

CEREDIGION COUNTY COUNCIL

Report to: Ethics and Standards Committee

Date of meeting: 19 May 2021

Title: S 62-63 of the Local Government and Elections (Wales) Act 2021

Purpose of the report: To note the new duties that S 62-63 of the Local Government and Elections (Wales) Act 2021 places on political leaders and the standards committee.

The Local Government and Elections (Wales) Act 2021 places new duties on leaders of political groups and standards committees. Appendix A contains the relevant sections, namely s62 and s63.

With regard to the duties of leaders of political groups in relation to standards of conduct, (S.52A Local Government Act 2000) states that a leader of a political group consisting of members of a county council in Wales must take reasonable steps to promote and maintain high standards of conduct by the members of the group; and must co-operate with the council's standards committee.

In section 54 Local Government Act 2000 (functions of standards committees), a standards committee of a county council or county borough council in Wales also has the specific functions of—

- (a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and
- (b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.

S.63 inserts the requirements for the standards committee annual report. As well as describing how the committee's functions have been discharged the report must also include what has been done to discharge the general and specific functions conferred on the committee by section 54 or 56. An annual report by a standards committee of a county council or county borough council in Wales must include the committee's assessment of the extent to which leaders of political groups on the council have complied with their duties under section 52A(1). The annual report may also include recommendations to the authority about any matter in respect of which the committee has functions.

Current Position

The political leaders of Ceredigion County Council are invited annually to the Ethics and Standards Committee to discuss the methods of promoting and maintaining high standards of conduct by Members of Ceredigion County Council.

Proposal

The Committee is asked to note the new duties and to consider ways that the Committee monitoring role can be implemented and fulfilled and what evidence/actions the Committee might require from the political leaders in order to fulfil the requirements of the legislation.

Recommendation(s):

1. To note the new duties that S 62-63 of the Local Government and Elections (Wales) Act 2021 places on political leaders and the standards committee.
2. To consider how the Committee can assess the extent to which leaders of political groups on the council have complied with their duties under section 52A(1).

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Date of Report: 23 April 2021
Acronyms:

Local Government and Elections (Wales) Act 2021

Conduct of Members

62 Duties of leaders of political groups in relation to standards of conduct

(1) The 2000 Act is amended as follows.

(2) After section 52 insert—

“52A County and county borough councils: duties of leaders of political groups in relation to standards of conduct

(1) A leader of a political group consisting of members of a county council or county borough council in Wales—

(a) must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and

(b) must co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

(2) In complying with subsection (1), a leader of a political group must have regard to any guidance about the functions under that subsection issued by the Welsh Ministers.

(3) The Welsh Ministers may by regulations make provision for the purposes of this section about the circumstances in which—

(a) members of a county council or county borough council in Wales are to be treated as constituting a political group;

(b) a member of a political group is to be treated as a leader of the group.

(4) Before making regulations under subsection (3), the Welsh Ministers must consult such persons as they think appropriate.”

(3) In section 54 (functions of standards committees), after subsection (2) insert—

“(2A) A standards committee of a county council or county borough council in Wales also has the specific functions of—

(a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and

(b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.”

(4) In section 106 (Wales: orders and regulations)—

(a) omit subsection (5);

- (b) in subsection (7) after “section 21G” insert “or regulations under section 52A(3)”.
- (5) In the 2013 Act, omit section 68(4)(a).
- (6) In this Act, omit section 63(2).

63 Duty of standards committee to make annual report

- (1) In Part 3 of the 2000 Act, at the end of Chapter 1 insert—

“56B Annual reports by standards committees

- (1) As soon as reasonably practicable after the end of each financial year, a standards committee of a relevant authority must make an annual report to the authority in respect of that year.
 - (2) The annual report must describe how the committee's functions have been discharged during the financial year.
 - (3) In particular, the report must include a summary of—
 - (a) what has been done to discharge the general and specific functions conferred on the committee by section 54 or 56;
 - (b) reports and recommendations made or referred to the committee under Chapter 3 of this Part;
 - (c) action taken by the committee following its consideration of such reports and recommendations;
 - (d) notices given to the committee under Chapter 4 of this Part.
 - (4) An annual report by a standards committee of a county council or county borough council in Wales must include the committee's assessment of the extent to which leaders of political groups on the council have complied with their duties under section 52A(1) during the financial year.
 - (5) An annual report by a standards committee of a relevant authority may include recommendations to the authority about any matter in respect of which the committee has functions.
 - (6) A relevant authority must consider each annual report made by its standards committee before the end of 3 months beginning with the day on which the authority receives the report.
 - (7) The function of considering the report may be discharged only by the relevant authority (and accordingly is not a function to which [section 101](#) of the Local Government Act 1972 applies).
 - (8) In this section “financial year” means a period of 12 months ending with 31 March.”
- (2) Until section 62 comes into force, section 56B of the 2000 Act is to be read as if subsection (4) were omitted.