

FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Tuesday, 22 October 2019
Report Subject	Code of Conduct for Councillors
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Committee on Standards In Public Life (“CSPL), which is also known as the Nolan Committee” after its first chair, recently reviewed the ethical regime in England, which has differed markedly from the Welsh regime since 2011. In considering the effectiveness of the English regime the CSPL contrasted the arrangements in England to those in other nations within the United Kingdom.

The legislation is very different in England and the CSPL recommended a number of changes to the law (in order to create a system that is more similar to the Welsh model). It also made a number of best practice recommendations. Allowing for the differences in legislation, a number of the CSPL’s suggestions could help to improve our own practices.

The Standards Committee considered both the recommendations and best practice findings. It considered that the Council should voluntarily change its Code of Conduct to require members to declare not only gifts above a certain individual value but also gifts above an aggregate value. The proposal is that any gift worth more than £10 should be registered (as at present) but also that if gifts of £100 or more are received from the same donor in the space of 12 months then this should also be recorded.

RECOMMENDATIONS

1	That the suggested amendment requiring gifts with a total value of £100 or more in any 12 month period to be declared is added to the Code of Conduct for Councillors.
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REPORT DETAILS

1.00	Background
1.01	The Council is required to adopt a Code of Conduct for Councillors based on the provisions of the national model code, as laid down in statutory instrument by Welsh Government. The Council can add to the code provided that in doing so it does make the effect of the code less onerous.
	The Report of the Committee on Standards In Public Life
1.02	The Committee on Standards in Public Life (also known as “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 that of the other countries within the United Kingdom.
1.03	The Localism Act 2011 made sweeping changes to the ethical regime in England as follows: <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.
1.04	The report of the CSPL can be found here . 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.
1.05	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. The Standards Committee considered these recommendations and good practice findings at its meeting on 2 September 2019. It agreed to adopt the suggested best practice findings (where we do not already do the same or something similar) and these are largely operational issues that have already been actioned by officers.

1.06	It considered that the Council should voluntarily adopt Recommendation 6 in relation to gifts and hospitality. The CSPL recommended that Councillors in England should be required to register any gifts / hospitality over £50 or over £100 pa from a single source. In Flintshire, Councillors are already required to register any gift or hospitality over £10 in value (and to reject any gift/hospitality of any value that appears to place the councillor under an improper obligation). The Standards Committee considered that they should also register gifts of £100 or more, within a 12 month period, from a single source.
1.07	The suggested revision to the Code of Conduct are shown in tracked changes at Appendix 1. They were considered by the Constitution and Democratic Services Committee at its meeting on 16 October 2019 and a verbal update will be given.

2.00	RESOURCE IMPLICATIONS
2.01	As Councillors already record gifts over £10 in value this amendment would not create an additional administrative burden.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The Standards Committee and the Constitution and Democratic Services Committee both endorse the suggested amendment.

4.00	RISK MANAGEMENT
4.01	This suggested amendment reduces the risk that gifts/hospitality might escape registration by being given in small value amounts over time.

5.00	APPENDICES
5.01	Appendix 1 – Code of Conduct for Councillors

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Report to the Standard Committee on 2 September 2019 and the report of the Committee on Standards in Public Life. Report to Constitution and Democratic Services Committee on 16 October 2019</p> <p>Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk</p>

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”.