

## **THE LOCAL GOVERNMENT ACT 2000 – NEW ETHICAL FRAMEWORK**

### **1 SUMMARY**

To seek Members' views on the consultation document produced by the Department of the Environment, Transport and the Regions on General Principles of Conduct and also that produced by the Local Government Association in relation to a Model Code for Members. Both are integral to Central Government's desire to secure high standards of conduct in public life.

### **2 INTRODUCTION**

2.1 The Government is committed to achieving consistently high standards of personal conduct in all areas of public life, including local government. The Local Government Act 2000 establishes a new framework to ensure high standards of conduct in Local Authorities. The main components of this framework are:

- a set of general principles, to be debated and approved by Parliament, which are to govern the conduct of Councillors and co-opted Members of Local Authorities;
- a model code of conduct, consistent with these principles, which must be incorporated in local codes of conduct adopted by each Authority and which Councillors and co-opted Members must promise to observe;
- The establishment, by every Authority, of standards Committees, which must contain at least one person who is independent of the Authority and which will support and encourage the achievement of high standards of conduct;
- A new national body, the Standards Board for England, which will oversee the investigation of allegations that the code of conduct has been breached. Case tribunals, independently established, will decide whether there has been any failure to comply with the code and if so, will determine what penalties should apply;
- a new statutory code of conduct for Local Government employees, which will form part of their terms and conditions of employment.

**3. THE DRAFT GENERAL PRINCIPLES**

- 3.1 The general principles that the Government proposes should be laid before Parliament are set out in Appendix 1.
- 3.2 An important goal in drafting the general principles is to achieve the greatest possible degree of clarity and consistency in their composition and coverage. The Department of the Environment, Transport and the Regions (DETR) sees considerable merit in distinguishing between:
- statements that reflect the fundamental values that should be the hallmark of public service in Local Government, and which therefore belong in a statement of general principles; and
  - the specific actions that should be expected of Local Authority Members in order to demonstrate that they are observing these values, and which might more appropriately be contained in a code of conduct.
- 3.3 DETR have therefore produced a list of nine principles and in particular would welcome views no later than 31 October 2000 on:
- **Coverage**: are there any important aspects of Councillors' and co-opted Members' personal conduct which are not contained in these principles?
  - **Drafting**: Could the principles be worded more clearly?
  - **Revisions**: Do the changes to the draft principles contained in the White Paper represent any improvement? Do they create any difficulties?

**4 OFFICER COMMENT**

- 4.1 The principles outlined would appear to cover all the important aspects of a Councillors role and are clear and concise in their wording. As such, it is considered that they should be supported.

**5 MODEL CODE OF CONDUCT FOR MEMBERS**

- 5.1 The present National Code of Local Government Conduct was introduced in April 1990, replacing a non-statutory code first introduced in 1975. The code applies to elected Members (including co-opted Members) of principal Authorities in England, Wales and Scotland, and joint Committees of those Authorities. When accepting office, Members of these bodies declare "to be guided" by the code.

Criticisms of the existing code centre on:

- Its mixture of instructions as to conduct; encouragement on good practice and general commentary on behaviour
- A general lack of clarity on the appropriate conduct in a variety of circumstances
- Complex options as to appropriate conduct in relation to interests.

5.2 DETR has invited the Local Government Association (LGA) to draw up and submit to the Secretary of State proposals for new model Code of Conduct for Members and as a result, the LGA have produced a consultation paper, which is attached as Appendix 2.

5.3 In the LGA's view, a new code of conduct needs to be:-

- Clear as to what constitutes misconduct
- Concise and comprehensive
- Easy to read and understand
- Designed to encourage the maximum participation by members in the work of their authority, consistent with the need to maintain high standards of probity.

5.4 The LGA's paper includes some 29 questions for Members to consider, with responses required by 16 October 2000, to enable the LGA to report back to DETR by 31 October.

## **6 OFFICER COMMENT**

6.1 Officer comment in respect of the 29 questions contained within the LGA Consultation Paper is outlined in Appendix 3.

## **7. ENVIRONMENTAL IMPLICATIONS**

7.1 Nothing specific.

## **8 CRIME AND DISORDER IMPLICATIONS**

8.1 Nothing Specific

## **9 RESOURCE IMPLICATIONS**

9.1 Nothing specific at this stage, although in the light of the legislation and the guidance which will follow, the Council, both at member and officer level, will need to review its existing codes of conduct and operating practices and procedures and amend these as appropriate.

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**10 LEGAL IMPLICATIONS**

- 10.1 The new codes and the guidance associated with them will have a legal basis emanating from the Local Government Act 2000.

**11 PARISH IMPLICATIONS**

- 11.1 All Parish and Town Councils will also be affected by any new ethical principles and codes of conduct.

**12 RECOMMENDATION**

It is proposed that the Sub-Committee **RECOMMENDS**

That subject to member comment, the officer views on both documents form the basis of the Council's response to both the DETR and the Local Government Association.

Paul Warren

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**Background Papers:**

DETR – General Principles of Conduct in Local Government – A Consultation Paper

LGA – Local Government Act 2000 – Model Code of Conduct for Members

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