

By: Peter Sass - Head of Democratic Services

To: Standards Committee – 11 May 2011

Subject: The Localism Bill – proposed changes to the Standards regime

Summary: To discuss with Group Leaders the implications of the proposals in the Localism Bill to abolish the standards regime and to determine a way forward with regard to the detailed examination of the main options for the future.

Unrestricted

Background

1. At its meeting on 8 February 2011, the Standards Committee considered a report (attached as **Appendix 1**), which outlined the relevant provisions of the Localism Bill in relation to the future of the ethical standards regime, and noted that the proposed changes would be implemented in early 2012. The Committee agreed to invite Group Leaders to this meeting to enable more detailed discussion of the various options open to the Council, following which a more detailed options paper will be prepared for the next meeting of the Committee.

2. Since the Committee's previous meeting, the Local Government Group (part of the Local Government Association (LGA)) and the Association of Council Secretaries and Solicitors (ACSeS) have jointly published a useful briefing document on maintaining high ethical standards in local government (attached as **Appendix 2**).

Key Questions

3. The Committee's consideration of the previous report, together with further discussions that have taken place between officers within the local government community in Kent, have highlighted a number of key questions for further discussion:

- (a) How should KCC respond to the proposed new duty to promote high standards of conduct amongst Members?
- (b) Should KCC have a voluntary code of conduct and a voluntary Standards Committee (or other Member-level body) with responsibility for monitoring compliance with a voluntary code?
- (c) If KCC decided to have a voluntary code and a voluntary Standards Committee, what role would independent Members have? Section 102(3) and (4) of the Local Government Act 1972 enables an authority to appoint co-opted members to a new Standards Committee, but Section 13 of the Local Government and Housing Act 1989 would mean that any such co-opted Members were non-voting, unless the Standards Committee was merely advisory, i.e. that it made recommendations only to the County Council.

- (d) How would KCC deal with complaints that a Member had breached a voluntary code?
- (e) What role could the Monitoring Officer and his staff have in policing a voluntary code and in dealing with training for Members and low-level complaints?
- (f) What role could group and party discipline have in ensuring good conduct amongst elected Members?
- (g) Could a regional solution be explored, perhaps hosted by the County Council, as a chargeable service for District, Borough and Parish Councils, particularly in relation to training and complaint handling?

Recommendation

4. The Committee is invited consider this report and determine a way forward with regard to a detailed examination of the main options for the future.

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3 May 2011