

Eitem Agenda Rhif 2

PWYLLGOR SAFONAU

Cofnodion cyfarfod y Pwyllgor Safonau a gynhaliwyd yn yr Ystafell Gynadledda, Caledfryn, Dinbych dydd Gwener, 2 Mawrth, 2007 am 10.00 a.m.

PRESENNOL

Mr C.B. Halliday (Cadeirydd), Cynghorwyr P.A. Dobb, P. Glynn ac R.LI. Williams, Mr I. Lawson, Mr G.F. Roberts a Mrs P. White.

Roedd y Cynghorwyr R.E. Barton ac C.L. Hughes yn mynychu fel Arsyllwyr.

HEFYD YN BRESENNOL

Y Swyddog Monitro a'r Swyddog Gweinyddu (C.I. Williams).

1 MATERION BRYS

Ni chodwyd unrhyw eitem y dylid, ym marn y Cadeirydd, ei hystyried yn y cyfarfod fel mater o frys yn unol ag Adran 100B(4) Deddf Llywodraeth Leol, 1972.

2 COFNODION

Cyflwynwyd Cofnodion y Pwyllgor Safonau a gynhaliwyd dydd Gwener, 20 Hydref 2006.

Materion yn codi:-

3. Presenoldeb mewn Cyfarfodydd. (a) Cyngor Cymuned Henllan - Hysbysodd y Swyddog Monitro yr Aelodau y byddai'r wybodaeth am y Cod Ymddygiad newydd yn cael ei drosglwyddo, pan fydd ar gael, i Gynghorau Tref a Chymuned mewn cyfarfodydd gyda'u Cadeiryddion a'u Clercod.

PENDERFYNWYD – *derbyn y Cofnodion a'u cymeradwyo fel cofnod cywir, o gofio'r uchod.*

3 PRESENLDEB MEWN CYFARFODYDD

(a) SACRE

Roedd adroddiad gan y Cadeirydd, oedd yn rhoi manylion ei bresenoldeb mewn Pwyllgor SACRE a gynhaliwyd ar 31 Ionawr 2007, wedi'i ddsbarthu gyda'r papurau ar gyfer y cyfarfod.

Cadarnhaodd y Cadeirydd fod y cyfarfod yn hynod drefnus a'i fod wedi rhedeg yn llyfn iawn. Fodd bynnag, roedd wedi mynegi amheuan ynglŷn â'r ffaith a oedd gan yr Aelodau Pwyllgor priodol ddealltwriaeth glir o'r canllaw am ddatgelu budd. Cadarnhaodd y Swyddog Monitro y byddai'n dilyn i fyny'r mater o ddarparu hyfforddiant a chyngor i Aelodau'r Pwyllgorau priodol.

Mewn ymateb i gwestiwn gan y Cadeirydd, cyflwynwyd manylion rôl a chylch gwaith yr Arolygydd/Cynghorydd Addysg Grefyddol yn y Pwyllgor SACRE, i Aelodau'r Pwyllgor Safonau.

PENDERFYNWYD – *nodir sefyllfa.*

(b) Cyngor Cymuned Bodfari

Dosbarthwyd adroddiad y Cadeirydd, oedd yn rhoi manylion ei bresenoldeb mewn cyfarfod o Gyngor Cymuned Bodfari a gynhaliwyd ar 14 Chwefror 2007, gyda'r papurau ar gyfer y cyfarfod.

Hysbysodd y Cadeirydd yr Aelodau ei fod wedi darparu crynodeb o rôl Pwyllgor Safonau'r Cyngor Sir mewn ymateb i wahoddiad oddi wrth Gyngor Cymuned Bodfari, fel y cytunwyd ynghynt gan Aelodau'r Pwyllgor. Cadarnhaodd mai'r maes oedd wedi creu'r diddordeb pennaf oedd hwnnw'n ymwneud â materion datgelu budd, gyda chyfeiriad arbennig wedi'i wneud at geisiadau cynllunio.

