



Standards Committee

**Wednesday, 5 January 2011 at 3.00 p.m.
Committee Room 1, Runcorn Town Hall**

A handwritten signature in black ink that reads 'David W R'.

Chief Executive

COMMITTEE MEMBERSHIP

Mr Bill Badrock

Parish Councillor Bernie Allen

Parish Councillor Canon David Felix

Mr Robert Garner

Mr Tony Luxton

Mrs Anita Morris

Councillor Peter Murray

Conservative

Councillor Stan Parker

Labour

Councillor Linda Redhead

Liberal Democrat

Councillor John Swain

Labour

Councillor Kevan Wainwright

Labour

*Please contact Angela Scott on 0151 471 7529 or
angela.scott@halton.gov.uk for further information.*

The next meeting of the Committee is on Wednesday, 23 February 2011

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	1 - 3
2. DECLARATIONS OF INTERESTS	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
3. RECENT CASE SUMMARIES FROM STANDARDS FOR ENGLAND	4 - 15
4. ABOLITION OF STANDARDS REGIME	16 - 24

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

STANDARDS COMMITTEE

At a meeting of the Standards Committee Wednesday, 10 November 2010 Committee Room 1, Runcorn Town Hall

Present: Mr B. Badrock (Chairman) , Parish Councillor Mr B Allen, Mr R. Garner, Mr A. Luxton, and Councillors Parker, Redhead and Swain

Apologies for Absence: Parish Councillor D. Felix, Mrs A. Morris, and Councillors Murray and Wainwright

Absence declared on Council business: None

Officers present: M. Reaney and A. Scott

Also in attendance: None

**ITEMS DEALT WITH
UNDER DUTIES
EXERCISABLE BY THE COMMITTEE**

STC13 MINUTES

The minutes of the meeting held on 8 September 2010, having been printed and circulated, were signed as a correct record.

STC14 DUAL -HATTED MEMBERS AND THE CODE OF CONDUCT

The Committee received a report of the Strategic Director, Resources on Dual-Hatted Members and the Code of Conduct.

Standards for England had recently published an online guide for Dual-Hatted Members, defined as Members who served on two or more relevant authorities, for instance a Member who was both a District and Parish Council Member. The guide particularly focused on when such Members must declare interests and also dealt with the question of pre-determination.

The Committee discussed the potential conflict of interests for such Members and the issue of pre-

Action

determination or bias where Members sat on different bodies which determined matters such as planning applications or other regulatory issues. The Monitoring Officer was asked to identify the existence of any Dual-Hatted Members within the Authority and to forward to them the link for the online guide with an explanatory note.

Monitoring Officer

Of particular interest were scenarios set out within the on-line version of the guidance; Members were advised that these could be completed as individuals or as a group.

RESOLVED: That the report be noted.

STC15 PRESS RELEASE- COMMUNITIES MINISTER

The Committee received a report of the Strategic Director, Resources which advised them of a recent press release from the Communities Minister, Andrew Stunell, which set out his views on the future of the Standards regime.

In the press release, Mr. Stunell indicated that serious misconduct for personal gain would become a criminal offence, and pointed out that the Government would legislate to ensure that, whilst abusing a position for personal gain would result in criminal sanctions, ineffective or irresponsible behaviour would be a matter for the electorate rather than Standards for England. The Committee were advised that a newly empowered Local Government Ombudsman would investigate incompetence on behalf of local people. However, Mr Stunnell also said that the Government would legislate to make it clear that Councillors could campaign and vote freely on their issues.

The Committee discussed the procedures that were in place for handling complaints and Ombudsman investigations within Halton Borough Council. The Monitoring Officer agreed to provide the Committee with a copy of the Ombudsman's Annual Letter.

Monitoring Officer

RESOLVED: That the report be noted.

STC16 STANDARDS FOR ENGLAND - ROUNDUP

The Committee received a report of the Strategic Director, Resources on a Standards for England roundup.

At the September meeting of the Committee, the Monitoring Officer reported verbally on the headlines from

the Standards for England Bulletin No. 48, attached as an Appendix to the report.

The primary thrust of the Bulletin was the future of Standards for England and the Standards Framework. Standards for England set out how they proposed to carry out business pending further legislation on their future. In addition, guidance had been issued on the acceptance of complaints by Standards for England, the abolition of the need for quarterly monitoring returns and the process for the re-appointment of Independent Members

RESOLVED: That the report be noted.

