

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

10 MARCH 2017

Report of the Head of Legal Services – David Michael

Matter for Decision

Wards Affected:

All

Reforming Local Government: Resilient and Renewed Welsh Government White Paper

Purpose of the Report

1. To provide Members of the Standards Committee with information in relation to proposals affecting Standards Committees.

Background

2. On 31st January 2017 the Welsh Government issued a White Paper entitled "Reforming Local Government: Resilient and Renewed". The closing date for responses to the White Paper is 11th April 2017.
3. The White Paper confirms that the Welsh Government is no longer pursuing wholesale compulsory amalgamation of Local Authorities. Rather it is looking at alternative methods of collaborative working. Those proposals will be reported to the various Local Authorities in Wales during the consultation period. Those general proposals do not concern the Standards Committee directly. However, there are some proposals in the White Paper which do affect the Standards regime generally and Standards Committees in particular. To a

certain extent, the proposals in the White Paper restate earlier proposals found in a previous draft Local Government Bill.

4. At paragraph 4.2.3 the White paper indicates:-

"As previously proposed, we will place a new duty on leaders of political groups to promote good standards of good conduct by their Members and to co-operate with Standards Committees in exercising their functions. Where appropriate, Standards Committees will hear cases of alleged failure by Members to perform prescribed performance duties, as well as breaches of the Member Code of Conduct"

5. Paragraph 5.2.6 goes on to state:-

"new duties for leaders of political groups to ensure high standards of conduct amongst their Members will add to a package designed to make life as a Councillor more attractive and to encourage a more diverse range of people to consider involvement in the future."

6. There are a number of issues here which I will deal with in turn. Members come into Local Government from varied backgrounds and have different experience of politics up to that point. Some Members will have participated in vigorous political debate over the years and others will have come from a background of work in the communities perhaps participating in voluntary organisations. Some Members will come in with no experience of public life at all. It is quite clear that all Members should, as far as possible, feel comfortable with standards of conduct in their Authority. The Standards regime is there to establish and enforce a common standard of behaviour. It is not clear how these proposals would relate to that objective.

7. The White Paper again suggests that the Standards Committee have a general role in enforcement rather than concentrate solely on its current job of enforcing the standards regime. There is a danger that this could be used to air political differences or that the Standards Committee be drawn into complaints about a Member failing to answer an email or arrange constituency surgeries.

8. Also, it is not clear what role a party group leader would have in relation to standards. Internal party rules are a matter for the party itself either locally or nationally. When it comes to appointment of Cabinet Members that is not always a matter for the Leader; that

depends on the Council's Constitution. Again, the Council Leader has no formal legal role in putting forward Members to serve on particular bodies. More thought needs to be given to this.

9. I now turn to a separate issue. The White Paper proposes that if a Member receives a sanction from a Standards Committee that will open the door to a bye-election if a petition is put forward securing the signatures of at least one fifth of the local electorate.
10. One can look at the proposal as strengthening the role of the Standards Committee. However, I would have thought that it could mean that the decisions of the Standards Committee could attract undesirable political prominence. If the Welsh Government was determined to go down this road, I would have thought that the bye-election petition procedure should be confined to cases either dealt with by the Adjudication Panel for Wales or where a Standards Committee has decided to suspend for a period. As it stands, the bye-election petition procedure could be triggered by a simple decision to censure a Member.
11. Members are invited to consider whether they wish to make representations to the Welsh Government on these proposals.

Financial Impact

12. There are no financial impacts associated with this report.

Equality Impact Assessment

13. This report is not subject to an Equality Impact Assessment.

Workforce Impacts

14. There are no workforce impacts associated with this report.

Legal Impacts

15. The legal consequences of the proposal are explained in the report.

Risk Management

16. This is not relevant.

Consultation

17. There is no requirement under the Constitution for external consultation on this item.

Recommendation

18. That Members consider whether they wish to make representations to the Welsh Government in response to the White Paper and that the Head of Legal Services as Monitoring Officer be delegated the power to formulate a response.

Reason for Proposed Decision

19. In order that Standards Committee may make representations on the proposal.

Implementation of Decision

20. Does not apply.

Appendices

21. None

List of Background Papers

22. Welsh Government White Paper Reforming Local Government: Resilient and Renewed

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