Cadarnhaodd y Swyddog Monitro y byddai cymorth gyda hyfforddiant yn cael ei ddarparu ar gyfer pob Aelod o'r Pwyllgorau priodol, fel y nodwyd gan y Cadeirydd yn ei adroddiad.

PENDERFYNWYD – *nodir sefyllfa.*

(c) Cyngor Cymuned Llanferres

Dosbarthwyd adroddiad gan y Cadeirydd gyda manylion ei bresenoldeb mewn cyfarfod o Gyngor Cymuned Llanferres a gynhaliwyd ar 15 Chwefror 2007, gyda'r papurau ar gyfer y cyfarfod.

Hysbysodd y Cadeirydd yr Aelodau ei fod wedi rhoi crynodeb o rôl y Pwyllgor Safonau'r Cyngor Sir mewn ymateb i wahoddiad oddi wrth Gyngor Cymuned Llanferres ac fel y cytunwyd ynghynt gan Aelodau'r Pwyllgor.

Cadarnhaodd mai'r maes oedd wedi creu'r diddordeb pennaf oedd hwnnw'n ymwneud â materion datgelu budd. Eglurodd y Cadeirydd iddo roi manylion yn ymwneud â cherdyn 'Y Cod i'ch diogelu' a luniwyd gan Fwrdd Safonau Lloegr ynghyd â gwybodaeth am sut i gael copi o'r cerdyn ar y we.

PENDERFYNWYD – *nodir sefyllfa.*

Cyfeiriodd Mr G.F. Roberts at y Cod Ymddygiad gan egluro ei fod hefyd yn gymwys i Aelodau Byrddau Iechyd ac awgrymodd efallai y byddai'n fuddiol dosbarthu manylion y Cod Ymddygiad i Aelodau presennol y Bwrdd Iechyd Lleol. Cadarnhaodd y Swyddog Monitro fod dogfennau'n ymwneud â'r mater hwn wedi'u dosbarthu ynghynt ond nad oedden nhw wedi'u diweddarau. Cytunodd i fonitro'r sefyllfa.

Mewn ymateb i faterion a godwyd gan Mr G.F. Roberts yn ymwneud â'r Cynllun Adnewyddu Democratig a Gwerthuso Aelodau, cytunodd y Swyddog Monitro i archwilio'r mater hwn ac adrodd yn ôl ar y mater.

4 MONITRO'R COD YMDDYGIAD

Dosbarthwyd copi o lythyr oddi wrth Stephen Phipps, Pennaeth Tîm Partneriaeth a Moeseg, Adran Bolisi Llywodraeth Leol, Llywodraeth Cynulliad Cymru at Mr Steve Thomas, Cyfarwyddwr Cymdeithas Llywodraeth Leol Cymru oedd yn rhoi ymateb i wybodaeth am amserlen cynnydd gweithredu'r adolygiad o'r Cod Ymddygiad diwygiedig, gyda'r papurau ar gyfer y cyfarfod.

Cyfeiriodd y Swyddog Monitro at yr amserlen yn y llythyr a chadarnhaodd i lithriad o tua mis ddiwydd. Eglurodd fod gwaith sylweddol wedi'i wneud yn Lloegr ar y Cod Ymddygiad ond dywedodd wrth yr Aelodau y gallai'r Cod Ymddygiad i'w weithredu yng Nghymru, wahaniaethu. Teimlai y gallai unrhyw archwiliad manwl o'r ddogfen honno greu dryswch yn y tymor hir.

Pwysleisiodd y byddai'n bwysig i'r Cod Ymddygiad diwygiedig roi eglurhad ar rolau Cynghorwyr ar Gynghorau Tref a Chymuned a Chynghorau Sir.

