

STANDARDS COMMITTEE

Date of Meeting	Monday, 2 September 2019
Report Subject	Standards Committee Forum for North and Mid Wales
Report Author	Chief Officer Governance

EXECUTIVE SUMMARY

Flintshire County Council hosted the Standards Committee Forum for North Wales on 24 June 2019. A number of matters were discussed during the meeting, which represents an opportunity to share practice between Standards Committees.

There were 3 key issues that should be considered by the Committee:

1. Nick Bennett, Public Services Ombudsman for Wales, was in attendance and presented on actions that Councils can take to tackle problem behaviour that nevertheless does not meet the 2 Stage Test for investigation;
2. The report on Local Government Ethics by the Committee on Standards in Public Life
3. Consideration of whether it would be feasible or desirable to have one or more joint Standards Committees in the North Wales region

RECOMMENDATIONS

1	That officers should contact those counties identified by the Public Services Ombudsman as representing good practice to see what improvement could be made to the Council's ethical training
2	That the Council should put in place those best practice recommendations from the report of the Committee on Standards In Public Life identified in this report
3	That the monitoring officers in all 6 Councils plus the Fire and National Parks Authority be asked to collectively prepare a more detailed analysis of how one or more Joint Standards Committees might be introduced in North Wales

REPORT DETAILS

1.00	The Standards Committee Forum for North and Mid Wales
1.01	North Wales has held a periodic forum for independent members of its Standards Committees for many years. Members will recall that recently, Ceredigion and Powys joined as well. Flintshire hosted the most recent meeting of the Forum on 24 th June 2019.
1.02	Independent Members from all 8 Councils plus the Fire Authority were present. The Public Services Ombudsman for Wales attended to give his own presentation and to join the discussion on the report from the Committee on Standards in Public Life. The draft minutes are attached at Appendix 1.
	Presentation by the Public Services Ombudsman for Wales
1.03	<p>The PSOW gave a short presentation (slides attached) on his role and his office's experience of how lower level complaints can be managed.</p> <ul style="list-style-type: none"> • The number of ethical complaints has stayed static at around 282. Of these only 36 were investigated of which 8 were referred for a hearing in 2018/2019 which shows that overall standards of behaviour are high; • Complaints against County Councillors now make up a smaller proportion of the total number of complaints – roughly only 1 third of all complaints compared to a half previously. He took this to be evidence that local resolution procedures were having an impact to divert low level complaints about county councillors that would otherwise have been referred to his office; • Statistics show that the North Wales has 22% of the population yet generates 32% of complaints so the numbers are higher than one might expect. Conversely, only 17% of the complaints are sufficiently serious to refer for a hearing, which is a lower proportion than might be expected. He therefore thinks that a higher number of low(er) level complaints are made about North Wales Councillors. • He felt that more needed to be done to remove low level complaints against town and Community Councillors especially from other councillors; • He identified that Ynys Mon, Monmouth and Swansea have done some good work to promote training especially with town and community councils
1.04	Following his presentation there was discussion and debate about how to engage with town and community councils.
	Report by Committee on Standards in Public Life ("CSPL")
1.05	The Committee on Standards in Public Life (formerly "the Nolan Committee") published a report on Local Government Ethical Standards in January 2019. The report studied the impact of changes made to the ethical

