

By: Alex King – Deputy Leader
Peter Sass - Head of Democratic Services and Local Leadership

To: Selection and Member Services Committee - 26 November 2008

Subject: Department for Communities and Local Government (DCLG) –
consultation paper on the Code of Conduct for Members

Summary: To consider the proposed response to the DCLG consultation paper on proposed revisions to the Members' Code of Conduct.

Unrestricted

Background

1. On 1 October 2008, the Department for Communities and Local Government (DCLG) issued a consultation paper on proposed revisions to the Code of Conduct for Members, together with a new proposed Model Code of Conduct for local government employees (see **Appendix 1** attached). This Committee is invited to consider a proposed formal response to the proposals in chapter 2 of the consultation paper, which relate specifically to the proposed revisions to the Members' Code of Conduct (see **Appendix 2** attached).

The Consultation Paper

2. Chapter 2 of the consultation paper seeks views on proposals to clarify the Members' Code on its application to Members' conduct when acting in a non-official capacity. It also seeks views on the operation of, and proposed revisions to, the Members' Code, including reconfiguring the Code into two distinct sections; the first dealing with Members' conduct in their official capacity and the second dealing with conduct in Members' non-official capacity. A small number of clarifying amendments are suggested to personal and prejudicial interests, which appear to be non-controversial. Finally, it seeks views on associated amendments to the General Principles Order, in order to clarify its application to Members' conduct in their non-official capacity. The closing date for responses to the DCLG is 24 December 2008.

3. The Consultation Paper was considered at a meeting of the Standards Committee on 25 November and the views of that Committee will be tabled at the meeting. It was considered useful to consult the Standards Committee on the proposed response to the Government consultation paper, because of the proposed changes relating to the Member Code of Conduct. However, the Standards Committee cannot respond on behalf of KCC, hence the referral to this Committee.

4. The consultation paper is also being considered at a meeting of the Kent and Medway Fire and Rescue Authority (KMFRA) on 1 December and by the Kent Police Authority (KPA) in due course. It is highly likely that both KMFRA and KPA will consider a similar response to that contained in **Appendix 2** and officers from the three authorities will liaise in relation to the possibility of a unified response to the consultation.

5. I have also attached at **Appendix 3**, for the information of the Committee, an article that appeared in the Municipal Journal on 13 November 2008, written by David Prince, former Chief Executive of the Standards Board for England, in relation to the DCLG consultation, which Members might find interesting.

Recommendation:

6. The Committee's views are sought with regard to the proposed formal response to Chapter 2 of the DCLG consultation paper on revisions to the Members' Code of Conduct, attached at **Appendix 2**.

Alex King – Deputy Leader

Peter Sass – Head of Democratic Services and Local Leadership

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