Eglurodd y Cynghorydd R.LI. Williams ei fod yn teimlo bod y modd y mae Cynghorau Cymuned yn cynnal eu cyfarfodydd yn gwahaniaethu'n fawr rhwng y gwahanol Gynghorau. Awgrymodd y dylid annog yr holl Gynghorau Cymuned i fabwysiadu Cod Ymddygiad cytûn a chyfeiriodd yn benodol at bwysigrwydd sicrhau cysondeb wrth ystyried ceisiadau cynllunio.

Ymatebodd y Swyddog Monitro ac eglurodd fod Llywodraeth Cynulliad Cymru wedi darparu arwydd o'i bwriad i ddelio â'r mater hwn. Pwysleisiodd hefyd y byddai'n bwysig i swyddogion o fewn y Cyngor Sir, ac yn arbennig o fewn yr Adran Gynllunio, gynorthwyo a darparu hyfforddiant i Aelodau'r Cynghorau Cymuned. Mynegwyd pryder ei bod yn bosibl y bydden nhw'n ei chael hi'n anodd darparu'r cymorth angenrheidiol oherwydd diffyg adnoddau o fewn y Gyfarwyddiaeth Gynllunio.

Yn ystod y drafodaeth oedd yn dilyn, cytunodd yr Aelodau fod y Swyddog Monitro'n ymchwilio i'r posibilrwydd y gallai'r Cyngor Sir, gyda chymorth yr Adran gynllunio, ddarparu canllawiau ar sail y rheolau presennol i'w dosbarthu i'r holl Gynghorau Cymuned. Cadarnhaodd y Swyddog Monitro fod adroddiad o'r natur hwn wedi'i ddosbarthu. Fodd bynnag, byddai'n ymchwilio ymhellach i'r mater.

PENDERFYNWYD

(a) nodi'r sefyllfa a

(b) bod y Swyddog Monitro'n ymchwilio i'r posibilrwydd y byddai'r Cyngor Sir, gyda chymorth yr Adran Gynllunio, yn llunio canllawiau ar sail y rheolau presennol i'w dosbarthu i'r holl Gynghorau Cymuned.

5 CYFARFODYDD Y DYFODOL

Hysbysodd y Swyddog Monitro'r Aelodau y byddai cyfarfod nesaf y Pwyllgor Safonau'n cael ei gynnal, fel y cytunwyd yn flaenorol, dydd Gwener 18 Mai 2007.

Eglurodd Mr G.F. Roberts na fyddai'n gallu mynychu cyfarfod y Pwyllgor Safonau a drefnwyd ar gyfer 18 Mai 2007 a chyflwynodd ei ymddiheuriad am ei absenoldeb.

Cytunodd yr Aelodau y dylai'r Swyddog Monitro ysgrifennu at Aelodau'r Pwyllgor Safonau yn gofyn am gytundeb ar ddyddiadau posibl ar gyfer cyfarfodydd y Pwyllgor Safonau yn y dyfodol.

PENDERFYNWYD –

(a) cynnal cyfarfod nesaf y Pwyllgor Safonau dydd Gwener 18 Mai 2007, a

(b) bod y Swyddog Monitro'n ysgrifennu at holl Aelodau'r Pwyllgor Safonau i ofyn am gytundeb ar ddyddiadau posibl ar gyfer cyfarfodydd y Pwyllgor Safonau yn y dyfodol.

6 EITEM FRYS

Mewn ymateb i gais oddi wrth y Cadeirydd oedd yn gofyn am eglurhad ar y gweithdrefnau cywir i'w mabwysiadu ar ôl derbyn cwynion gan Aelodau am Aelodau eraill, swyddogion neu driniaeth o Aelodau, cyfeiriodd y Swyddog Monitro at Gyfansoddiad y Cyngor Sir.

Eglurodd fod gweithdrefnau i'w cael i ddelio â chwynion oedd wedi'u nodi yn erbyn swyddog o'r Cyngor Sir ac mewn achos o gwyn yn erbyn Aelod o'r Cyngor Sir, byddai'r mater yn cael ei gyfeirio at yr Ombwdsmon.

