

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

PREPARATION FOR LOCAL ELECTIONS 2022

Reason for this Report

1. To enable the Committee to consider arrangements being made to promote and maintain standards of conduct in preparation for the May 2022 local government elections.

Background

2. The Standards and Ethics Committee has statutory responsibility for the promotion and maintenance of high standards of conduct by the Members (and Co-Opted Members) of the authority, and assisting Members to observe the Members' Code of Conduct. The Committee also has statutory responsibility for advising and training (or arranging to train) Members on matters relating to the Members' Code of Conduct (under section 54 of the Local Government Act 2000, and reflected in the Committee's terms of reference).
3. In line with a Council resolution (carried in March 2021, minute number 165), the Committee has developed a Members' Social Media Code of Principles ('Members' Social Media Code'), which aims to assist Members to comply with their duties under the Members' Code of Conduct when using social media. The Members' Social Media Code been adopted by Council and is annexed to the Code of Conduct, enshrined within Part 5 of the Constitution.
4. The Committee meets annually with political group leaders and whips to discuss issues relating to Member conduct. At the last meeting, in October 2021, one of the topics which was discussed was the wish for all election candidates (including those who are already Councillors) to operate on a level playing field. Concerns were expressed that those who are already elected Councillors are bound by the Members' Code of Conduct and its requirements, for example to treat others with respect, whereas election candidates who are standing against them, are not bound by the Code of Conduct and may therefore exaggerate for effect or misrepresent some facts. It was suggested and agreed by the Group Leaders present that they would make their party candidates aware of the provisions of the Members' Code of Conduct and the

Members' Social Media Code, and ask them to comply with them to ensure a fair and honest election takes place. It was also agreed that the Chair of the Standards and Ethics Committee would write to all election candidates to reiterate this request.

Issues

Members' Training and Development

5. Following the Local Government Elections in 2022 there will be a number of new and returning Elected Members. To support the effective governance arrangements of the Council, enable the newly elected councillors to undertake the variety of roles they are expected to carry out and to integrate them quickly into the Council following their election, a Member Induction Programme 2022 is being developed by the Democratic Services Committee.
6. The draft Outline Member Induction Programme 2022 ('the Programme') considered by the Democratic Services Committee at its last meeting, on 24th January 2022, is attached at **Appendix A** for Members' information.
7. Members will note that the first session of the draft Programme is a 'Welcome and Introduction' for all new and returning Councillors, to be delivered by the Chief Executive, Director of Governance and Legal Services and Monitoring Officer and (if available) the Chair of the Standards and Ethics Committee. This session (to be repeated) is to include the following:
 - Role of Councillors
 - Member/ Officer relationship;
 - Values of the Council;
 - Headline issues for the Council;
 - Aims of the session.

Members will also be advised on the requirements relating to registration of personal interests (Members' Register of Interests), and the Deputy Monitoring Officer and staff will be on hand to provide advice and assistance.

8. Within Phase 1 of the Programme (during the first week following the elections), Members will note there is also a 'What Councillors Need to Know' session (to be repeated), which is mandatory for all newly elected and experienced (returning) Members. These sessions will include:
 - Councillor's Code of Conduct; Ethical Standards and Interests;
 - Role of Standards & Ethics Committee
 - Governance structure & Decision-Making;
 - Overview of statutory responsibilities for data protection and handling information safely and compliance with data protection and FOI legal obligations;
 - Member Safeguarding Protocol;
 - Use of Social Media;
 - Where to go for advice and further information.

9. Within Phase 2 of the Programme, 'Core Functions', to be delivered during the period 27th May to 7th October 2022, Members will note that there is an Equalities and Diversity Workshop, which is to be repeated and is proposed to be made mandatory for all Elected Members. These sessions are to include:
 - Awareness of Equality and Diversity responsibilities, positive actions and hidden barriers.
 - Looking at the Protected Characteristics - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
 - Discrimination - direct, indirect, associative and perceptive discrimination, disability discrimination and pregnancy and maternity discrimination.
 - Other Prohibited Conduct – hate crime; victimisation, stereotyping, prejudice, bullying and how to report incidents.
 - Micro-aggressions
 - Unconscious Bias.
10. Members will note that there is also an E-Learning module on Equality and Diversity, available on the All Wales E-Learning Portal, which is being developed with the WLGA. The Head of Democratic Services has advised that the E-Learning module is to be categorised as 'Recommended' and may be used as a stepping stone to the full session and used as a standalone module for any Members elected in a subsequent by-election.
11. The Head of Democratic Services has also confirmed that an Unconscious Bias Online Module is available on the Cardiff Academy for all Elected Members and officers.
12. The draft Programme is currently being finalised by the Head of Democratic Services in consultation with all Directorates of the Council. The Programme will also need to include training for group leaders, deputies and whips on the new duty on group leaders to promote and maintain high standards of conduct by members of their groups, which may cover topics such as mediation skills, conflict resolution and dealing with difficult people/situations.
13. Practical arrangements for the sessions will be decided nearer to the date, having regard to any Covid restrictions in force at that time.

Conduct of Election Candidates

14. As noted in paragraph 4 above, at the Committee's meeting with political group leaders and whips held in October 2021, the Chair agreed to write to all election candidates to explain the standards of conduct required of elected Members (under the Members' Code of Conduct, including the Members' Social Media Code) and ask them to comply with those standards, in the interests of ensuring a fair and honest election. A draft letter to be sent to all candidates is attached as **Appendix B**.
15. Members should note that whilst the Chair may make this request, on behalf of the Standards and Ethics Committee, to all candidates, whether they are existing Members or not, the duties under the Members' Code of Conduct are

only legally enforceable against elected and co-opted Members of the Council. The Ombudsman's advice around candidates is that any non-serving councillor's conduct would be a matter for the Electoral Commission. However, if elected, it could come within the Ombudsman's remit should any inappropriate social media content remain 'ongoing', and they change their profile to include their Member/Council role.

Legal Implications

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

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

- 1) Note the information set out in the report and appendices; and
- 2) Provide any appropriate comments.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

3 February 2022

APPENDICES

Appendix A Draft Outline Member Induction Programme 2022

Appendix B Draft letter to Candidates from Standards and Ethics Committee Chair

Background papers

Democratic Services Committee report, 'Updated Proposals – Draft Outline Member Induction Programme 2022', 24th January 2022