

Report to Standards Committee

Date of meeting: 18 January 2011

Subject: Abolition of the Standards for England Regime

Report of: Deputy Monitoring Officer

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Democratic Services Officer: Graham Lunnun (01992 564244)

Recommendation:

To consider:

- (a) the Government proposals and timescale concerning the abolition of the Standards Board regime;**
 - (b) the option of presenting a report to Council at this time recommending that a local Standards Committee continue with a local Code of Conduct.**
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Introduction

1. At the last meeting (29 September 2010), the Committee was made aware of upcoming Localism Bill concerning the abolition of the Standards Board regime (minute 19). This legislation has now been presented, and it is apparent that the present code governing Local Authority members' conduct will continue to function until a fixed date ("the appointed day"). This is anticipated to be two months after the Localism Bill receives Royal Assent (estimated to be late 2011).

Transitional Period

2. It is proposed that any cases in the system on the appointed day being undertaken by Standards for England will transfer on that day to the Local Authority that referred the investigation. The Standards Committee will therefore continue until the last complaint has been dealt with, though the previous right of appeal will not exist for those cases (see attached documents for details).

3. Any Standards Committee retained after the appointed day would have limited powers; for instance the suspension sanction is being removed from Standards Committees for the transitional period, meaning the most a Standards Committee could therefore do would be to censure a Councillor or request that they undergo training. No new allegations under the current regime can be made after the appointed day.

4. It is for the Council to decide what it should do regarding standards arrangements after this appointed day, apart from the completion of outstanding complaints during the transitional period. This Committee is invited to consider the matter and make recommendations to the Council if they feel this is appropriate.

Current and Possible Future Terms of Reference

5. Currently, the Standards Committee deals with matters relating the Code of Conduct, maintaining good governance and standards between members and Parish Councils, recommending member training, and taking appropriate action on complaints and allegations.

6. The national Model Code of Conduct is being abolished, though the option remains for Local Authorities to adopt their own locally applicable code. This would only relate to general conduct. Members will still be required to register and declare personal interests, though this will not fall in the jurisdiction of any revised Standards Committee. It should be noted that any wilful failure to comply with these requirements will constitute a criminal offence.

7. A revised Standards Committee could continue to consider complaints about the conduct of elected and co-opted members, but will have only the same limited powers as those applying during the transitional period. To assist the Committee, the attached schedule lists all of the complaints considered since local assessment was introduced, and the outcomes.

Membership

8. If members decided to pursue the option of continuing a local Standards Committee, the membership would be open for the Council to determine, including the question of Parish representatives and independent members.

9. If the Council chose to discontinue the Standards Committee, a recommendation could be made to extend the terms of reference of another committee in order to facilitate this change.