

**STANDARDS AND ETHICS COMMITTEE  
10 APRIL 2019****LOCAL GOVERNMENT ETHICAL STANDARDS – REPORT  
OF THE NATIONAL COMMITTEE ON STANDARDS IN  
PUBLIC LIFE**

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**Recommendation**

- 1. The Head of Legal and Democratic Services recommends that the Committee:**
  - (a) notes the report published by the National Committee on Standards in Public Life (the Nolan Committee) following its review of standards in local government;**
  - (b) notes the various recommendations to Government concerning legislative change;**
  - (c) considers any initial views on what action the Council should take in relation to the relevant Best Practice recommendations in the Nolan report;**
  - (d) notes the Monitoring Officer will be discussing any implications for the pan-Worcestershire Code of Conduct with the other principal authorities in the county; and**
  - (e) receives a further report following those discussions.**

**Summary**

- 2. The Nolan Committee assessed whether the existing structures, processes and practices are conducive to high standards of conduct in local government. Its report makes recommendations for improvement, to government in relation to the legislative regime, and best practice recommendations to local government to consider.**
- 3. The highlight recommendations are that authorities should regain the power to suspend members (for up to 6 months) as a sanction for breaching the Code; the criminal offence regime in relation to Disclosable Pecuniary Interests should be abolished but the classes of registrable interests broadened; a register of gifts and hospitality be re-established; and independent members of standards committees should be allowed to vote.**
- 4. Local government will have to await the Government's response to legislative recommendations, but this committee is asked for any initial views on what action should be taken in relation to the Best Practice recommendations and receive a further report after discussions between the Monitoring Officers in the county.**

## Background information

5. The Committee will recall from previous reports that the National Committee on Standards and Public Life (often called the "Nolan Committee") invited responses to its consultation to inform its review of local government ethical standards. This consultation was reported to the Standards and Ethics Committee in April 2018, which debated the consultation issues and decided a response to be sent on behalf of the Council. In the light of that response, the Nolan Committee visited the Council in September 2018 as part of its gathering of comments and evidence of good practice in local government – the Council was the only county council visited. Following the visit, the Chairman of the Committee was invited to attend the formal launch of the report at the end of January 2019.

6. The Nolan Committee was kind enough to write and say its delegation was impressed by the leadership demonstrated by senior officers and members of the Council, which has allowed the Council to cultivate a culture of high standards and a civil approach to politics. They considered it particularly insightful to see how proper governance structures have a substantial influence on the way in which ethical standards operate at the Council. There are clearly issues elsewhere in the country which have informed the recommendations and which do not exist here, so we need to be mindful of that context and the need for a proportionate response to the Best practice recommendations.

## Best practice recommendations

**BP1 – the Code of Conduct should include prohibitions on bullying and harassment, with definitions and examples.** Our current Code prohibits bullying but gives no definitions or examples. Monitoring Officers could discuss.

**BP2 – Code should require councillors to comply with formal standards investigations, and prohibit trivial or malicious allegations by councillors.** The Council has very few formal investigations and no history of councillors obstructing them. The best way of dealing with trivial or malicious allegations is through robust filtering right at the start of the process. The Monitoring Officer has some concerns that a Code prohibition will encourage tit for tat complaints that the original complainant breached the Code by making a trivial complaint, possibly round in a circle.

**BP3 – Code should be reviewed each year and seek where possible the views of the public and neighbouring authorities.** Annual review seems burdensome but could be an annual standing item for the Committee. We already work to create a pan-Worcestershire Code, as expressly recognised in the Nolan report.

**BP4 – Code should be readily accessible to the public.** It is on our website and in the constitution.

**BP5 – In line with proposed new legislation, authorities should update a Gifts and Hospitality Register at least quarterly.** Should the Council re-introduce such a Register ahead of any legislation?

**BP6 – authorities should publish a clear public interests test for filtering of allegations.** Committee has set the filtering standards which are online

**BP7 – authorities should have access to at least 2 Independent Persons.** Already in place with our Panel arrangements

**BP8 – IPs should be consulted on whether a complaint should be investigated.** Procedure allows for involvement of IP at early filtering stage.

**BP9 – Formal decisions after investigation should be published on website.** This is rare for us but part of the process.

**BP10 – authorities should have guidance on website on how to complain, process and timescales.** Largely in place, details can be reviewed.

**BP11 – 12 not relevant**

**BP13 – there should be procedures for managing conflict of interests for MO.** In place.

**BP14 – separate bodies set up or owned by the Council should come within annual governance statement, and be Nolan-transparent.** Limited application here.

**BP15 – senior officers should meet group leaders regularly to discuss standards issues.** Could be part of the Group leaders briefing on an annual basis with Monitoring officer.

### **Supporting Information**

Appendix – Nolan Committee – List of recommendations and best practice  
Report of the Nolan Committee January 2019 (e-link only)

<https://www.gov.uk/government/collections/local-government-ethical-standards>

### **Contact Points**

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### **Background Papers**

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there are no background papers relating to the subject matter of this report.