Cytunodd Aelodau'r Pwyllgor Safonau y dylid glynu at y gweithdrefnau fel y'u nodwyd yng Nghyfansoddiad y Cyngor Sir.

PENDERFYNWYD –*y dylid glynu at y gweithdrefnau ar gyfer delio â chwynion yn erbyn Aelodau a swyddogion y Cyngor Sir, fel y'u gwelwyd yng Nghyfansoddiad y Cyngor Sir.*

Daeth y cyfarfod i ben am 11.20 a.m.

Adroddiad at: Pwyllgor Safonau

Adroddiad gan: Swyddog Monitro

Dyddiad: 29 Mehefin 2007

Pwnc: Goddefebau

1 Y PENDERFYNIAD A GEISIR

- 1.1 Ystyried caniatáu goddefeb i aelodau'r Cyngor Sir bleidleisio ar faterion lle fo'r aelodau hynny wedi datgan diddordeb fel Llywodraethwyr o dan rai amgylchiadau ac yn ddibynnol ar amodau.

2 RHESYMAU DROS Y PENDERFYNIAD

- 2.1 Yn eich cyfarfod ar 15 Ebrill 2005 ystyriodd eich Pwyllgor nifer o oddefebau a'u caniatáu er mwyn galluogi aelodau llywodraethwyr i bleidleisio ar faterion sy'n ymwneud â rheoli lleoedd ysgol. Yn ystod ystyriaethau'r Pwyllgor awgrymwyd y byddai goddefeb ehangach yn ddefnyddiol a chytunaf fod cwmpas ar gyfer hyn.
- 2.2 Nid es ar ôl y mater ymhellach ar y pryd gan i'r Cynulliad gychwyn ar adolygiad o'r Cod Ymddygiad a disgwyliwyd y byddai'r Cod newydd yn cyfeirio mewn rhyw ffordd o bosibl at sefyllfa'r llywodraethwyr. Ymddangosodd yn debygol ar y pryd hefyd y byddai Cod newydd yn ei le cyn y byddai'r Cyngor yn gorfod gwneud penderfyniadau sylfaenol yn ymwneud ag ysgolion.
- 2.2 Fel yr adroddir mewn man arall wrth eich Pwyllgor, mae'n ymddangos yn annhebyg iawn y bydd y Cod newydd yn cael ei gwblhau ac yn ei le fel y disgwylir a chan hynny mae'n angenrheidiol ailymweld â'r cwestiwn goddefebau.
- 2.3 Fel yr adroddwyd yn flaenorol wrth eich Pwyllgor, mae Adran 81 Deddf Llywodraeth Leol 2000 yn ymdrin â datgelu a chofrestru diddordebau aelodau ac yn amlinellu'r fframwaith sylfaenol sy'n gofyn cadw cofrestri diddordebau ac yn rhagnodi sut y dylid ymdrin â diddordebau.
- 2.4 Ystyrir bod gan Gynghorwyr sy'n llywodraethwyr ysgolion neu gyrff addysg bellach neu uwch ddiddordeb yn rhinwedd paragraff 12 y Cod Ymddygiad. Er mwyn gallu pleidleisio ar faterion sy'n effeithio ar yr amryw gyrff maent yn eu gwasanaeth, mae angen goddefeb o dan Rheoliadau Pwyllgorau Safonau (Caniatáu Goddefebau) (Cymru) 2001. Mae'r rheoliadau hyn yn amlinellu'r amgylchiadau y cewch ganiatáu goddefebau o'u mewn ac atodaf gopi o'r rhestr yn Atodiad 1.
- 2.5 Mae'n ymddangos i mi mai'r amgylchiadau a amlinellir yn Rheoliadau 2(a) a 2(i) sy'n berthnasol yn achos aelodau llywodraethwyr. Mae sbectrwm cyfan addysg a dysgu wedi bod, ac yn parhau i fod, yn llygad y cyhoedd a bydd caniatáu goddefebau yn galluogi aelodau a etholwyd yn ddemocrataidd i

gymryd rhan lawn er lles ehangach y cyhoedd ac yn benodol wrth gyflawni gweledigaeth y Sir.