STC17 RECENT CASE SUMMARIES FROM STANDARDS FOR ENGLAND

The Committee received a report of the Strategic Director, Resources on recent case summaries from Standards for England.

The Committee noted and discussed the contents of cases from West Devon Borough Council and Portsmouth City Council.

RESOLVED: That the report be noted.

STC18 DRAFT ACTION LIST

The Committee's Action List was attached for information.

In considering the Action List, the Committee noted that the development of the actions would be dictated by legislation relating to the future of the Standards regime, as well as the impact of financial constraints on local authority budgets.

RESOLVED: That the report be noted.

Meeting ended at 3.35 p.m.

REPORT TO: Standards Committee

DATE: 5th January 2011

REPORTING OFFICER: Strategic Director, Resources

SUBJECT: Recent Case Summaries from Standards for England

WARD: N/A

1.0 PURPOSE OF THE REPORT

1.1 To make Members aware of recent decisions in cases where breaches of the Code have been alleged in other authorities.

2.0 RECOMMENDATION: That the report be noted

3.0 SUPPORTING INFORMATION

3.1 Members' attention is drawn to case summaries which have recently been published on Standards for England's website.

3.2 These cases refer to North Tyneside MBC and Oldham MBC.

3.3 The summaries are provided for the information of Members and are intended to inform discussion at the meeting.

4.0 POLICY IMPLICATIONS

4.1 None

5.0 OTHER IMPLICATIONS

5.1 None

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton Borough Council

6.2 None

6.3 Employment, Learning and Skills in Halton

6.4 None

6.5 A Healthy Halton

6.6 None

6.7 A Safer Halton

6.8 Halton's Urban Renewal

6.9 None

7.0 RISK ANALYSIS

7.1 No key issues have been identified which require control measures

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The report of itself does not contain specific Equality and Diversity issues.

9.0 LIST OF BACKGROUND APERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 None



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Case Summary - North Tyneside Metropolitan Borough Council

Case no. SBE-11030-DWORP
Member(s): Councillor Muriel Green
Date received: 13 Jul 2010
Date completed: 01 Nov 2010

Allegation:

Councillor Green used the services of a council officer improperly for political purposes, and by so doing brought the council into disrepute, contrary to paragraphs 6(b)(ii) and 5 of the Code of Conduct.

Standards Board outcome:

The ethical standards officer found that Councillor Green did not breach the Code of Conduct.

Case Summary

The complainant alleged that Councillor Green used the services of a council officer to produce leaflets in support of the Labour Party and other materials supporting the campaign to re-elect the elected mayor. These services included editing of the leaflets and other materials and arranging their printing and distribution.

It was evident to the ethical standards officer that Councillor Green had played no part in the production of the leaflets and other materials. The ethical standards officer found no evidence that Councillor Green had given instructions to the council officer in relation to the leaflets and other materials. She was therefore not responsible for any involvement the council officer may have had in the production of the leaflets and other materials.

The ethical standards officer concluded that Councillor Green did not fail to comply with any part of the Code of Conduct.

Relevant paragraphs of the Code of Conduct

Paragraphs 6(b)(ii) and 5.

09 November 2010

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Case Summary - North Tyneside Metropolitan Borough Council

Case no. SBE-11031-FBFB9
Member(s): Councillor Eddie Darke
Date received: 13 Jul 2010
Date completed: 01 Nov 2010

Allegation:

Councillor Darke used the services of a council officer improperly for political purposes, and by so doing brought the council into disrepute, contrary to paragraphs 6(b)(ii) and 5 of the Code of Conduct.

Standards Board outcome:

The ethical standards officer found that Councillor Darke did not breach the Code of Conduct.

Case Summary

The complainant alleged that Councillor Darke used the services of a council officer to produce leaflets in support of the Labour Party and other materials supporting the campaign to re-elect the elected mayor. These services included editing of the leaflets and other materials and arranging their printing and distribution.

It was evident to the ethical standards officer that Councillor Darke had played no part in the production of the leaflets and other materials. Councillor Darke had allowed postcards to be returned to a freepost address. The ethical standards officer found no evidence that Councillor Darke had given instructions to the council officer in relation to the leaflets and other materials. He was therefore not responsible for any involvement the council officer may have had in the production of the leaflets and other materials.

