

## Appendix 3

The future of the standards regime for elected Members

Consultation Document

### **Overview:**

The Government set out its intention to abolish the “Standards Board regime” in the coalition agreement published in May 2010. It is the Government’s intention to effect the abolition through the Localism Bill, which was introduced to Parliament on 3 December 2010. If the Bill is enacted, it is likely that Standards for England (which oversees the standards regimes in local authorities) will cease to investigate complaints in late 2011 and be formally abolished in early 2012.

The Government considers that the Standards regime, consisting of a centrally prescribed model code of conduct, standards committees with the power to suspend or disqualify a local authority member and regulated by a central quango was inconsistent with the principles of localism. In addition, there was a concern that the regime has been used as a vehicle for vexatious or politically motivated complaints. The Government considers that it is the right and responsibility of the electorate to determine who represents them and that the abolition of the standards regime will restore power to local people.

Local authorities will be free, should they choose, to establish voluntary standards committees to consider complaints about the conduct of elected Members. Such committees will, subject to councils’ local constitutions, be able to censure but will not be able to suspend or disqualify members from council membership.

In summary, the Government’s proposals are:

- To abolish Standards for England
- To remove the First Tier Tribunal’s (Local Government Standards in England) jurisdiction over Member conduct
- To remove the national code of conduct for elected members (councillors) and the requirement to have a standards committee
- To allow Councils to choose whether or not they wish to have a local code or a standards committee
- To create a criminal offence relating to the failure to register or declare interests

### **Consideration of the draft proposals by Kent County Council’s Standards Committee:**

The Standards Committee has considered the Government’s proposals and made the following conclusions:

- The principle of there being a voluntary code of conduct for Members, together with a mechanism to investigate alleged breaches of the voluntary code was supported, but with more emphasis on local resolution and informal action, such as targeted training and advice to Members.
- Public confidence that the County Council took ethical conduct at Member level seriously was important
- There should be a role for people who are independent of the County Council in relation to the operation of the local arrangements
- A consultation exercise should be undertaken with elected members, staff, District and Borough Councils in Kent and the public, in order to inform the County Council's decisions in this area

## **Consultation Questions**

### Code of Conduct

Under existing legislation, all local authorities are required to adopt a model code of conduct (attached), which all Members are required to abide by. Under the government's proposals, the need for a statutory, model code will be removed, but local authorities will be free to adopt their own voluntary code.

1. *Should Kent County Council adopt its own voluntary code of conduct for its elected Members and, if so, what should the code contain?*

### Standards Committee

Under existing legislation, all local authorities are required to establish a Standards Committee, which includes independent members, to promote and maintain high standard of conduct by Members, monitoring compliance with the Code, directing appropriate training for Members and dealing with complaints about the conduct of Members. Under the Government's proposals, the need to have a Standards Committee will be removed, but local authorities may decide to have such a Committee.

2. *Should Kent County Council retain a Standards Committee and, if so, what should its role be?*

### The role of independent Members

Under existing legislation, the County Council is required to appoint one or more independent people to serve on the Standards Committee and one of these independent people must be the Chairman of the Committee. Under the Government's proposals, there will no longer be a need to have independent representation on any voluntary Standards Committee.

3. *Should independent people be involved in advising the County Council and its members on maintaining high standards of ethical conduct and, if so, how should independent people be involved?*

## Dealing with complaints

Currently, the Council's Standards Committee has a duty to examine and investigate complaints that a member has breached the code of conduct. If, following a formal investigation and hearing, the Standards Committee decides that the Member is in breach of the code, the Committee must decide whether any formal action is appropriate. Such action can include suspension and disqualification from duty in the most serious cases. Under the Government's proposals, any voluntary Standards Committee will be able to censure but not be able to suspend or disqualify members.

4. *Should Kent County Council have an internal system for dealing with complaints about the conduct of its Members and, if so, what form should this take?*

## Registering and declaring interests

Under existing legislation, all elected Members must register their interests (e.g. nature of employment, land and property holdings) within 28 days of being elected. Members can participate at meetings if they have an interest in a particular matter, but may not be able to vote if there is a potential conflict between their interest and the item under discussion. The Government is committed to ensuring that elected Members do not abuse their office for personal gain by putting their personal interests before those of the community or local area they represent. Under the Government's proposals, Members will be required to continue to register and declare their interests and will not be allowed to use their position improperly for personal gain. The Government intend that wilful failure to comply with these requirements will constitute a criminal offence.

5. *What are your views about the Government's proposals to make it a criminal offence to wilfully fail to comply with the need to register and declare their interests?*

6. *Do you have any other views about the Government's proposals in relation to the ethical standards regime?*

Proposed consultees:

- The Corporate Management Team
- All Members of Kent County Council via the Members' Information Bulletin
- All Kent MPs
- All District/Borough Council Leaders and Chief Executives via The Kent Forum
- Members of the public via [kent.gov.uk](http://kent.gov.uk)
- Representatives of the local media in Kent

- The Standards Committees of all Kent District/Borough Councils and the Kent Police Authority and the Kent and Medway Fire and Rescue Authority