- 2.6 Fel y nodwyd yn flaenorol, awgrymir y dylid cymhwyso'r goddefeb er mwyn eithrio diddordebau personol iawn ac ariannol fel yr awgrymir yn yr argymhelliad.

3 ARGYMHELLIAD

Bod goddefeb yn cael ei chaniatáu i aelodau'r Cyngor Sir bleidleisio ar faterion lle fo'r aelodau hynny'n datgan diddordeb fel llywodraethwyr ysgolion neu gyrrff addysg bellach neu uwch y maent yn dal swydd rheolaeth neu oruchwyliaeth gyffredinol arnynt neu y maent wedi'u penodi neu'u henwebu arnynt gan y Cyngor fel cynrychiolydd, ar yr amod nad yw'r goddefeb yn berthnasol lle gallai'r penderfyniad arfaethedig fod o fudd neu fod yn anfanteisiol i aelod neu un o aelodau o deulu'r aelod neu ffrind neu unrhyw berson sydd â chysylltiad personol agos ato.

Swyddog Cyswllt: Ian Hearle, Clerc y Sir
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Rheoliadau Pwyllgorau Safonau (Caniataau Gollyngiadau) (Cymru) 2001

Yr amgylchiadau lle gellir caniatáu gollyngiadau

2. Caiff pwyllgor safonau awdurdod perthnasol ganiatáu gollyngiadau o dan adran 81(4) o'r Ddeddf -

(a) os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw;

(b) os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;

(c) yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydbwysedd gwleidyddol yr awdurdod perthnasol neu'r pwyllgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;

(ch) os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;

(d) os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;

(dd) os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;

(e) os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;

(f) os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu

(ff) os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.

The Standards Committees (Grant of Dispensations) (Wales) 2001

Circumstances in which dispensations may be granted

2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where -

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

**EXTRACTS FROM
COMMITTEE ON STANDARDS IN PUBLIC LIFE:
ANNUAL REPORT 2006**

The Seven Principles of Public Life

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

FOREWORD BY SIR ALISTAIR GRAHAM, CHAIRMAN OF THE COMMITTEE

This is my final report as Chairman as my three year term of office comes to an end on 25th April 2007. It has been both a privilege and an honour to act as the fourth Chairman of the Committee on Standards in Public Life, the national standing advisory Committee which has played such an important role in putting ethical standards issues at the heart of British public life over the last thirteen years.

In looking back over my three years I believe the Committee has continued to make a significant impact through the adoption of its practicable solutions in specific policy areas of public concern. The Committee's Tenth Report is leading to a major reform of the ethical framework for local government; events have led to the adoption of some, but not all, of its Ninth Report recommendations on the Ministerial Code; and the recommendations in our latest Eleventh Report on the Electoral Commission, have been widely endorsed, and I am confident that the majority will be adopted. In addition the Committee has added significantly to the body of research evidence through publication in 2004 of the first national quantitative survey into public attitudes towards conduct in public life. This was followed by the second survey in 2006, which, thanks to the Scottish Executive and Northern Ireland Administration, also included disaggregated information on the public's views in Scotland and Northern Ireland. The survey will be repeated every two years so that, critically, the public's views can be tracked over time and hopefully with the support of all the devolved administrations.

However, and perhaps inevitably, I am more conscious of the areas where we have failed to make progress, rather than the successes. My greatest regret has been the apparent failure to persuade the Government to place high ethical standards at the heart of its thinking and, most importantly, behaviour. This is despite many of the promising measures, such as the Freedom of Information Act and legislation on political party funding, brought in during this Government's first term.

