

# REPORT TO STANDARDS COMMITTEE

REPORT OF: CORPORATE MANAGER – DEMOCRATIC AND LEGAL SERVICES

REPORT NO. DLS61

DATE: JANUARY 2006

<b>TITLE:</b>	GOVERNMENT DISCUSSION PAPER =- STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE
<b>FORWARD PLAN ITEM:</b>	N/A
<b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>	N/A
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A

<b>COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:</b>	N/A
<b>CORPORATE PRIORITY:</b>	CORPORATE GOVERNANCE
<b>CRIME AND DISORDER IMPLICATIONS:</b>	N/A
<b>FREEDOM OF INFORMATION ACT IMPLICATIONS:</b>	THIS REPORT IS PUBLICLY AVAILABLE VIA THE COUNCIL'S WEBSITE – <a href="http://WWW.SOUTHKESTEVEN.GOV.UK">WWW.SOUTHKESTEVEN.GOV.UK</a> UNDER “LOCAL DEMOCRACY – AGENDA AND MINUTES”
<b>BACKGROUND PAPERS:</b>	GOVERNMENT DISCUSSION PAPER =- STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE

## **1. INTRODUCTION**

- 1.1 The ODPM has recently published a discussion paper which sets out its vision for a future comprehensive conduct regime for local authority members and employees. A copy of the discussion paper is available in the members room and committee members are encouraged to read the document in entirety.

## **2. DETAILS OF THE REPORT**

- 2.1 The report considers three main areas of activity. These are:-

- (1) The conduct of members
- (2) The conduct of local employees
- (3) The way forward

The discussion paper considers the recommendations made by the Committee on Standards in Public Life (The Graham Committee) which reported a few months previously. The discussion paper sets out the government's response to the recommendations made by the Graham Committee in relation to Standards in Public Life and also confirms the government's response to the recommendations of the ODPM Select Committee on the role in effectiveness of the Standards Board for England. Finally the paper considers the Standards Board's recommendations for changes to the code of conduct for members.

- 2.2 As regards the conduct of members the government confirms it welcomes the recommendations the Standards Board arising from its consultation on a review of the code of conduct. Essentially the ODPM agree that amendments to the code should be made along the lines suggested by the Standards Board which include:-

- Making the code clearer and simpler, but,
- Maintaining a vigorous approach to the identification of serious misconduct
- Amending the regime for declaring interests, speaking at council meetings, particularly for members who also serve on other public bodies (The Dual Hatted Guidance Issues)
- Making changes to the arrangements for determining whether conduct in private life should fall within the ambit of the code, and
- Amending the rules on reporting of allegations by members to reduce the number of vexatious complaints

- 2.3 Within this section of the report it is confirmed that consideration will be given as to whether amendments will be brought in to effect by primary or secondary legislation to make all chairs of Standard Committees independent and that

such Standard Committees should include independent members who reflect “a balance of experience”.

- 2.4 As regards the conduct of local government employees, a revised code for all employees is muted covering the current rules relating to politically restricted posts. The government’s response is that it is committed to the principle of political neutrality of local government employees. To ensure that this principle is retained the government is currently minded to retain the existing framework which restricts political activities of certain senior staff. Amendments are however being considered to the existing rules to ensure that the restriction only applies to the most senior or the most sensitive posts.
- 2.5 In this connection the government is minded to pursue the amendment of primary and secondary legislation to issue a revised code of conduct for local government employees.
- 2.6 The way forward for the proposals is now a matter for consultation and the views of Standards Committees and Monitoring Officers are being sought. There is an acknowledgment that some of the provisions will require primary legislation therefore their eventual introduction may take some time.
- 2.7 Some of the proposals can, however, be put into effect through secondary legislation which would allow these to be implemented in a shorter time scale. The government therefore intends to work with the Standards Board and other stakeholders (such as local authority Standards Committees) and will attempt to agree a realistic timetable for implementing the changes that it decides to adopt.

### **3. SUMMARY OF THE MAIN PROPOSALS**

- 3.1 As regard proposed changes to the conduct regime for local councillors, these can be summarised as follows:-
  - Initial assessment of all misconduct allegations to be undertaken by a Standards Committee rather than the Standards Board;
  - Local Standards Committees to be responsible for investigating and determining most cases;
  - The Standards Board to adopt a more strategic, advisory and monitoring role, but retaining responsibility for investigating the most serious allegations;
  - Improvements to the operation and composition of Local Standards Committees, with independent chairs and committees to include independent members with a balance of experience; and
  - A clearer, simpler code of conduct, including changes to the rules relating to personal and prejudicial interests.

3.2 In respect of the conduct regime for local government employees, the proposals are as follows:-

- The issue of a code of conduct for all local government employees;
- Retain the current principle that senior and sensitive posts should be politically restricted, but to ensure that only the most senior and sensitive posts are covered;
- Discontinue the posts of the Independent Adjudicator, and provide for Local Authorities Standards Committees to make decisions on posts exempt from restrictions;
- Up rate current rate of pay for Political Assistants by statutory instrument, and provide for future increases to be permanently linked to local government pay scales.

#### **4. RECOMMENDATIONS**

4.1 It is recommended that the Standards Committee consider the above proposals and, if they think it appropriate, instruct me to make representations to the ODPM regarding the proposed changes.

#### **5. CONTACT OFFICER**

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