

Report To: Standards Committee

Date of Meeting: 12th April 2019

Lead Member / Officer: Gary Williams, Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: **Report of The Committee on Standards in Public life**

1. What is the report about?

The report is about the 20th Report of The Committee on Standards in Public Life (the Report).

2. What is the reason for making this report?

To inform members of the Standards Committee of the content of the Report.

3. What are the Recommendations?

That the Committee notes the content of the Report.

4. Report details

The Committee on Standards in Public Life (the Committee) was established in 1994 by the then Prime Minister, and is responsible for promoting the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership – commonly known as the Nolan Principles.

As members of Standards Committee are aware, there are ten principles of public life in Wales which include the Nolan Principles and three additional principles namely equality and respect, stewardship and duty to uphold the law. These are set out in the Conduct of Members (Principles) (Wales) Order 2001.

The Committee has published the Report on the findings of its review of the effectiveness of the current arrangements for standards in local government in England. Although the review relates only to the operation of the standards regime in England the report and the recommendations contained within it will be of interest to members of the Standards Committee. A copy of the Report is attached as Appendix 1

The terms of reference of the review were to:

- examine the structures, processes and practices in local government in England for maintaining and enforcing codes of conduct for local councillors,
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government,

- make any recommendations for how they can be improved, and,
- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

The standards regime in England is very different to that of Wales. There is no centralised body responsible for overseeing standards in England, whereas in Wales, the Public Services Ombudsman for Wales exercises this function.

Local authorities in England are required to have a code of conduct that reflects the Nolan Principles, but there is no “model” code such as the one that exists in Wales. There is therefore a lack of consistency which makes it difficult for councillors who are members of more than one authority and have to adhere to different codes at each.

A local authority in England must also make appropriate provision for councillors to register pecuniary and non-pecuniary interests. The identification and declaration of interests in England is different to the system in Wales and is more ambiguous, particularly in respect of unpaid roles in other bodies. There is also no objective test of when a member is required to withdraw from a meeting. The Committee recommends that the test used in Wales should be adopted for this purpose.

There is no requirement for codes of conduct in England to prohibit bullying and harassment despite this forming the basis of many complaints about member behaviour. The Committee suggests that this should be included as a matter of best practice.

Any allegations of misconduct are usually considered in the first instance by the Monitoring Officer, or by their deputy. If the Monitoring Officer considers that there needs to be a formal investigation, this may be undertaken by the Monitoring Officer themselves, a deputy, or by an external investigator.

As a check on the impartiality of the decision-making process, the council must seek and take into account the view of an Independent Person (appointed by the council) before a decision is made on an alleged breach that has been subject to a formal investigation.

A decision can be made by the Monitoring Officer, but many councils maintain a Standards Committee to make decisions on allegations or to review decisions taken by the Monitoring Officer. They are not, however, obliged to maintain a Standards Committee. The authority may impose a sanction which cannot include suspension or disqualification, but may be an apology, training, censure, or withdrawal of certain facilities or access to council buildings. There are, however, no means of enforcing sanctions where it requires positive action by the councillor, for example, an apology or training.

There is no requirement for authorities in England to maintain a register of gifts and hospitality which is a requirement in Wales. The Committee recommends that this be put in place.

The Committee has identified fifteen examples of best practice as well as twenty six formal recommendations which are set out in the Report. Many of these reflect the current practice in Wales. Members of the Standards Committee will have the opportunity at the meeting to discuss issues identified in the Report.

5. How does the decision contribute to the Corporate Priorities?

The report has no direct impact on the corporate priorities.

6. What will it cost and how will it affect other services?

There are no costs directly associated with the report.

7. What are the main conclusions of the Well-being Impact Assessment?

This report does not require an impact assessment.

8. What consultations have been carried out with Scrutiny and others?

This matter has not been reported or consulted upon elsewhere.

9. Chief Finance Officer Statement

There are no direct financial consequences as a result of this report.

10. What risks are there and is there anything we can do to reduce them?

There are no risks directly associated with this report

11. Power to make the Decision

There is no decision required.