As a result, I believe, we have seen a loss of trust by the public in ministers and politicians as a class, highlighted by the Committee's surveys of public attitudes, among others.

The restoration of trust between public and politicians and the political process is now a central issue of political debate. As I have argued during my term I believe that this is fundamentally an issue of culture; the culture within which our political class operates. Members of all parties need to show leadership in their behaviour and truthfulness in their public statements. Of course politics involves a central tension between the power of leadership in making uncomfortable decisions in the national interest and seeking to respond to the aspirations of the voting public. However, culture is critically dependent on the behaviour of leaders. All the available research shows that it is better for leaders of organisations to say nothing at all about ethical behaviour, than to make bold statements and then fail to follow these through in their subsequent actions and decisions. There is an important lesson here, I believe, for the Government.

The Committee has nevertheless recognised that we are now in transition to a new government following the Prime Minister's announcement that he will stand down some time later this year. I have briefed senior politicians of all parties about the Committee's current thinking about how a new government might start to create a more trusting atmosphere around politicians and the political process. One issue in particular, and on which I have made statements throughout my term, can set a new tone of seriousness about ethical standards – that is radical changes to the Ministerial Code of Conduct. Such radical changes should, in my view, include:

- a short and simple principles based Code of Conduct which gives Ministers clear guidance on their expected behaviour and helps trigger the taking of expert advice when uncertain;

- associated procedural rules for private offices. Ministers would only become involved if and when they overruled or ignored advice based on such rules;
- expert independent advice on Ministers' private interests provided to Ministers on appointment. After complying with any advice, confirmation that any interests had been satisfactorily dealt with, and a summary of those interests, would be made public;
- an independent assessment of allegations of ministerial misconduct to determine whether an investigation is warranted;
- independent investigation of the facts about an allegation without removing the Prime Minister's ultimate responsibility for deciding the consequences of any breach of the Code; and
- proportionality of both investigation and sanction. We must move away from the situation where the only possible outcomes are either complete clearance on any allegation or dismissal for any breach of the Code. This is neither credible with the public nor is it fair to Ministers.

There are three other issues I would highlight as worthy of the early attention of an incoming Prime Minister.

First, the system of expenses and allowances for Members of Parliament are attracting too much attention for the good of the body politic and have the potential for a corrosive effect on public perceptions of MPs. My concern, and one that I believe many others share, is not that the rules are being broken, but that the rules themselves are less rigorous and transparent than those that apply for all other public office-holders, and indeed private sector employees.

Second, I am concerned that there remains complacency about the vulnerability of our electoral system for electoral fraud. This has been brought into sharp relief by problems caused by postal voting on demand and the Government's insistence on pursuing pilots of internet and telephone voting in this May's elections. Such concerns can be addressed by the adoption of the Committee's recommendation to introduce a new system of individual voter registration, based on an objective personal identifier. This would replace the Victorian system of "head of household" registration which is both anachronistic in today's modern world

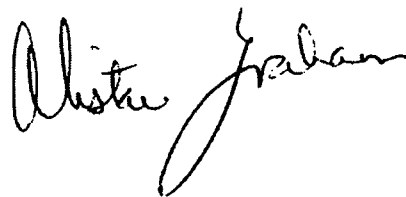
of personal responsibility and equality, and one that is wide open to electoral fraud. To ensure an orderly and fair transition to the new system the Committee has recommended that the main Political Parties should start discussions now in order to reach agreement on the precise form of the new system and legislation developed to implement it immediately following the next General Election; and

Third, the long awaited introduction of a Civil Service Act to ensure the maintenance of the fundamental principles underpinning the Civil Service. Legislation itself is no panacea, for this or any other issue. Conduct is about individual behaviour which in itself is affected by organisational culture and values. However a Civil Service Act would provide a clear and explicit basis to guide the behaviour of Civil Servants, and indeed Ministers and Special Advisers, to fulfil their proper and important constitutional roles within the Executive. This has been a long-standing recommendation of the Committee. All political parties now agree on the principle of an Act. What is now needed is the political will.

