

By: Head of Democratic Services

To: Standards Committee - 26 April 2006

Subject: **ODPM DOCUMENT: "STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE"**

Classification: Unrestricted

Summary: Invites the Committee to comment on the Government's vision for the future Member conduct regime as set out in the document "Standards of Conduct in English Local Government: The Future".

Introduction

1. In December 2005, the ODPM issued a document entitled "Standards of Conduct in English Local Government: The Future". A copy of the document is enclosed for Members of the Committee (and Members are requested to bring their copies with them to the meeting). The document is also available via the ODPM website (www.odpm.gov.uk). The document discusses the conduct regime relating to both Members and officers.
2. As the introduction makes clear, the document draws together the government's current views on the future of the conduct regime for local government in England. It sets out a vision for the future regime and provides a co-ordinated response to a series of recent recommendations, reviews and consultations relevant to conduct issues in local government. As far as the conduct regime relating to Members is concerned these include the Tenth Report of the Graham Committee; the report of the ODPM Select Committee on the Role and Effectiveness of the Standards Board for England (SBE); and the SBE's recommendations on changes to the code of conduct for Members.
3. The document invites comments but does not appear to be a consultation paper as such (eg no closing date is set for comments).

Members' Conduct

4. The document indicates that the Government intends to reverse the present regulatory regime relating to Members' conduct by making local Standards Committees responsible for the initial assessment of all allegations and the determination of most cases, with only the most serious cases being referred up to the Standards Board for England (SBE). The SBE would instead adjust its focus towards the provision, maintenance and monitoring of a national framework for support for authorities to ensure high standards nationally. The SBE would have powers to intervene where individual Standards Committees were not operating effectively.

5. As part of this reform all Standards Committees would be required to have an independent Chairman and to report regularly to the SBE to enable the SBE to monitor performance. Authorities would be encouraged to work together by sharing information, joining forces to recruit independent Members for their Standards Committees; and sharing Monitoring Officers' services (Monitoring Officers would undertake the investigation of most allegations).

6. The document also indicates that the Government plans to amend the Code of Conduct for Members along the lines suggested by the SBE.

Employees' Conduct

7. The document indicates that the Government proposes to issue a Code of Conduct for Local Government Employees. This will be in the form of general principles of conduct to be incorporated into each employee's contract with decisions on detailed interpretation a matter for each authority.

8. The current rules about politically restricted posts would be retained but a salary above which restrictions apply would be permanently linked to a point on the national scale. The Independent Adjudicator would be abolished. Instead, local Standards Committees would take decisions on exempting posts from the political restrictions.

Recommendation

9. The Committee is recommended to:-

- (a) welcome the Government's vision for the future of the Member conduct regime as set out in the document: "Standards of Conduct in English Local Government: The Future";
- (b) welcome the Government's intention to amend the Code of Conduct for Members along the lines suggested by the SBE;
- (c) consider proposing a further amendment to the Code of Conduct for Members to incorporate the provision in s106 of the Local Government Finance Act 1992 which prevents a councillor voting on his or her council's budget and council tax if that councillor is in arrears with his or her council tax payments by two months or more. The purpose of this proposal is that it would assist Members to observe the various rules relating to their conduct if all those rules were consolidated in one document - the Code of Conduct.