



Llywodraeth Cymru
Welsh Government

Number: WG45676

Welsh Government Consultation – Summary of Responses

Standards of conduct

Draft guidance for leaders of political groups in principal councils and standards committees

July 2022

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

This document is also available in Welsh.

Overview

The Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) provides for the establishment of a new and reformed legislative framework for local government elections, democracy, governance and performance.

The standards of conduct provisions contained in Part 4 of the 2021 Act support the Welsh Government’s wider commitment to equality and diversity in public life and the aim of an anti-racist Wales.

The duties will come into force from the start of the next local government electoral cycle, on 5 May 2022.

Action Required

This document is for information only.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Local Government Democracy Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Email: LGDTMailbox@gov.wales

Additional copies

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government’s website.

Link to the consultation documentation: [Consultation on the Local Government and Elections \(Wales\) Act 2021: standards of conduct statutory guidance \[HTML\] | GOV.WALES](#)

1. Introduction

- 1.1 The Local Government and Elections (Wales) Act 2021 ('the 2021 Act') provides a new and reformed legislative framework for local government elections, democracy, governance, and performance.
- 1.2 The standards of conduct statutory guidance set out how leaders of political groups in principal councils should meet their duties contained in section 52A of the Local Government Act 2000 ('the 2000 Act'), inserted by section 62 of the 2021 Act, which relates to the promotion and maintenance of high standards of conduct by the members of the group.
- 1.3 The provisions in the 2021 Act support this culture by providing a new duty on the leaders of political groups to take steps to promote and maintain high standards of conduct of their members. The duty recognises those in positions of leadership and influence within a principal council should have responsibility for combating bullying and harassment amongst elected members and council staff and must act as a positive role model.
- 1.4 The duty is not intended to be the panacea and will not specifically cover everyone i.e., those members who do not belong to a political group, but it is designed to be proportionate and helpful. Its aim is to prevent or stop inappropriate behaviour before it escalates into a breach of the Code of Conduct, therefore its principles should apply to all.

2. Consultation

- 2.1 Councils must be places where an open culture thrives and people are made to feel welcome and respected, whatever their background, to encourage a more diverse range of people to seek elected office in local government. Standards of behaviour are key to this, and all members have a responsibility to act in a manner which respects and values all people.
- 2.2 Views were invited on the draft standards of conduct statutory guidance as part of a 12-week consultation which began on 21 February and closed on 16 May 2022. The consultation document was published on the Welsh Government's website. A total of 15 responses were received via the online questionnaire.
- 2.3 Further detail on the draft standards of conduct statutory guidance can be found in the consultation document by clicking on the following link.

[Consultation on the Local Government and Elections \(Wales\) Act 2021: standards of conduct statutory guidance \[HTML\] | GOV.WALES](#)

3. Respondents

3.1 The respondents to the consultation can be grouped as follows:

Respondent Type	
Member of the Public	6
Principal Council	4
Fire & Rescue Authority	1
Other – respondents not providing an answer as to type and/or skipping questions	4

3.2 Of the 15 respondents to the consultation nine stated they wished to remain anonymous, and the other six respondents did not answer the question. Therefore, we have not released details of any of the respondents' identities.

4. Summary of Responses

4.1 This document is a summary of the 15 responses received via the online questionnaire. The report does not aim to capture every point raised by respondents, instead drawing out the key messages. Overall, most responses agreed with and were supportive of the draft guidance, with some respondents providing helpful comments and suggestions about how to increase clarity and scope and to ensure it was clear how political leaders would be able to demonstrate compliance with the guidance.

5. Consultation Questions

The consultation asked 5 questions as set out below.

Q1. Does the draft guidance make it clear what is expected of leaders of political groups in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by leaders of political groups in principal councils? If not, why not?

5.1 There were 13 responses to this question. While most respondents felt the draft guidance is clear on what is expected of leaders of political groups in principal councils the following points were made:

- There is some concern it would be difficult to disprove any accusation the political group leader was not doing enough to promote and maintain high standards of conduct, should an allegation be made. Further, it is felt there is scope for the guidance to be interpreted differently by those to whom it applied.
- The guidance relates very strongly to resolving issues within the political group, however not so strongly on resolving low level complaints where those involved are from different political groups. In such cases there is a need for political group leaders to work together to resolve the complaint.