	regime in England by the Localism Act 2011 and compared the efficacy of the English system to the system in the other countries within the United Kingdom.
1.06	<p>The Localism Act 2011 made sweeping changes to the ethical regime in England as follows:</p> <ul style="list-style-type: none"> • The national model code of conduct was repealed • The Standards Board for England (the body created to enforce the code of conduct) was abolished • The Adjudication Panel for England was abolished • The penalties of suspension and disqualification for breaching the code of conduct were repealed • Each Council was obliged to adopt its own code of conduct and to appoint an Independent Person to assist the Standards Committee and Monitoring Officer in its enforcement • New offences of voting with a pecuniary interest were created
1.07	The report of the CSPL can be found here . I have attached as Appendix 2 a short slide presentation from a firm of solicitors who operate in this field and who were advisors to the CSPL. In short, the Committee found that the regime in England needed fundamental changes some of which required new legislation and some of which could be achieved by Councils using their existing powers.
1.08	The Committee made recommendations that relate only to the legislative changes needed and so, because of our differing legislation, most do not have any relevance in Wales. However, the Committee also made good practice recommendations which are not specific to any legislative regime and so are potentially relevant to how we operate. Within the presentation at Appendix 2 I have greyed out the recommendations and good practice suggestions that do not relate to Wales and have left in normal font those recommendations that are potentially relevant.
1.09	I have set out below the recommendations and good practice suggestions that are potentially relevant. Clearly the Council cannot change legislation but it could nevertheless adopt the recommendations voluntarily where they are not already in effect.
1.10	<p>R6 Code to require registration of gifts / hospitality over £50 or over £100 pa from a single source</p> <p>R15 LAs required annually to publish complaints data and outcomes (<i>we do this already</i>)</p> <p>R19 Parish clerks to be qualified</p> <p>R23 LAs required to ensure whistleblowing policy and website specifies named contact for external auditor (<i>we do this already</i>)</p> <p>R24 councillors to be “prescribed persons” in Public Interest Disclosure Act 1998</p> <p>BP3 LAs to review code annually (<i>we do this already</i>)</p> <p>BP4 Code readily accessible in prominent position on LA website</p>

	<p>BP5 LAs to update registers of gifts & hospitality quarterly and make accessible</p> <p>BP10 LA websites to have clear complaints guidance and info</p> <p>BP11 Standards complaints about member on clerk conduct to be made by chair or Parish (Community) Council as a whole</p> <p>BP12 MO role and resourcing to include advice, support and management of Parish (Community) Council cases (<i>we do this already</i>)</p> <p>BP14 LA governance statement to include related bodies, those bodies to publish agendas, minutes and annual reports (<i>we do this already</i>)</p> <p>BP15 senior officers to meet regularly with group leaders or whips re standards</p>
	Joint Standards Committee(s)
1.11	Across the North Wales region there are 8 Standards Committees (including the Fire and Rescue Authority and National Park). Each covers similar areas of responsibility, and meets more or less frequently based on workloads. The work of the committees will share many areas of commonality and overlap. Since 2016, it has been legislatively possible to have joint Standards Committees serving two or more authorities. I have attached at Appendix 3 a presentation on the risks and issues for the creation of one or more joint Standards Committees across the North Wales region. The Forum considered the presentation and asked that the Monitoring Officers should collectively prepare a more detailed analysis for further consideration.

2.00	RESOURCE IMPLICATIONS
2.01	The recommendations/good practice suggestions from the report by the CSPL can be implemented within existing resources.
2.02	The resource implications of creating one or more joint Standards Committees as part of preparing the more detailed analysis.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The recommendations/good practice suggestions from the CSPL can be shared with Town and Community Councils as part of the feedback following visits by Independent Members. The Committee's next meeting is its annual joint meeting with local councils.
3.02	The creation of one or more joint Standards Committees will need wide consultation if it is to be taken forward, ultimately requiring the approval at Full Council/Authority of every authority wanting to take part.

4.00	RISK MANAGEMENT
4.01	The recommendations/good practice suggestions can be adopted without creating any new risks, and they may serve to reduce risk overall.
4.02	The creation of joint Standards Committee(s) could serve to reduce disparity in practice between councils, could reduce the cost of recruiting independent members and could increase the breadth of diversity and experience. It might also create the perception of distance between a joint Committee and the authorities it serves and this would need to be addressed as part of the more detailed analysis.

5.00	APPENDICES
5.01	Appendix 1 – draft minutes of the North and Mid Wales Standards Committee Forum Appendix 2 – presentation slides on report Local Government Ethical Standards by the Committee on Standards in Public Life Appendix 3 – presentation on the possibility of creating a Joint Standards Committee

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	There are no background documents. Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Committee on Standards in Public Life – a committee established by Prime Minister John Major in 1994 in the wake of the “cash for questions” scandal in Parliament. The Committee was first chaired by Lord Nolan and established the Principles of Standards in Public Life – the “Nolan Principles”.