

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

**GROUP LEADERS' REPORTS TO STANDARDS AND ETHICS
COMMITTEE**

***PART OF APPENDICES A1, A2, A3 & A4 IS NOT FOR PUBLICATION AS IT
CONTAINS EXEMPT INFORMATION OF THE DESCRIPTION IN PARAGRAPHS
12 & 13 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972***

Reason for this Report

1. To allow the Committee to receive and consider the reports from political group leaders on the discharge of their statutory duties relating to standards of conduct of members of their groups (introduced under Part 4 of the Local Government and Elections (Wales) Act 2021).

Background

2. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), Part 4 introduced certain changes to the statutory ethical framework (set under Part 3 of the Local Government Act 2000), which took effect from 5th May 2022, including:
 - (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.

3. It is well established practice in Cardiff, since long before the introduction of the new statutory requirements under the 2021 Act, for the Standards & Ethics Committee to meet annually with group leaders and whips to informally discuss conduct issues.
4. The Committee considered the new statutory duties on group leaders at its meeting in October 2022, and in consultation with the group leaders, approved a proforma for the group leaders' new statutory reports. It was agreed that the Committee would receive such reports on a biannual basis (every six months).
5. At its meeting held on 9th May 2023, the Committee received reports from each of the political group leaders under the new legislative framework, providing information about compliance with their new statutory duties in relation to standards of conduct. The Committee considered the group leaders' reports in light of the draft statutory guidance on the new duties which had been issued by the Welsh Ministers.

Issues

Group Leaders' Reports to Standards and Ethics Committee

6. The Group Leaders' Reports, completed by the leaders of each of the four political groups represented on the Council, are appended as **Appendices A1-A4** (including mandatory training attendance figures for each group, with individual group members' training records attached on an Exempt basis), for the Committee's consideration. Group leaders and whips have also been invited to attend the Committee meeting to discuss their reports with the Committee.
7. In complying with the new statutory duties, political group leaders and standards committees must have regard to any guidance issued by the Welsh Ministers. The finalised statutory guidance has been issued within Part 2 of the Statutory and Non-Statutory Guidance on Democracy within Principal Councils ('also referred to as the Democracy Handbook'): [Statutory and non-statutory guidance on democracy within principal councils: members' support, training and development \[HTML\] | GOV.WALES](#) (**Appendix B** to this report).
8. In relation to the new duty placed on Group Leaders, Members will note that the guidance confirms that:
'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 and accountability. However, they do have a role in taking reasonable steps in maintaining high standards, setting an example, using their influence to support a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues of alleged non-compliance as soon as they arise.'

9. The guidance sets out the reasonable steps a Group Leader may take in this regard, and these are reflected in the agreed Group Leaders' Report proforma.
10. The statutory guidance also includes the following guidance in relation to Members' training:

'The importance of attendance at training on the Code of Conduct has been highlighted by the Ombudsman and was raised under the independent review of the Ethical Standards Framework and Model Code of Conduct carried out by Richard Penn. Leaders of political groups should actively encourage all members in their group to read the Ombudsman's Guidance and any local guidance issued by the monitoring officer or standards committee and to take up any offer of training. They should also work constructively with standards committees and monitoring officers to identify the training requirements for themselves and for their group members.

It is essential that relationships with members are established which encourage them to raise issues with the group leader. The group leader has a significant role to play in creating a culture of trust and mutual respect in their group. Where issues arise, the importance of resolving low-level complaints at a local level has been raised by the Ombudsman and the independent Review of the Framework. Typically, these complaints are about alleged failures to show respect and consideration for others and the making of frivolous and low-level complaints. The group leader should be pivotal in preventing the escalation of these complaints to the stage where more formal interventions become necessary. Leaders of political groups should have informal discussions with members who may be showing early signs of inappropriate behaviour to 'nip this in the bud' before it becomes problematic or in danger of breaching the Code. This may include suggesting and requesting appropriate training or refresher training for the members concerned, asking for social media posts they have made to be removed, and requesting they apologise where appropriate.'

11. The Committee will recall that, on the recommendations of this Committee, the Council has amended its Members' Code of Conduct (new paragraph 8(c)) to include a duty to:

'(c) undertake all training designated by your authority as mandatory to enable you to properly discharge your duties, within 6 months from the date on which the mandatory training is first made available to you*, unless:

- (i) you can provide evidence of having attended equivalent and up to date training; or
 - (ii) you have reasonable excuse for requiring an extension of time',
- which, in either case, should be agreed in advance with the Head of Democratic Services.'

[* the 6 months to start not earlier than 29th June 2023, when this requirement was introduced]

12. The Committee will be pleased to note that the Group Leaders' reports indicate that all Members have completed all mandatory training, with the exception of the following:

- (i) a recently appointed member of the Planning Committee, who is due to complete the mandatory training before attending his first Planning Committee meeting; and
- (ii) 1 member with mitigating circumstances who has now returned and been advised that the mandatory training must be completed.

13. In considering this matter, the Committee should note that the new statutory requirements in relation to the Committee's annual report to Council (also introduced under the 2021 Act, and to be considered under Agenda Item 8) require the Committee to include an assessment of group leaders' compliance with their new statutory duties, including the advice the standards committee has provided and the training it has suggested.

Legal Implications

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

Financial Implications

15. There are no financial implications directly arising from this report.

RECOMMENDATIONS

The Committee is recommended to:

- (1) Note the Group Leaders Reports on the discharge of their new statutory duties in relation to standards of conduct (**Appendices A1-A4**);
- (2) Provide any appropriate comments in relation to the Committee's assessment of Group Leaders' compliance with their new statutory duties and any advice provided and or training suggested by the Committee; and
- (3) Agree to receive an update report from Group Leaders in six months time.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

25 October 2023

Appendices

Appendices A1-A4 Group Leader's Reports to Standards and Ethics Committee (with individual Members' training records Exempt from publication)

Appendix B Statutory and Non-Statutory Guidance on Democracy within Principal Councils ('also referred to as the Democracy Handbook'): [Statutory and non-statutory guidance on democracy within principal councils: members' support, training and development \[HTML\] | GOV.WALES](#)

Background papers

Standards and Ethics Committee report, 'Group Leaders' Duties in Relation to Standards of Conduct', 25th October 2022: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk)

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', 9 May 2023: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk)

Standards and Ethics Committee report, 'Amendment of the Members' Code of Conduct – Attendance at Mandatory Training', 25 July 2023: [CITY AND COUNTY OF CARDIFF \(moderngov.co.uk\)](https://www.moderngov.co.uk)