

STANDARDS AND ETHICS COMMITTEE:

25 JULY 2023

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

**WELSH GOVERNMENT STATUTORY AND NON-STATUTORY
GUIDANCE FOR PRINCIPAL COUNCILS IN WALES (INCLUDING
GUIDANCE ON STANDARDS OF CONDUCT)**

Reason for this Report

1. To inform the Committee of the Welsh Government's Statutory and Non-Statutory Guidance for Principal Councils in Wales (the Democracy Handbook'), issued in June 2023, which includes finalised guidance on the new duties of political group leaders in relation to standards of conduct and corresponding new duties placed on standards committees (introduced by Part 4 of the Local Government and Elections (Wales) Act 2021).

Background

2. The Local Government Act 2000, Part III (and regulations made thereunder) sets an ethical framework for the conduct of local government members. Key components of the ethical framework include the statutory Members' Code of Conduct, which sets out the duties imposed on all elected and co-opted Members; and the statutory provisions relating to Standards Committees, established to promote and maintain high standards of conduct by the members and co-opted members of the authority.
3. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), Part 4 introduced certain changes to the statutory ethical framework which took effect from 5th May 2022, and includes:
 - (a) New duties for leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by members of their group, and to co-operate with the standards committee in the discharge of its functions; and
 - (b) New duties for standards committees to monitor the compliance of political group leaders with their new duties; and for advising and training (or arranging training) of political group leaders in relation to those duties

(referred to in paragraph (a) above); and to submit an annual report to full Council.

4. In complying with the new duties, political group leaders and standards committees must have regard to any guidance issued by the Welsh Ministers. Draft statutory guidance, issued in February 2022 for consultation, along with the Council's consultation response, was considered by the Committee at its meeting in June 2022.

Issues

5. On 15th June 2023, the Welsh Government issued its finalised Statutory and Non-Statutory Guidance on democracy within principal councils, 'the Guidance'.
6. Part 2 of the Guidance includes:
 - 4.0 Statutory guidance on duties of leaders of political groups in relation to standards of conduct
 - 5.0 Statutory guidance on the functions of standards committees
 - 6.0 Duty of a standards committee to monitor group leaders' compliance with their duties, and provision of advice and training
 - 7.0 Duty of standards committee to make annual report
7. The finalised Guidance largely reflects the same provisions that were included within the Consultation Draft Guidance previously considered by the Committee at its meeting in June 2022, which was agreed to be helpful for understanding the scope of the new duties and how to fulfil them.
8. The Guidance, paragraph 6.4, was amended (on 4th July 2023) to read that standards committees (as opposed to standards committee chairs) should meet with group leaders at the beginning of each council year to agree a number of issues. As members will be aware, the Committee's annual meeting with group leaders and whips is well-established in Cardiff; and since the introduction of the new statutory duties on group leaders, it has been agreed that meetings will be held biannually, at the start of the year in May and then 6 months later, mid-way through the year (to be included as part of the agenda for the appropriate Committee meeting, within the Committee's scheduled calendar of meetings for the year).
9. The updated Guidance is attached as **Appendix A: [Statutory and non-statutory guidance on democracy within principal councils | GOV.WALES](#)**

The Committee will note that the Guidance, paragraph 2.34, also includes guidance on Members' home addresses and the Members Register of Interests, confirming that: '.. it is the view of the Welsh Government that while members have an obligation to declare interests and not to participate in or influence council business, there is no requirement for members to include their full primary address (or any other address) when registering beneficial interests in land in the authority's area. It would be sufficient for members to state that they own a property in

the authority's area (for example identifying the road or ward), in order to discharge their duties under paragraph 15 of the Code.' This replicates the provisions of the draft guidance considered previously by the Committee in June 2022. Members may recall from the Committee's previous consideration of this issue (in June 2022) that whilst the Welsh Government's view is that identifying the *ward* in which property is located may be sufficient to discharge a Member's duty under the Code of Conduct (to register a description of 'any land and property in the authority's area in which you have a beneficial interest (or a licence to occupy for more than 28 days)', the Ombudsman's statutory guidance on the Code of Conduct refers to the *street name* or *postcode*. The explanatory notes provided for Cardiff Councillors on this question in the Members' Register of Interests reflects the statutory guidance provided by the Ombudsman, making clear that full home addresses do not need to be provided, and that a street name or postcode will suffice.

10. The Committee may also wish to note that the Welsh Government has developed a set of short videos on ethical standards and the code of conduct, which are published on YouTube and can be found here:

[Standards of behaviour for councillors in Wales - YouTube](#)
[Advice on how to complain about a councillor in Wales - YouTube](#)
[How councillors should behave and interact with people - YouTube](#)

[Safonau ymddygiad ar gyfer cynghorwyr yng Nghymru - YouTube](#)
[Cyngor ar sut i gwyno am gynghorydd yng Nghymru - YouTube](#)
[Sut dylai cynghorwyr ymddwyn ac ymwneud â phobl - YouTube](#)

11. The Welsh Government has indicated that it is working on producing the consolidated Guidance as html online and will embed the videos in relevant sections. Councils are encouraged to use the videos for their own purposes. The Monitoring Officer has shared links to these videos with the Community Council Clerks in the Cardiff area and recommended showing them at their next Council meeting if possible, as a reminder of the Code of Conduct and the complaints process.

Legal Implications

12. Relevant legal provisions are set out in the body of the report.

Financial Implications

13. There are no direct financial implications arising from this report.

RECOMMENDATIONS

The Committee is recommended to note the information set out in the report and **Appendix A**.

Davina Fiore
Director of Governance and Legal Services and Monitoring Officer
17 July 2023

Appendices

Appendix A: Statutory and Non-Statutory Guidance for Principal Councils in Wales, June 2023: [Statutory and non-statutory guidance on democracy within principal councils | GOV.WALES](#)

Background papers

Standards and Ethics Committee report, 'Draft Statutory Guidance on Standards of Conduct and Disclosure of Members' Home Addresses in the Members' Register of Interests', 22nd June 2022: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](#)

Ombudsman's Guidance on the Members' Code of Conduct: General : 27 FINAL
Investigation Report Template s21 casework support only (ombudsman.wales)