The ethical standards officer concluded that Councillor Darke did not fail to comply with any part of the Code of Conduct.

Relevant paragraphs of the Code of Conduct

Paragraphs 6(b)(ii) and 5.

09 November 2010

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Case Summary - North Tyneside Council

Case no. SBE04480
Member(s): Councillor Glynis Barrie
Date received: 16 Feb 2009
Date completed: 22 Jun 2009

Allegation:

The member brought their office or authority into disrepute.

Standards Board outcome:

The ethical standards officer found that no further action was necessary.

Case Summary

The complainants alleged that Councillor Glynis Barrie, a member of North Tyneside Council, invited a member of the public to a meeting on council premises when she knew that person had been barred from attending council meetings on the grounds of staff health and safety. The complainants alleged that Councillor Barrie exposed council staff to the risk of abuse, undermined the authority of officers responsible for protecting staff, and brought her office into disrepute.

Councillor Barrie is the convenor of an overview and scrutiny members' study group. The group wanted to interview a member of the public.

Councillor Barrie accepted that she asked that member of the public to attend a group meeting on council premises in November 2008. She also accepted that the council's monitoring officer had confirmed to her that this person had been banned from attending council meetings from 10 October 2008. Councillor Barrie also knew that council officers considered the member of the public posed a health and safety risk to staff. However, her study group had doubts about the legal effectiveness of the ban and were sceptical about whether a risk really existed.

As a compromise, Councillor Barrie attempted to find an alternative venue for the meeting. At short notice, the member of the public refused to attend unless the meeting was on council premises. Councillor Barrie stated that, under considerable competing pressure from officers, fellow members and the member of the public, she decided to go ahead and invite the member of the public onto council premises. She acknowledged in hindsight that she might have made the wrong decision, but stated that she did not intend to put staff at risk or undermine officers' authority.

The ethical standards officer concluded that Councillor Barrie was acting in her official capacity when she invited the member of the public on to council premises, in breach of the ban on his attendance at council meetings. The council had exercised its general power as an occupier to revoke his licence to enter council premises for meetings, and this power was exercised further to the council's duty to protect its staff from abuse or threats. Councillor Barrie knew why this ban was in place, and no steps had been taken to challenge it. After the meeting the member of the public wrote to the council claiming that Councillor Barrie's invitation had proved the ban worthless and that he intended to defy it again in future.

The ethical standards officer considered that councillors have a strong ethical requirement to uphold council decisions relating to significant employer responsibilities. The council has a duty to protect staff, and the decisions it takes to do so are part of its good reputation as an employer. Councillor Barrie's decision to invite the member of the public on to council premises in these circumstances would be viewed by an objective observer as undermining this reputation.

The ethical standards officer considered that Councillor Barrie's conduct would diminish public confidence in her ability to carry out her role as a councillor in supporting the council's employment responsibilities. Councillor Barrie's conduct had therefore brought her office into disrepute.

The ethical standards officer noted that there was no evidence that the member of the public had abused, threatened or harmed any member of staff when he attended the November 2008 meeting. The ethical standards officer took into account that Councillor Barrie was motivated by her desire to carry out the scrutiny work of the study group, which had been delayed. She had attempted to find a compromise, although she had been unable to do so, and had not been seeking a confrontation with officers. The ethical standards officer also noted that Councillor Barrie has been genuinely distressed by events, and has acknowledged that she may have made the wrong decision. Consequently the ethical standards officer concluded that Councillor Barrie failed to comply with the Code of Conduct, but that no further action is necessary.

Relevant paragraphs of the Code of Conduct

The allegation in this case relates to paragraph 5 of the Code of Conduct.

Paragraph 5 states that members must not "bring their office or authority into disrepute".

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Case Summary - Oldham Metropolitan Borough Council

Case no.	SBE-10841-98TWN SBE-10847-C9409 SBE-10845-T106K SBE-10844-T2QZ7 10834-6SZG6 10840-C00YS 10838-GQ72K 10837-TRDH1
Member(s):	Councillor Howard Sykes, Councillor Jackie Stanton, Councillor Mark Alcock, Councillor Roger Hindle, Councillor Mohammed Uddin, Councillor Lynne Thompson, Councillor Mohammed Masud
Date received:	15 Jun 2010
Date completed:	25 Oct 2010

Allegation:

Misuse of position to secure an advantage for a planning applicant and bringing authority and the office of councillor into disrepute.

