



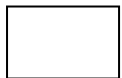
Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 13th February 2008

Subject: Consultation Response: Orders and Regulations Relating to the Conduct of Local Authority Members in England

Electoral Wards Affected:



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to advise Members of the Committee of the recently published consultation document from Communities and Local Government (Appendix 1), and to seek approval for the draft Leeds City Council response at Appendix 2.
2. In order to implement the revised regime, the government now need to put in place detailed arrangements to allow standards committees and the Standards Board to undertake their new roles. These arrangements need to cover:
 - The operation of standards committees' powers to make initial assessments of misconduct allegations.
 - The operation of other functions by standards committees and the Adjudication Panel in issuing penalties and sanctions.
 - The operation of the Standards Board's revised strategic role to provide supervision, support and guidance for the regime.
 - Other matters, such as the rules on the granting of dispensations, the granting of exemptions of posts from political restrictions and the pay of local authority political assistants.
3. Members of the Committee are asked to:
 - Comment on the questions raised in the consultation paper; and
 - Approve the Leeds City Council response at Appendix 2 to this report.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to advise Members of the Committee of the recently published consultation document from Communities and Local Government (Appendix 1), and to seek approval for the draft Leeds City Council response at Appendix 2.

2.0 Background Information

- 2.1 The consultation paper was published on 3rd January 2008 on the Communities and Local Government website and was distributed to all Members of the Committee, along with a selection of officers, on 4th January 2008.
- 2.2 The consultation paper seeks views on the detailed arrangements for putting into effect the orders and regulations to provide a revised more locally-based ethical regime for the conduct of local councillors in England.
- 2.3 Comments were requested by Monday 21st January 2008, and the comments received are shown in Appendix 2 to this report.

3.0 Main Issues

- 3.1 Part 10 of the Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000 to provide for a revised ethical conduct regime for local government based on the principle of proportionate decision-making on conduct issues by local authorities.
- 3.2 In order to implement the revised regime, the government now need to put in place detailed arrangements to allow standards committees and the Standards Board to undertake their new roles. These arrangements need to cover:
- The operation of standards committees' powers to make initial assessments of misconduct allegations.
 - The operation of other functions by standards committees and the Adjudication Panel in issuing penalties and sanctions.
 - The operation of the Standards Board's revised strategic role to provide supervision, support and guidance for the regime.
 - Other matters, such as the rules on the granting of dispensations, the granting of exemptions of posts from political restrictions and the pay of local authority political assistants.
- 3.3 The consultation paper sets out for each of these issues, the specific purpose of the provisions and the proposals for how the rules should operate via appropriate regulations and orders under the Local Government Act 2000. Particular questions on which Communities and Local Government would welcome comments are also summarised at Annex A to the paper, and are listed along with the comments received in Appendix 2 to this report.
- 3.4 The government wish to make arrangements for these provisions to come into effect in Spring 2008. Copies of the consultation paper have been sent to all principal local authorities, all Town and Parish Councils, and all other organisations who might have an interest in these matters.

Leeds City Council Response

- 3.5 Comments on the consultation paper have been requested from:
- All Members of the Standards Committee;
 - The Monitoring Officer;
 - The Deputy Monitoring Officer;
 - The Chief Democratic Services Officer;
 - The Head of Governance Services; and
 - The Principle Corporate Governance Officer.
- 3.6 The comments received by these stakeholders can be seen in Appendix 2 to this report. All comments have been included, even when these conflict. In particular Members of the Committee may wish to discuss their responses to questions 1, 2, 3, 6, 7, 10, 11 and 16 in the consultation response, in order to reach a consensus of opinion where possible.
- 3.7 It is proposed that this document is sent to Communities and Local Government as the consultation response on behalf of Leeds City Council, subject to any amendments made at the Committee meeting.
- 3.8 In addition, Members of the Committee may wish to consider the comments received by Barwick in Elmet & Scholes Parish Council, who wrote to the Council on 22nd January 2008. The elected Members of the Parish Council expressed the view that:
- “where codes of conduct are breached by Parish Council Members or they are reported to the Standards Board, the Standards Committee considering allegations should be composed of a more representative “peer” group. It is thought that in addition to independent members a minimum of 50% of the Committee should be constituted from our tier of government.”
- 3.9 Members of the Committee are also reminded that they are able to make general comments on the consultation paper, and that they are able to make individual responses to the consultation. These must be received by Communities and Local Government by 15th February 2008.
- 4.0 Implications For Council Policy And Governance**
- 4.1 The new locally-based ethical conduct regime will allow local authorities to make more proportionate decisions about conduct matters, taking any significant local factors into account.
- 4.2 By extending the Standards Committee’s functions, the new arrangements will also allow the Committee to have a greater contribution towards the good governance of the Council.
- 5.0 Legal And Resource Implications**
- 5.1 There are resource implications to the new arrangements described in the report, although these implications have already been anticipated and are being dealt with in the consideration of the Council’s budget for 2008/09.

6.0 Conclusions

- 6.1 Communities and Local Government have published a consultation paper which seeks views on the detailed arrangements for putting into effect the orders and regulations to provide a revised more locally-based ethical regime for the conduct of local councillors in England.
- 6.2 All Members of the Standards Committee and various key officers have been asked for their comments on the paper. These are shown at Appendix 2 to this report.
- 6.3 It is proposed that this document is sent to Communities and Local Government as the consultation response on behalf of Leeds City Council, subject to any amendments made at the Committee meeting.

7.0 Recommendations

- 7.1 Members of the Committee are asked to:
- Comment on the questions raised in the consultation paper; and
 - Approve the Leeds City Council response at Appendix 2 to this report.