Such early actions of a new Prime Minister would set a critically important tone for the future, but must not be a substitute for a sustained commitment to high standards of conduct through the behaviour, actions and decisions of those in the administration.

Finally, I wish to pay particular thanks to all the members of the Committee for their hard work and support during the past three years and in the face of the inevitable criticisms the Committee's work attracts.

I have been fortunate in the quality of support in the two Secretaries to the Committee during my term. Both Rob Behrens and more recently Richard Jarvis have been outstanding public servants giving the Committee and myself first class support. The Committee has a tiny staff who punch well above their weight. They do a wonderful job and I am grateful for all their hard work.



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- that taken together these would enable the Standards Board for England to transform into a **strategic regulator** of the ethical framework.

The Government³ and the Standards Board for England responded positively to the majority of the Committee's proposals and significant progress towards their implementation occurred in 2006 with the publication of the Local Government White Paper on 26 October 2006 and the subsequent introduction of the Local Government and Public Involvement in Health Bill on the 12 December 2006. The Bill is currently being considered by a Public Bill Committee (Standing Committee) in the House of Commons. In particular the Bill seeks to implement the locally-based conduct regime and strengthen the independence of local standards committees. On 22 January 2007, the Government then published a revised Model Code of Conduct for Local Authority Members⁴ for consultation alongside the Bill. This is based upon the recommendations put forward by the Standards Board for England following their extensive consultation in 2005, which itself took account of the Committee's Tenth Report recommendations. At the time of drafting this Annual Report the Committee is considering the detailed provisions of both the Bill and revised Model Code of Conduct and will be submitting its comments to the Government and Public Bill Committee shortly. The Committee's response will be published on our website.

Follow-up to the Tenth Report: *The Ethical Standards Framework for Local Government*

Chapter three of the Committee's Tenth Report², published in January 2005, recommended changes to the legislative framework for ethical standards in local government. The main proposals were for:

- a move to **locally-based arrangements** for the initial handling, investigation and determination of complaints by existing local standards committees for all but the most serious cases of alleged misconduct;
- a strengthening of the **independent composition** of local standards committees in preparation for their new role of complaint handling from 2007;
- changes to the **Code of Conduct** to make it more accessible to councillors and the public; to remove unnecessary restrictions on councillors representing their constituents; and to make a clearer distinction between private and official conduct; and

The Committee welcomes the overall approach that the Government and Standards Board for England are now taking to the ethical framework for local government. It continues to believe that a more proportionate and locally-based approach to ethical standards in local government will help embed high standards of conduct in individual authorities and increase the public's trust in their locally elected representatives.

² Tenth Report of the Committee on Standards in Public Life: *Getting the Balance Right Implementing Standards of Conduct in Public Life*, January 2005 (Cm 6407).

³ The Government's Response to the Tenth Report of the Committee on Standards in Public Life, Cabinet Office December 2005, Cm 6723.

⁴ Consultation on Amendments to the Model Code of Conduct for Local Authority Members, Department of Communities and Local Government, 22 January 2007.

APPENDIX 1

ABOUT THE COMMITTEE

Terms of reference

The Committee on Standards in Public Life was established, under the chairmanship of the Rt Hon Lord Nolan, by the then Prime Minister, the Rt Hon John Major, in October 1994, with the following terms of reference:

“To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life”.

The term “public life” includes: Ministers, civil servants and advisers; Members of Parliament and UK Members of the European Parliament; members and senior officers of all NDPBs and of NHS bodies; non-ministerial office-holders; members and other senior officers of other bodies discharging publicly-funded functions; and elected members and senior officers of local authorities.

On 12 November 1997 the Prime Minister announced additional terms of reference:

“To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.”

The current Chairman is Sir Alistair Graham.

