

Committee: **Standards Committee**

Date: **23 February 2006**

Title: **Standards of Conduct in English Local Government – Discussion Paper**

By: **Director of Law and Performance Management**

Purpose of report: **To raise awareness of the recent discussion document from the Office of the Deputy Prime Minister on Standards of Conduct in English Local Government; and to consider the potential impact on East Sussex County Council**

RECOMMENDATIONS –

- (1) that the Committee notes the discussion paper from the Office of the Deputy Prime Minister; and**
 - (2) that the Committee recommends the Governance Committee to increase the number of independent members on the Standards Committee to two.**
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1. Financial Appraisal

1.1 There are no financial implications for this report. However, because more complaints are likely to be locally investigated there could be financial implications in resourcing the investigation at any given time.

2. Introduction

2.1 The Office of the Deputy Prime Minister has published a discussion paper which sets out its vision for a future comprehensive conduct regime for local authority members and employees. The paper reflects the Government response to the Graham and Select Committees, as well as having regard to the Standards Board's recommendations for amending the Code of Conduct for Members. The discussion paper is attached to this report.

3. Summary of proposed changes

3.1 The overall approach to conduct set out in the discussion paper would involve the following principal changes to current arrangements:

- Initial assessment of all misconduct allegations to be undertaken by standards committees, rather than the Standards Board;
- Local Standards Committees to be responsible for investigating and determining most cases (this is already being implemented in part);
- The Standards Board to adopt a more strategic, advisory and monitoring role, but retaining responsibility for investigating the most serious misconduct allegations;
- Improvements to the operation and composition of local standards committees, with independent chairs and committees to include independent members with a balance of experience; and

- A clearer, simpler code of conduct, including changes to the rules relating to personal and prejudicial interests.

4. The proposals where they relate to local government employees

4.1 The discussion paper also comments on the Code of Conduct for Employees. The principal changes proposed include:

- The issue of a code for local government employees;
- Retain the current principle that senior and sensitive posts should be politically restricted, but to ensure that only the most senior and sensitive posts are covered;
- Discontinue the post of Internal Adjudicator and to provide for authorities' Standards Committees to make decisions on posts exempt from restrictions;

5. Impact on East Sussex County Council

5.1 Any improvements to the Code of Conduct, in particular, where it relates to Members' interests should be welcomed. In principal, the changes outlined in the discussion paper seem sensible, but the Standards Committee should be asked to comment fully when clear proposals have been published.

5.2 If all future investigations were to come directly to the Council there is a potential resourcing issue for managing the investigations. At the current time there are very few complaints sent to the Standards Board for England relating to East Sussex County Councillors and at this time, this is not therefore likely to be a problem. The Committee should note that this may be an issue in the future.

5.3 There is currently only one independent member (the Chairman) on the East Sussex County Council Standards Committee. Should she declare an interest in an investigation, this would leave the committee without an independent member to consider an investigation. It is, therefore, recommended that the Governance Committee be asked to increase the number of Independent Members to two.

5.4 In October 2005, the Governance Committee agreed a revised Code of Conduct for Employees. The revised code primarily clarified the position of Officers in relation to declarations of conflicts of interest and gifts and hospitality. The revisions made at that time were based on the proposals put forward by the Standards Board and are unlikely to require any major changes as a result of this discussion paper.

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