

## Standards Committee

15 February 2007

### The Local Government and Public Involvement in Health Bill



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#### Report of Lesley Davies Acting Director Corporate Services and Monitoring Officer

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#### Purpose of the Report

1. To advise Members about the publication of the Local Government and Public Involvement in Health Bill with specific reference to Part 9 of the Bill which relates to Ethical Standards.

#### Background

2. Members may recall that early in 2006 I advised them about the content of a discussion paper, *Standards of Conduct in English Local Government: The Future*, published by the Office of the Deputy Prime Minister which set out the Government's vision for a future comprehensive conduct regime for local authority members and employees.

3. Members subsequently received a report from delegates who attended the Fifth Annual Assembly of Standards Committees in October 2006. At that event Philip Woolas, MP, Minister for Local Government confirmed that the forthcoming Local Government White Paper would be devolutionary and look to empower local government, councillors and local people – and that the standards regime must follow this lead. He also indicated consultation on a revised draft Member Code of Conduct would be issued shortly, with a view to it being in place for the local elections in May 2007.

#### Recent Developments

4. The recent White Paper, *Strong and Prosperous Communities*, reiterated the Government's intention to remodel the standards regime. It promised to legislate to deliver: -

- A more locally based regime, with local standards committees making initial assessments of misconduct allegations and most investigations and decisions made at local level;
- A revised strategic regulatory role for the Standards Board to provide supervision, support and guidance for local authorities and ensure consistent standards.
- A clearer, simpler and more proportionate code of conduct for local authority members and a new code for employees. Changes to the members' code would include amending the rules on personal and prejudicial interests to remove the current barriers to councillors

speaking up for their constituents or for the public bodies on which they had been appointed to serve.

5. This commitment is reflected in the Local Government and Public Involvement in Health Bill, which was given its first reading in the House of Commons on 12 December 2006 - Part 9 of the Bill addresses Ethical Standards.

6. Chapter 1 relates to the **conduct of local authority members** and addresses issues surrounding conduct that may be covered by the Code of Conduct and the detailed arrangements to be applied by local authorities once they assume responsibility for decision making in the conduct regime for local authority members.

7. Chapter 2 relates to **local government employees** – and amends the Local Government and Housing Act 1989 so standards committees will assume the role currently undertaken by the Independent Adjudicator with regard to exemptions from political restrictions. A second clause in this chapter enables the Secretary of State to make an order in relation to maximum pay of political assistants.

8. An extract of the Explanatory Notes accompanying the Bill specifying all of the clauses contained in Chapter 9 is attached as an Appendix to this report for information.

### **Revised Code of Conduct**

9. I refer again to the indication by Philip Woolas at the Fifth Assembly regarding the imminent issue of a consultation on a revised draft Member Code of Conduct when the proposed changes to the Code were outlined –

- Clarifying the rules around personal and prejudicial interest to encourage greater participation, whilst ensuring that decisions were made in the public interest.
- Making the Code clearer on what information should and should not be confidential.
- Regulating conduct in private life only when it concerned unlawful activities
- Addressing bullying more explicitly, but acknowledging that Members had the right to call officers to account.
- Removing the current duty for members to report breaches.

10. The Government published the consultation paper in late January with a deadline of 9 March for submission of responses to the Department for Communities and Local Government. There are four current model codes of conduct applying to various categories of local authority members. These were issued in 2001 and are as follows:

- The Local Authorities (Model Code of Conduct)(England) Order 2001.
- The Parish Councils (Model Code of Conduct) Order 2001.
- The National Park and Broads Authorities (Model Code of Conduct)(England) Order 2001.
- The Police Authorities (Model Code of Conduct) Order 2001.

11. The Government proposes to combine these current four individual codes referred into one consolidated code. The consultation paper provides an explanatory commentary and poses a series of questions on the proposed amendments set out in the revised code. Under these circumstances I propose to convene a Special Joint Meeting of the County Council, Police and Fire and Rescue Authorities' Standards Committees to consider the content and agree a joint response to the consultation paper.

12. At this stage, Members are asked to note the report.

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