

Item 7

REPORT TO STANDARDS COMMITTEE

8TH FEBRUARY 2007

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

STRONG AND PROSPEROUS COMMUNITIES: THE LOCAL GOVERNMENT WHITE PAPER – IMPLICATIONS FOR STANDARDS AND ETHICS

1. SUMMARY

- 1.1 This report focuses on the implications for standards and ethics introduced by the Local Government White Paper – “Strong and Prosperous Communities”.
- 1.2 The Secretary of State for Communities and Local Government, Ruth Kelly MP, launched the Local Government White Paper - ‘Strong and Prosperous Communities’ on Thursday 27th October 2006.
- 1.3 The White Paper gives details of the Government’s proposals to improve the way that Local Government operates with a particular focus on greater citizen engagement, giving people more say in the decisions that Council’s take with respect to local areas and also greater powers for local Councillors to respond to residents concerns.

2. RECOMMENDATIONS

- 2.1 That Standards Committee be appraised of the report and future changes be noted.

3. DETAIL

- 3.1 The White Paper emphasises the importance of maintaining high standards of probity, stating “when behaviour and conduct are corrupt or improper, it erodes confidence in the democratic system”. The Paper acknowledges the importance of maintaining trust in Local Government, and emphasises the link between high standards of ethical conduct and strong and accountable leadership at a local level.
- 3.2 **Councillors as Democratic Champions:** Local Councillors are the bedrock of local democracy. They have a key role in ensuring local services are responsive to the needs of their constituents and enabling local people’s voices to be heard. The White Paper suggests the need to reaffirm the importance of a Councillor’s role as a democratic champion. As well as providing Councillors with new powers through the Community Call for Action, their influence will be strengthened by working with the Local Government Association, the Improvement and

Development Agency and the Leadership Centre for Local Government and through regional improvement partnerships to promote:

- A clearer defined role for local Councillors in championing the interests of their communities;
- Greater diversity of Councillors, making them more representative of their community;
- Capacity-building and support for Councillors to take on their enhanced role.

3.3 The Government in their Closer to People and Places Campaign identified the roles and aims for Councillors to ensure that all Councils provide practical support to enable all Councillors to act effectively in these roles.

3.4 Communities need committed and skilled local Councillors who can be the pivotal link between the Council and local people and organisations. Councillors will:

- Be the recognised champions for the area, identifying and helping to resolve local concerns;
- Act as community leaders who provide direction for their area, mediating between and helping to reconcile competing views and interests, encouraging and aiding people and communities to resolve local problems themselves;
- Keep in touch with their constituents through regular surgeries and meetings, phone, e-mail and personal contact; to know and understand their views and concerns; foster effective relationships with the public, private, voluntary and community organisations in their area; actively monitor the performance of local public services in their area;
- Hold poor performers to account and contribute to plans to improve local services and the quality of life; speak freely as advocates for their area and act fairly and judiciously on decisions affecting other parts of the Council's area.

3.6 ***Localise and Simplify the Conduct Regime:*** All democratic and public governance relies on high standards of probity. The UK has a strong reputation for high standards in public life and it is important for the future well being of Local Government that this is maintained.

3.7 The Graham Committee on Standards in Public Life reported in 2005 that the vast majority of Councillors observe high standards of conduct and that such standards would be more likely to be guaranteed if decision-making on conduct issues was devolved to the greatest extent possible to the local level.

- 3.8 Strong and accountable local leadership requires the highest standards of conduct. In December 2005, the Government consulted on proposals to promote these high standards in Local Government and to improve the conduct regime, including whether there was support for a more local system for investigating allegations of misconduct. Following this consultation, which showed broad support for the proposals, the Government will now 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 a local level;
 - A revised strategic regulatory role for the Standards Board to provide supervision, support and guidance for local authorities and ensure consistent standards.
- 3.9 Put in place will be a clearer, simpler and more proportionate Code of Conduct for local authority Members and a new Code for employees. Changes to the Members' Code will 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 have been appointed to serve. For example, in future, Members of a planning or licensing committee will have more opportunities to represent their constituents on planning or licensing issues that affect their wards. Members will be able to speak and vote on such issues unless their interests in the matter are greater than those of most other people in the ward.
- 3.10 *Parish Councils:* Parish Councils are an established and valued form of neighbourhood democracy and management. The Government propose to build on the existing parish structure to improve its capacity to deliver better services and represent the community's interests.
- 3.11 Parish Councils already have powers to provide a variety of local services important to their communities. These include keeping their area clean, providing attractive public spaces and dealing with anti-social behaviour. Local authorities can delegate additional functions and budgets to a Parish Council.
- 3.12 The Government intend to extend the power of well being to all Parish and Town Councils, which satisfy criteria based on the Quality Parish Scheme.
- 3.13 A Parish or Town Council can currently apply for 'Quality Parish Status' via a local accreditation panel. The scheme is currently under review, with findings expected in 2007; but generally a Quality Parish Council:
- Is representative of and actively engages all parts of its community, providing vision, identity and a sense of belonging;
 - Is effectively and properly managed;
 - Articulates the needs and wishes of its community;
 - Upholds high standards of conduct;

- Is committed to working in partnership with principal local authorities and other public service agencies and voluntary groups; and
- Delivers local services on behalf of principal local authorities where this represents the best deal for the local community.

3.14 At present Parishes are created by Government and the Electoral Commission based on the recommendations carried out by the local Council or in a response to a petition by local residents. The plan is to simplify and speed up this process by devolving the power to create Parishes to local Councils, allowing them to implement the recommendations of parish reviews and to respond to petitions from local communities. There will be a presumption in favour of setting up Parish Councils so that local authorities will be expected to grant communities' requests to set up new Parish Councils, except where there are good reasons not to, and that existing Parishes are not abolished against the wishes of local people.

3.15 Parish Councils are currently restricted to using the name "Parish", "Town" or "City Council" but it is intended that Parishes will be given a wider range of alternative names extending the list of permissible names to include "community", "village" or "neighbourhood".

4. RESOURCE IMPLICATIONS

4.1 No financial implications have been identified.

5. CONSULTATIONS

5.1 This report has been considered by Management Team.

6. OTHER MATERIAL CONSIDERATIONS

6.1 All material considerations have been taken into account in the contents of this Report. In particular, risks may arise unless Members of Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 None apply.

8. LIST OF APPENDICES

8.1 None apply.

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Wards: N/A

Key Decision Validation: N/A

Background Papers

The Local Government White Paper: Strong and Prosperous Communities 2006
The Management Journal for Local Authority Business: November 2006
Annual Report of the Committee on Standards in Public Life 2005

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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