Standards Board outcome:

The ethical standards officer found that the members did not breach the Code of Conduct.

Case Summary

A planning application for a Mosque had been submitted to the Council in December 2009 and was due to be considered by its planning committee on 24 March 2010. However, the week before the meeting it was not on the published agenda because there were unfinished negotiations over a commuted sum to be paid by the applicant under section 106 of the Town and Country Planning Act. On the day of the meeting, Councillor Hindle, the Chair of the Planning Committee, accepted the application as an item of urgent business.

The two complainants alleged that the Chair accepted the item, and that the other members pressured him to do so, because it enabled Liberal Democrat election candidates to claim the credit in their election literature for the approval of the application. They alleged that these senior members, including the leader, deputy leader and other cabinet members, had misused their positions to secure an advantage for their local election and parliamentary candidates bringing the authority and their offices as councillors into disrepute.

Shortly after the publication of the agenda, Councillor Masud, in whose ward the application was based, had asked for it to be considered as a matter of urgent business. This request was declined. The ethical standards officer (ESO) found no evidence of improper pressure.

With the exception of Councillor Hindle, all the members attended a Liberal Democrat election rally on Sunday 21 March at which representatives of the Mosque raised concerns with members about the progress and viability of their application and made an increased offer of section 106 money. The ESO found no evidence that Councillors Masud, Thompson or Uddin did anything related to the Mosque application after attending the rally. He therefore dismissed the allegations against those three members quickly.

Following the rally Councillors Stanton and Alcock informed a senior officer of the Council that the Mosque had increased its section 106 offer. The ESO did not consider that conveying this information was an abuse of the members' position or inappropriate in any way.

On Monday 22 March, after the relevant officers had agreed the section 106 offer, Councillor Hindle added the application to that Wednesday's agenda as an urgent item. The ESO found no evidence that he had been pressured to make this decision. Officers subsequently questioned the reasons for his decision given the legal requirement for the chair to cite 'special circumstances' to justify taking business as urgent. There then followed an email exchange involving Councillors Sykes, Stanton and Hindle concerning the grounds for the chair's decision. Although the ESO expressed concerns about some of the email content, he did not consider that the emails amounted to bullying or an attempt to pressure Councillor Hindle into taking a particular course of action. It was clear from the evidence that Councillor Hindle had already made his decision.

On the day before the planning committee meeting, Councillor Hindle spoke to Councillor Alcock who explained that the Mosque feared that it would lose some of the funding promised for the development if consideration of the planning application was delayed. Councillor Hindle was advised by a legal officer of the Council that this was a valid ground for treating the application as urgent. The ESO concluded that Councillor Alcock and the other members had not breached the Code of Practice.

In the event the application, which came with an officer recommendation for approval, was approved by the planning committee with one abstention.

Relevant paragraphs of the Code of Conduct

Paragraphs 5, 6(a)

26 October 2010

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REPORT TO: Standards Committee

DATE: 5th January 2011

REPORTING OFFICER: Strategic Director, Resources

SUBJECT: Abolition of the Standards Boards Regime

WARD: N/A

1.0 PURPOSE OF THE REPORT

1.1 To make Members aware of recent correspondence about the future of the Standards Regime.

2.0 RECOMMENDATION: That the report be noted.

3.0 SUPPORTING INFORMATION

3.1 Members will recall that at the last meeting of the Committee, consideration was given to a press release from the Communities Minister setting out his views on the future of the Standards Regime.

3.2 The matter has now moved on to a certain extent, and Members' attention is drawn to a letter dated 30th November 2010 to Standards Committee Chairs, from the Chair of Standards for England. This letter includes a letter to him dated 15th October 2010 from Bob Neill MP, the Local Government Minister and is appended to this report.

