

STANDARDS COMMITTEE

6 February 2006

STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT – THE FUTURE

REPORT OF CITY SECRETARY AND SOLICITOR

Contact Officers: Stephen Whetnall/Chris Ashcroft Tel No: 01962 848220/848284

RECENT REFERENCES:

ST43 – ‘A Code for the Future – Review of the Code of Conduct by the Standards Board for England (Standards Committee -13 June 2005)

EXECUTIVE SUMMARY:

This Discussion Paper was issued on 15 December 2005 by the Office of the Deputy Prime Minister (ODPM). Although it is not a formal consultation document in the sense of seeking specific responses within a given deadline, it does invite general comments about the proposals. A copy is attached for Committee Members and Group Leaders only, as the document is lengthy (85 pages) and may be viewed on the ODPM website at www.odpm.gov.uk. A copy has also been placed in the Members Library.

RECOMMENDATION:

- 1 That the ODPM be advised:
 - (a) that the transfer of functions from the Board to local Standards Committees is supported but should be adequately funded to prevent a repetition of the problems that occurred when the Standards Board was first established (when it was not able to deal with the volume of cases it received)
 - (b) that the proposal for an independent chairman of standards committees be supported, together with the local flexibility that is suggested for the composition of the rest of the committee
 - (c) that the proposed relaxations to the provisions on personal and prejudicial interests in the Members Code of Conduct, particularly in relation to membership of other public bodies, Council appointments on external voluntary organisations and in relation to planning matters, to better enable Members to undertake the community advocate role, be welcomed and introduced as soon as possible

(d) that the proposals for an employees code be supported

2 That the Committee considers whether there are any other comments it wishes to make to the ODPM on the content of the above document.

STANDARDS COMMITTEE

6 February 2006

STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT – THE FUTURE

REPORT OF CITY SECRETARY AND SOLICITOR

DETAIL:

1 Introduction

- 1.1 This document sets out the Government's vision for a future comprehensive conduct regime for local authority members and employees. It results from the recommendations made earlier in the year by the Committee on Standards in Public Life (The Graham Committee), additional recommendations by the ODPM Select Committee and the many comments received on the review of the Code of Conduct undertaken by the Standards Board (to which this Committee responded at its meeting on 13 June 2005).
- 1.2 The document also indicates the approach the Government is minded to follow on the conduct of employees, in particular on the political restrictions which apply.

2 The Principal Proposed Changes to Current Arrangements

2.1 The main changes for Members would be:-

- initial assessment of all misconduct allegations to be undertaken by Standards Committees, 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 misconduct allegations
- improvements to the operation and composition of local Standards Committees, with independent chairmen and committees to include independent members with a balance of experience - but without a requirement for a majority of independent members on the committee
- a clearer, simpler code of conduct, including changes to the rules relating to personal and prejudicial interests

2.2 The main changes for employees would be:-

- issue of a code of conduct (this Council has already adopted a Code in advance of the legislative requirements)
- retaining 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 post of Independent Adjudicator and provide for Standards Committees to make decisions on posts exempt from restrictions
- improve the current rate of pay for political assistants by Statutory Instrument and provide for future increases to be permanently linked to local government pay scales (no such posts exist at Winchester)

3 What Happens Next

- 3.1 At the conclusion of this consultation stage (no date is specified) the Government intends to work with the Standards Board and other stakeholders to carry forward the changes, having regard to any comments made. Some changes would require primary legislation and these will be made when Parliamentary time allows.

4 Comments

- 4.1 Of particular interest is the new information on possible changes to the rules on declarations of interests in relation to membership of other public bodies and voluntary organisations. Clarification of the position on Members' ability to address the Planning Development Control Committee when involved in a local campaign is also proposed. Pages 29-30 of the ODPM document give further detail.
- 4.2 It is proposed to deal with the issue of Members who also serve on outside bodies, but who currently are required to declare an interest. The ODPM has recognised that the rules for personal and prejudicial interests should be clearer, especially for Members who sit on more than one public body. To this end, the creation of a 'public service interest' is favoured. This is intended to cover situations where the interest arises solely because a Member serves on another public body, or perhaps is acting as advocate on behalf of a charity or local pressure group. In such circumstances, the 'interest' would be treated differently from interests that arise as a part of a Member's private life.

5 Conclusion

- 5.1 This document brings together the current work on improving the probity and ethical framework for local government. The Committee is requested to consider the content and highlight any key issues which it wishes to be drawn to the attention of the ODPM.

OTHER CONSIDERATIONS:

CORPORATE STRATEGY (RELEVANCE TO):

The Council to communicate openly and honestly.

RESOURCE IMPLICATIONS:

Inevitably, there would be an increase in officer time and meeting costs should the Standards Committee (and/or its Sub Committee) need to meet regularly to give the preliminary consideration to cases which is currently undertaken by the Standards Board. Even if the past pattern of most initial complaints resulting in no further action were repeated in the future, the workload generated by this additional task would have some cost implications. However, at this stage, additional budget provision is not being sought, although the evolving situation will be closely monitored. The Government should be advised of the potential concerns about adequate funding being put in place – to avoid the problems that were experienced by the Standards Board itself when it was first established and not able to deal promptly with cases.

BACKGROUND DOCUMENTS:

None

APPENDICES:

Standards of Conduct in English Local Government – The Future (for Committee Members only)