



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES – MR CRAIG GRIFFITHS

13 July 2022

Matter for Decision

Wards Affected: All Wards

Invitation to Group Leaders of Neath Port Talbot County Borough Council to attend Standards Committee

Purpose of the Report:

1. To seek approval from members of the Standards Committee to invite the respective Group Leaders of Neath Port Talbot Council to attend Standards Committee to discuss Code of Conduct matters to fulfil requirements of the Local Government and Elections (Wales) Act 2021

Background:

New Duty on Group Leaders

2. As indicated in previous reports, the Local Government and Elections (Wales) Act 2021 addresses some new obligations for Standards Committees.

The Act imposes specific duties on political leaders to promote and maintain standards of conduct within members of their group, and to cooperate with the Standards Committee in the exercise of its functions. This requires leaders of political groups to take steps to promote and maintain high standards of conduct by members of their groups.

3. The duty does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility. However, they do have a role in taking reasonable steps in maintaining standards, setting an example, using their influence to promote a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues as soon as they arise.

4. Reasonable steps the group leader *may* undertake include:
 - a. demonstrating personal commitment to and attending relevant development or training around equalities and standards;
 - b. encouraging group members to attend relevant development or training around equalities and standards;
 - c. ensuring nominees to a committee have received the recommended training for that committee;
 - d. promoting civility and respect within group communications and meetings and in formal council meetings;
 - e. promoting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution;
 - f. promoting a culture within the group which supports high standards of conduct and integrity;

- g. attend a meeting of the council's standards committee if requested to discuss Code of Conduct issues;
 - h. work to implement any recommendations from the Standards Committee about improving standards;
 - i. work together with other Group Leaders, within reason, to collectively support high standards of conduct within the council.
- 5. The purpose of the new duties is to build on and support a culture which is proactive, acts on and does not tolerate inappropriate behaviour.
- 6. A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code.
- 7. A political group's internal disciplinary procedures remain a matter for that group or any associated political party's own rules on discipline. However, it is expected that the group leader will take reasonable steps to promote and maintain high standards of conduct by members within group communications and meetings as well as their 'public' conduct outside of the group setting.
- 8. The provision imposes an additional function on the Standards committee to monitor political leaders' compliance, and to advise, train or arranging to train leaders of political groups about matters relating to the above duties. It is essential the leaders of a political group co-operate, and ensure the members within their group co-operate, with the monitoring officer and standards committee when an issue is referred to the standards committee.
- 9. Leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice

from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate ones. Group Leaders should also report compliance with their duty to the standards committee. This can 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 have not been remedied by informal actions, in line with the requirement in the Code for councillors to report breaches.

Role of Standards Committee

- 10.** The functions of the Standards Committee are now extended to include monitoring compliance by leaders of political groups with the new duty imposed on them to promote and maintain high standards of conduct by members of their group. A council's political Group Leaders and its standards committee should agree on the form and frequency of a report from each group leader to the standards committee to demonstrate how compliance with the duty is achieved. The standards committee should then consider each report and provide feedback to the Group Leaders. A standards committee must also 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. It should be noted that such training for Group Leaders took place on the 8th and 9th June 2022
- 11.** The standards committee chair may wish to meet with Group Leaders periodically to review behaviour.
- 12.** Accordingly, the Monitoring Officer would suggest that members of the Standards Committee discharge their new

duties by providing a series of set questions to Group Leaders to ask them to provide information for the Standards Committee and that the Standards Committee invite the respective five Group Leaders in Neath Port Talbot Council to attend a Standards Committee during the 2022-2023 year to provide the Standards Committee with the opportunity to discuss code of conduct matters with them and how such approaches are considered within their political groups.

13. To that extent it would be suggested that members invite one or two Group Leaders to each meeting of the Standards Committee over the coming year and the Monitoring Officer will make suitable arrangements to undertake this.
14. Questions would be provided in advance to Group Leaders to afford the opportunity to consider the issues that the Standards Committee would like to raise and Group Leaders be asked to produce written response for members to consider at a meeting of the Standards Committee and for them to discuss with the Group Leader.
15. A proposed set of questions is set out below:
 - (a) *Could you please introduce yourself and explain how long you have been a group leader?*
 - (b) *Do you consider that it is still appropriate to have a Code of Conduct in Wales, which applies to all councillors and co-opted members?*
 - (c) *What steps do you take to promote high standards of conduct within your political group?*
 - (d) *What do you understand the role of the Standards Committee to be?*
 - (e) *Is there any work you feel the Standards Committee should be undertaking over the next year to help you with your role as group leader?*

- (f) *How can the Standards Committee become more active in promoting ethical conduct among Councillors / Co-opted Members?*
- (g) *The Ombudsman, Adjudication Panel for Wales and the High Court has taken a view on politicians (and in some cases senior officers) having a “thick skin” and on political banter being part of the political landscape. What are your own views and how would you as a Political Group Leader/Committee Chair ensure that the line is not crossed.*
- (h) *What are your views on the Authority’s Code of Conduct training? How could it be improved so as to raise the ethical standards of Councillors / Co-opted Members?*
- (i) *Training for Councillors / Co-opted Members is vitally important. How can the Standards Committee tackle those that do not see training as important?*
- (j) *The Authority’s Local Resolution Process (LRP)(Cllr v Cllr) is capable of being used by Councillors. In the event of a dispute will you be encouraging your party to use the process? Do you consider the lack of referrals to the LRP demonstrates that councillors are behaving within the Code?*

16. Members are invited to make representations as to whether additional questions might wish to be asked

Financial Impacts:

17. No implications.

Integrated Impact Assessment:

18. An Integrated Impact Assessment is not required for this report.

Valleys Communities Impacts:

19. No implications

Workforce Impacts:

20. No implications

Legal Impacts:

21. There are no legal impacts associated with this report.

Consultation:

22. There is no requirement for external consultation on this item

Recommendations:

23. That Members extend an invite to Group Leaders of Neath Port Talbot County Borough Council to attend a meeting of the Standards Committee to discuss code of conduct related matters to fulfil the legal obligations under the Local Government and Elections (Wales) Act 2021.

Appendices:

24. None

List of Background Papers:

25. None

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