role of the Standards Committee, the Committee would be given a statutory duty to make an annual report to Council, describing how the Committee's functions have been discharged during the year.

5. The procedure for handing complaints about an alleged failure by a Councillor to abide by the duties imposed, is set out in Part 4 Chapter 3 of the draft Bill. The procedure requires the Monitoring Officer to refer the matter to the Chair of the Standards Committee. If the Monitoring Officer and the Chair both consider that a matter should not be investigated, no investigation may take place. If either the Monitoring Officer or the Chair considers a matter should be investigated, the Monitoring Officer must investigate it. After conducting an investigation the Monitoring Officer must provide the Standards Committee with a report of the investigation. The role of the Standards Committee and the actions it may take if a Councillor has breached a duty are prescribed.

6. Part 4 of the draft Bill is attached at the **Appendix**. Members are invited to provide comments on the provisions of Part 4 of the Bill in so far as they relate to matters within the remit of the Committee (current or proposed). Members are advised that a corporate response to the Bill is being prepared for submission to the Welsh Government.

RECOMMENDATION

Provide comments on the Part 4 of the Bill in so far as it relates to the functions of the Committee to be considered as part of the preparation of the corporate response to the Bill.

APPENDIX

Draft Local Government (Wales) Bill, Part 4

Background papers

[Consultation Documents, Draft Local Government \(Wales\) Bill](#) -