

STANDARDS COMMITTEE - 12TH APRIL 2006

STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE

Report of the: Corporate Resources Director

Status: For Information

Portfolio Holder Cllr. Loney

Head of Service Head of Legal and Committee Services – Mrs. Christine Nuttall

Recommendation: Members are requested to note this report

Background

- 1 Members will be aware that there have been various recent reports and recommendations on standards in public life. In particular there has been consultation on and recommendations for changes to the code of conduct for members, a code of conduct for employees and the future operation of the Standards Board for England and local standards committees.

Introduction

- 2 In December 2005 the government published its current views on the future of the conduct regime for local government in England. The document is attached as appendix to this report.
- 3 The report sets out the government's response to a series of recent recommendations, reviews and consultations relevant to conduct issues in local government.
- 4 The principles applied by the government in considering options for change are as follows:
 - (a) to maintain high standards of conduct for local authority members and employees;
 - (b) to define effectively what standards of conduct are expected of such members and employees, and for such rules to be fair and clear;
 - (c) for an effective means of taking action when breaches of the rules occur and for such means to be fair, clear, proportionate, rigorous and thorough, and
 - (d) to ensure measures are in place to guarantee public confidence in the appropriateness of the ethical regime.

The Future

- 5 The government envisages a more integrated regime for the future and considers that local ownership of the regime will mean a more locally-based decision-making process. The Standards Board will take on a stronger strategic role and Council Standards Committees will have their powers changed and strengthened. There will be a simplification and clarification to the Code of Conduct. Standards Committees will take on responsibility for initial sifts of complaints. There will be a Code of Conduct for local authority employees but the current rules making the more senior posts politically restricted will remain subject changes being made to the rate of pay at which posts become politically restricted.
- 6 Most of the ideas for change require legislation and the proposal is to seek legislation at the next convenient opportunity that Parliamentary time allows.

Headline Changes

(i) Standards Committees and the Standards Board for England

All chairs of committees to be independent and committees to include independent members who reflect a balance of experience

Monitoring and reporting requirements for Standards Committees, so the Standards Board can check on progress.

Initial assessment of allegations to be undertaken by the standards committee, monitoring officers to investigate most cases and standards committees to determine most cases

The Standards Board only to investigate the most serious cases

Intervention powers for the Standards Board when it considers committees are not operating effectively

New powers for the Standards Board to impose higher penalties in more serious cases

(ii) Changes to the Code of Conduct for Members

Removal of the requirement to report breaches

The Code should be clearer, simpler and more positive

How the code is enforced nationally and locally is as important as its content

The ten general principles set out in the 2001 Order should be set out in a preamble to the Code

The regime for declaring interests should be urgently addressed

Item No. 4

The Code should be clearer in ensuring that, where private conduct is regulated, it should only be for unlawful activities

The Code should include a new provision to address bullying

The public interest defence should be explicitly included in the Code and its provisions on confidential information reconsidered and clarified in the light of the Freedom of Information Act

(iii) Code of Conduct for Local Authority Employees

Issue a Code of Conduct for local government employees

Update current rate of pay of political assistants to Spine point 44

Retain the current rules requiring senior and sensitive posts to be politically restricted, but ensure the restriction only applies to the most senior or most sensitive posts

Abolish the post of Independent Adjudicator- provide for local Standards Committees to make decision on posts exempt from political restrictions

Amend the 1989 Local Government and Housing Act to allow for the pay rate to be permanently linked to a scale between SP 44 and 49, with no further need for a Statutory Instrument to be issued each time to increase the rate

Options

7 That Members note the report of the ODPM

Resource Implications (non-financial)

8 The proposals for increasing the role of Standards Committees in undertaking the initial sift and then handling all but the more serious allegations will result in an increased workload for the Monitoring Officer and the Standards Committee and its members.

Sources of Information: Public documents

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**Corporate Resources Director
Pav Ramewal**

RISK ASSESSMENT STATEMENT

Clarification and simplification of the Code of Conduct should result in less breaches and therefore less complaints.