Other members of the Committee are Lloyd Clarke QPM, Rita Donaghy CBE, Professor Dame Hazel Genn DBE, Dame Patricia Hodgson DBE, Baroness Maddock, The Rt Hon Alun Michael JP MP, The Rt Hon Baroness Shephard DL, Dr Elizabeth Vallance JP, Dr Brian Woods-Scawen DL. The Committee is supported by a small secretariat of five civil servants.

Status

The Committee is an independent advisory Non-Departmental Public Body (NDPB). Its members are appointed by the Prime Minister for renewable periods of up to three years. Seven of its members, including the Chair, are appointed by the Prime Minister through open competition and under the rules of the Office of the Commissioner for Public Appointments. Three of the members are appointed by nomination from each of the three main political parties. The Committee is not founded in statute and has no legal powers, either to compel witnesses to provide evidence or to enforce its recommendations. In particular it has no powers to investigate individual allegations of misconduct.

Method of working

Since its creation the Committee has produced eleven major studies. It established its method of working early on:

- publishing a consultation paper setting out the issues and questions it believes are of specific importance;
- where appropriate commissioning research to support evidence-based inquiry;
- inviting written submissions based on the issues and questions paper;
- holding informal meetings with practitioners and experts;
- organising formal hearings open to the public and media, at which the issues are explored in detail;
- publishing a report containing conclusions; and
- making recommendations supported by a complete record of written and oral evidence and any associated papers.

When it began its work, the Committee agreed that its public hearings should be open to radio and television as well as written media. Agreement was reached with the broadcasters to enable them to have a presence at the hearings in a way that kept disturbance to witnesses to a minimum.

Written evidence received for our first four reports have been deposited in the Public Records Offices of England, Scotland, Wales and Northern Ireland; for subsequent reports written evidence is published on a CD-ROM as part of the report. Committee practice is now to also publish written evidence and transcripts on its website as its inquiry proceeds.

Policy on openness

As an integral part of its first report the Committee defined and endorsed the Seven Principles of Public Life, which have since been adopted widely – either in response to specific recommendations from this Committee or as a matter of best practice. Several of these principles, which have of course been incorporated into the Committee's own Code of Practice, are directly relevant to Freedom of Information policy (Leadership, Openness and Accountability). The Committee takes its public responsibilities extremely seriously, and throughout its existence has sought to implement its principles both in fact and in spirit. The Committee has always been as open as possible with its own information. It welcomes the move towards a wider culture of openness which the provision of publication schemes across all public bodies will encourage.

The Secretary of the Committee has responsibility for the operation and maintenance of our publication scheme under the Freedom of Information Act 2000. Day-to-day operation and maintenance of the scheme is undertaken by the Secretariat Manager; please see 'How to Contact Us'.

Funding and administration

The Committee is an independent advisory body which presents its recommendations direct to the Prime Minister. It receives its budget through the Cabinet Office, but day-to-day responsibility for financial controls and budgetary mechanisms are delegated to the

Secretary of the Committee. The Secretary and the rest of the team which make up the Secretariat (five staff) are permanent civil servants on loan or seconded from the Cabinet Office or other government departments. For this reason, some of the material which other public authorities are likely to include in their publication schemes on management and staffing issues may be found in the main Cabinet Office Publication Scheme <http://www.cabinetoffice.gov.uk/publicationscheme/>

Freedom of Information Act

Most of the information held by the Committee is readily available to everyone, and does not require a request under the FOIA to access it. Besides contacting the Committee in writing, by email (public@standards.x.gsi.gov.uk), by telephone or fax, the public can access information via the Commission's website at www.publicstandards.gov.uk and can request copies of publications promoted on the website. Details of how to do this are on the website. The Secretary to the Committee has overall responsibility for the publication scheme and for co-ordinating requests for information under the FOIA.

How to contact us

The Secretary to the Committee is Dr Richard Jarvis. He can be contacted in writing, by telephone or e-mail to:

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