- The guidance also needs to cover the position of independents, working alone and in collaboration with others.
- There is a view that leaders of political groups should be subject to the same reporting requirements as the Standards Committee, e.g., producing an annual report to at least outline what steps they have taken to maintain and improve high standards of conduct within their group. This, it was said, would have several benefits including a consistent approach across Wales and publicising the raising of standards across the council and Wales. The Standards Committee's report could then address any issues raised in the political leader's report, and the political leader's report could identify any concerning trends of behaviour that could be addressed by the Standards Committee.
- There should be an obligation on political leaders to report any serious concerns to the Standards Committee immediately, perhaps in an anonymised form, so the Standards Committee can provide support and advice.
- It was also highlighted that there will be a need for training of political group leaders to help them understand their responsibilities.

Q2. Does the draft guidance make it clear what is expected of Standards Committees in principal councils as set out in the provisions of Part 4 of the Local Government and Elections (Wales) Act 2021 in a way that can be understood by Standards Committees? If not, why not?

5.2 There were also 13 responses to this question. While half the respondents felt the draft guidance is clear on what is expected of Standards Committees in principal councils the following points were noted:

- Further detail should be included on how the Standards and Ethics Committee will monitor the political leaders' groups compliance as there needs to be consistency and transparency across all local authorities and it is important to maintain the Standards Committees good relationship with leaders of political parties. The local resolution procedure is an important element of the standards regime and consideration should be given to codify this in law.
- Another answer expressed concern that a duty to prepare a report to the Standards Committee by political group leaders may be considered onerous.
- Members of Standards Committees should also have access to training to ensure a consistent interpretation of the guidance. A comment received on behalf of a Standards Committee stated their role could be strengthened by the introduction of mandatory training for all members. This should include more than the register of interests but the whole standards regime including the Nolan principals and local resolution of issues. Further, the response suggested that the Standards Committee members themselves should help to provide the training.
- The guidance mentions the Standards Committee '... monitoring the operation of corporate maladministration complaint procedures'. It was thought this appeared to overlap with the terms of the Governance and Audit Committee and asked for clarification on this issue.
- Clarification was sought as to whether the Standards Committee reports should be accessible to the public, and it was suggested that the reporting

period should be 6 months with reports on different cycles so that they are not received all at once. This would also allow for lessons learned to be acted upon promptly.

- It was proposed that it might be useful to include specific examples in the guidance for both political group leaders and Standards Committees of what is meant by certain terminology and to give a better idea of what is expected of them.

Q3. We would like to know your views on the effects that the guidance would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

5.3 There were 12 responses to this question where half considered the effect that the guidance would have on the Welsh language was neutral, had no effect, gave no change to current practice, were generally positive or the respondent decided not to comment at all. A summary of these comments is detailed below:

- Other reactions were not strictly related to the effects of the guidance, but comments included that English should not be treated less favourably in non-Welsh speaking areas.
- It would be a good idea to teach the Welsh population some short Welsh phrases to promote the Welsh language to everyone not just in schools.

Q4. Please also explain how you believe the guidance could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and have no adverse effects on opportunities for people to use the Welsh language, and on treating the Welsh language no less favourably than the English language.

5.4 There were 11 responses to this question. Almost two thirds considered the effect that the guidance would have on the Welsh language was neutral, had no effect, gave no change to current practice, were satisfactory or generally positive or where the respondent decided not to comment at all. A summary of the responses is listed below:

- Both languages are equally valid and should be accorded the same respect.
- There is a need to encourage all councils to comply with the legislation in relation to the use of the Welsh language. Translation services should always be available. Consideration should be given to encouraging the use of Welsh in councils on a Wales wide basis. It was suggested by one respondent that town councillors, ward councillors, MSs and MPs (in Wales) should all be able to speak basic Welsh or make it mandatory that they complete / pass a Welsh course. Also, a need to put in place a minimum qualification requirement in order to stand / be elected as town councillors and ward councillors.

- There was a need to promote the Welsh language through the medium of mainstream TV, as there is not enough of the population who can speak it, we need to create positivity by increasing the numbers.

Q5. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response to express your views.

5.5 There were 10 responses to this question. Three of these responded saying no comment, no point and nothing further. Of the others the key points not mentioned above are listed below:

- The guidance is silent on the need for political group leaders to ensure the relationship between officers and members operates on a sound basis and that there is clarity and mutual respect for the different roles that officers, and members have.
- It is unclear how effective these new duties will be in practice as the duties appear to rely on the willing co-operation of political group leaders and there appears to be few levers should any political group leader not discharge their duties as intended.
- Councils that are led by independent leaders that are free of political oversight need to be held accountable legally by a framework that ensures that legal and corporate standards are upheld, for the good of the people and to ensure independent oversight.
- One of the comments from a Standards Committee was that local resolution may formalise issues rather than more informal mediation and care should be taken to differentiate between the two solutions. However, local resolution and mediation add more responsibilities to the Standards Committees workload, and this will have a financial cost and the this will need to be considered.