

MEETING	Standards Committee
DATE	June 17 2019
TITLE	Report of the Committee on Standards in Public Life
AUTHOR	Monitoring Officer

Background

1. The Committee on Standards in Public Life (the Committee) was established in 1994 by the then UK Prime Minister and it is responsible for promoting the seven principles of public life, selflessness, integrity, objectivity, accountability, openness, honesty and leadership – generally referred to as the Nolan principles.
2. As the Members of the Standards Committee will know, there are ten principles of public life in Wales which include the Nolan principles and three additional principles namely equality, respect, stewardship and a duty to uphold the law. These are noted in the Members Conduct Regulations (Principles)(Wales) 2001.
3. The Committee has published the Report on the findings of its review of the effectiveness of the current arrangements for standards for Local Government in England. Although the Review relates to the implementation of the standards framework in England only the Report and the recommendations in it will be of interest to the Standards Committee Members. A copy of the Report is included at Appendix 1.

The Report to the Committee

4. The Terms of Reference of the review were:
 - 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 to how they can be improved and
 - note any evidence of intimidation of Councillors and make a recommendation on any measure that can be put in place to prevent this such intimidation.
5. 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 Service Ombudsman for Wales exercises this function.
6. 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 which exists in Wales. The identification and declaration of interest 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 the members require to withdraw from a

meeting. The Committee recommends that the test XXXX of Wales should be adopted for this purpose.

7. Any allegations of misconduct are usually considered in the first instance by the Monitoring Officer or by their Deputy. If the Monitoring Officer considers 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 the subject of a formal investigation. A decision can be made by the Monitoring Officer, but many Councils maintain the Standards Committee to make decisions on allegations or to review decisions taken by the Monitoring Officer.
8. However, the Report in the final three chapters moves to more general issues in relation to standards and ethics. There is discussion on the role of officers, corporate arrangements and leadership and culture.
9. It highlights the role of officers and particularly the Statutory Officers, Chief Executive, section 151 (Finance) and Monitoring Officer in maintaining the standards culture in discussing Corporate Arrangements it highlights the new challenges which result as joint working and outsourcing arrangements are developed. Changes in Gwynedd's arrangements such as establishing the Byw'n Iach company, establishing the North Wales Economic Ambition Board and the regional and local bodies which stem from the provisions of the Wellbeing of Future Generations (Wales) Act 2015 and the Social Services and Wellbeing (Wales) Act 2014. These are examples of changes in the Council's governance which also affect the inter-relationship between members and the Council. In the final chapter there is a discussion on the role of leadership in the arrangements. These findings confirm (if that is necessary) that high standards of conduct stem from leadership of the culture and that this is a widely shared responsibility.
10. The Committee has identified fifteen examples of best practice as well and twenty-six formal recommendations which are set out in the report. It also documents which reflects on maintaining standards of conduct in local authorities which from a governance perspective are based on a very similar model to that in Wales and built on the same legislation and general principles. Therefore, a number of general points can be drawn out for consideration but also in the recommendations examples which are supportive of the arrangements in Wales.
11. The Members of the Standards Committee will have an opportunity in the meeting to discuss the issues set out in the Report

Recommendation

To accept the Report

Appendix 1