3.3 In addition to the proposed abolition of Standards for England, the First Tier Tribunal. (Local Government Standards in England) would lose jurisdiction over Member conduct. The Government also intends to remove the National Code of Conduct for Councillors and the requirement to have a Standards Committee. Councils would be able to choose whether or not they wish to have a Local Code or a Standards Committee, which would be an ordinary Committee of the Authority and therefore not need to have independent representation. In the event of a Council choosing to have a Standards Committee, then it would no longer have the power to suspend a Member. The Government proposes that there will be a new criminal offence created related to failure to register or declare interests. It is not intended that the functions of Standards for England will transfer to any other body.

3.4 The Localism Bill published on 13th December 2010 introduces these proposals into the legislative framework. The Bill confirms that Councils will be able to adopt a non-statutory code and will have a

duty to consider allegations of a breach of such a code, without statutory sanctions against an offending member. Provided that Members do not commit a criminal offence, they will remain in Office until the electorate have had a chance to remove them at the next election. Proposals for Electoral Recall to allow the removal of Councillors mid-term on evidence of serious misconduct are not included in the Bill.

3.5 The Bill provides clarification of the rules on pre-determination and bias by stating that an indication by a Councillor that he or she takes particular view on a matter is not to be taken as evidence of a closed mind. The intention is that the normal activities of a Councillor such as campaigning, talking with constituents, expressing views on local matters and seeking to gain support for those views should not lead to an unjust accusation of having a closed mind on an issue that may lead to legal challenge. Government believes that this will give Councillors the assurance that they can campaign, discuss and vote on issues with confidence and so encourage more people to stand in local elections.

3.6 It is anticipated that the Bill will receive Royal Assent in late 2011. In the meantime, the present Standards Regime will continue to function in the normal manner, considering, investigating and determining allegations of misconduct until a fixed date which is likely to be two months after the Bill receives Royal Assent. The effect of this is that until that appointed day, an allegation of misconduct can be made, but after the day, no further allegations can be made under the Standards Board Regime.

4.0 POLICY IMPLICATIONS

4.1 None

5.0 OTHER IMPLICATIONS

5.1 None

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton Borough

6.2 None

6.3 Employment, Learning and Skills in Halton

6.4 None

6.5 A Healthy Halton

6.6 None

6.7 A Safer Halton

6.8 Halton's Urban Renewal

6.9 None

7.0 RISK ANALYSIS

7.1 No key issues have been identified which require control measures

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The report of itself does not contain specific Equality and Diversity issues.

9.0 LIST OF BACKGROUND APERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 Published material from Standards for England and Department of Communities and Local Government.

To: Standards Committee Chairs

30 November 2010

Dear colleagues

I would like to draw your attention to a letter sent to me from the Local Government Minister, Bob Neill MP about the Government proposals for the future of standards in local government. This letter has now been published on both our and CLG's website.

As you will know, since the Coalition Government announced its intention 'to abolish the Standards Board regime', there has been little detail available about what this would mean in practice. The letter from the Minister now sets out the proposition in greater detail.

In brief, you will see that the proposal is that, alongside the abolition of Standards for England, the First Tier Tribunal (Local Government Standards in England) would lose jurisdiction over member conduct. The Government also intends to remove the national Code of Conduct for councillors and the requirement to have a standards committee. Instead it would be for councils themselves to choose whether or not they wish to have a local code or a standards committee (which would be an 'ordinary committee' of the authority and therefore not need to have independent representation). Any standards committee would no longer have the power to suspend a member. There would also be a new criminal offence created relating to failure to register or declare interests.

In the meantime, you will see that these proposals will need primary legislation. Our understanding is that the Decentralisation and Localism Bill, which would contain such provisions, will be introduced to Parliament by the end of the year. The current framework will continue in place until such time as the bill receives Royal Assent and the relevant provisions are enacted. Our understanding is that

this is likely to be some time in the summer or autumn next year, although exact timing will obviously depend upon Parliamentary progress of the bill as a whole. Consequently, in the meantime, as the Minister recognises, standards committees will continue to have a legal requirement to operate as now and, in particular, to continue to consider any allegations.

You will see that the Minister's letter sets out, in some detail, the transition arrangements that they intend to apply to any cases which will be in the pipeline at the end of the framework. While these proposals obviously depend on Parliamentary approval, in brief, Standards for England would cease to handle cases from an Appointed Day (likely to be two months after the coming into force of the provisions). At that stage, all cases still open would be passed back to the relevant local authority to complete. Any cases with the Tribunal at that stage would be completed but no further references could be made to it. Any cases being handled locally would need to be completed locally after that date by the standards committee, with no power to pass them to Standards for England or the Tribunal, but no new allegations could be made after the Appointed Day.

