

STANDARDS & ETHICS COMMITTEE: 25 JULY 2023

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

**AMENDMENT OF THE MEMBERS' CODE OF CONDUCT - ATTENDANCE AT
MANDATORY TRAINING**

Reason for this Report

1. To report back to the Committee following full Council's consideration of the recommendations made by the Committee at its last meeting in relation to amendments to the Members' Code of Conduct to require Members to attend all mandatory training.

Background

2. The conduct of elected Members is governed by the statutory Members' Code of Conduct adopted by each local authority in Wales under Part 3 of the Local Government Act 2000. The Code of Conduct must incorporate mandatory provisions of the statutory model code of conduct (issued under s.50 Local Government Act 2000, the Local Authorities (Model Code of Conduct)(Wales) Order 2008), and may include other provisions which are consistent with the model code.
3. In considering their duties under the Code of Conduct, Members must have regard to the statutory guidance issued by the Public Services Ombudsman for Wales (under section 68 of the Local Government Act 2000).
4. The Standards and Ethics Committee has responsibility 'To advise the Council on the effective implementation of the Code' and 'To recommend to Council and the Cabinet any additional guidance on issues of probity' (under its approved terms of reference, paragraphs (c) and (h)).
5. At its meetings in February 2023 and May 2023, the Committee discussed Members' attendance at training which had been designated as mandatory by the Democratic Services Committee. Following discussions with political group leaders at the meeting in May, the Committee agreed to recommend that a requirement to attend mandatory training should be incorporated as an amendment to the Members' Code of Conduct. It was agreed that a reasonable time period for Members to complete mandatory training would be 6 months from the date when the training was first made available to the Member, but there should be provision for this time period to be extended if a particular Member has a good reason for requiring an extension of time and

that Members should be excused from attendance if they can provide evidence of having already attended equivalent and up to date training. The Committee agreed to submit the recommended amendments to the Code of Conduct to full Council for approval.

Issues

6. The recommended amendments to the Members' Code of Conduct to incorporate a requirement for Members to attend mandatory training were considered by full Council on 29th June 2023. The Council approved the recommended amendments, subject to the following two points:
 - (i) Retrospective effect – Members asked for clarification that the new requirements were not intended to have retrospective effect, specifically, that the 6 month period for completing mandatory training would not be calculated retrospectively. In line with the common law presumption against retrospective effect (unless this is expressly stated), it was agreed that the 6 month period would not start to run until after the date on which the new requirements were approved by Council, that is, 29th June 2023. This has been clarified by inserting a footnote to this effect in the revised Code, as shown in **Appendix A**.
 - (ii) Designation of mandatory training – It was noted that the Democratic Services Committee has responsibility for ensuring that Members are provided with appropriate training and support and may identify certain training as essential to enable Members to properly discharge their duties. However, it was agreed that if an enforceable duty to attend training was to be introduced, then the designation of mandatory training should be subject to approval by full Council. A report is to be submitted to full Council in September for confirmation of the currently designated mandatory training; and any future designations of training as mandatory will be subject to approval by full Council.
7. Following approval of amendments to the Members' Code of Conduct, the Council is required (under section 51(6) of the Local Government Act 2000), as soon as reasonably practicable, to publish a newspaper notice informing the public that the Code of Conduct has been revised and is available for inspection, make copies of the revised Code of Conduct available for public inspection and send a copy to the Public Services Ombudsman for Wales. The appropriate arrangements are in hand to comply with these statutory requirements.

Legal Implications

8. Relevant legal provisions are referred to in the body of the report.

Financial Implications

9. There are no direct financial implications arising from the recommendations of this report.

RECOMMENDATION

The Committee is recommended to note the information set out in this report.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

17 July 2023

Appendices

Appendix A Revised Members' Code of Conduct, approved by Council on
29th June 2023

Background papers

Council report, 'Amendment of the Members' Code of Conduct – Attendance at Mandatory Training',
29th June 2023: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk/city-and-county-of-cardiff)

Standards and Ethics Committee report 'Group Leaders' Reports to Standards and Ethics Committee;
and Potential Changes to the Members' Code of Conduct (Mandatory Training) and the Cardiff
Undertaking, 9th May 2023: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk/city-and-county-of-cardiff)