I hope that you find this helpful.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'R Chilton', with a stylized flourish at the end.

Robert Chilton
Chair



Dr. Robert Chilton

Bob Neill MP
Parliamentary Under Secretary of State

**Department for Communities and Local
Government**
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Bressenden Place
London SW1E 5DU

Tel: 0303 444 3430
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www.communities.gov.uk

A handwritten signature in black ink, appearing to read "Bob Neill".

15 OCT 2010

Conduct of local authority members

Recently Andrew Stunell announced the broad package of changes that we intend to put in place to abolish the Standards Board regime. A press notice relating to this announcement is available on the Department's web-site at:

<http://www.communities.gov.uk/news/corporate/157558411>

When we met on Wednesday 15 September, I undertook to let you have the details of what we are proposing once the package of changes was announced, and accordingly I enclose a short paper setting out the changes we intend to make.

I would of course be very happy to discuss these with you and your Committee. If you would like a meeting, please don't hesitate to get in touch with my office.

A handwritten signature in black ink, appearing to read "Andrew Stunell".

A handwritten signature in black ink, appearing to read "Bob Neill".
BOB NEILL MP



Abolition of the Standards Board regime

The Standards Board regime

The Coalition Agreement *Our Programme for Government* included the commitment to “abolish the Standards Board regime”.

The Government considers that the Standards Board regime, consisting of a centrally prescribed model code of conduct, standards committees with the power to suspend a local authority member and regulated by a central quango was inconsistent with the principles of localism. In addition there is a concern that the regime is a vehicle for vexatious or politically motivated complaints.

The Government considers that it is the right and the responsibility of the electorate to determine who represents them and that the abolition of the regime will restore power to local people.

Accordingly, given the interdependencies of the bodies, requirements and guidance that constitute the Standards Board regime, the Government is proposing to abolish the regime in its entirety.

Subject to Parliament approving the necessary legislation, the changes are as follows:

- The Relevant Authorities (General Principles) Order 2001, which sets out the principles which govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales, will be revoked.
- The Local Authorities (Model Code of Conduct) Order 2007 (S.I 2007/1159) which prescribes the model code of conduct to apply to members of relevant authorities, will be revoked.
- The requirement for local authorities to have standards committees will be abolished.
- Standards for England (formally known as the Standards Board for England) will be abolished. Established by the Local Government Act 2000 and the regulator for local authority standards committees, the Standards Board requires primary legislation to abolish it and its legislative functions. None of the Standards Boards functions will be transferred to other bodies.

- The First-tier Tribunal (Local Government Standards in England), the independent judicial tribunal established as a disciplinary body to hear and determine references and appeals concerning the conduct of local authority councillors, will lose its jurisdiction over the conduct of local authority members.

It is intended to effect the abolition of the Standards Board regime through the Localism Bill. It is anticipated that the Bill will be laid before Parliament in December and will receive Royal Assent late-2011.

The present conduct regime (a model code governing local authority members' conduct and enforced through local authority standards committees, regulated in turn by the Standards Board for England), will continue to function in a normal manner, considering, investigating and determining allegations of misconduct, until a fixed date ("the appointed day"), probably two months after the Bill receives Royal Assent.

This means that until the appointed day, an allegation of misconduct can be made; after the appointed day, no further allegations of misconduct can be made under the standards board regime. It also means that at the appointed day, allegations will be in the process of investigation and, further, that appeals against sanctions will be pending. Transitional measures will be put in place to address this.

Proposed transitional measures

Any cases in the system at the appointed day will make their way through a transitional regime. This would meet the expectation of those who had made allegations that their allegations would be properly dealt with. It also enables that if a member has an allegation made against them, they should have the opportunity to clear their name.

The Government propose that any investigations being undertaken by Standards for England transfer, on the appointed day, to the local authority that referred the investigation. It will be for that local authority to arrange for the conclusion of the investigation. The local authority's standards committee will remain established until the last complaint it is considering, referred either internally or from Standards for England, has been dealt with.

Any cases with which the First-tier Tribunal (Local Government Standards in England) is dealing on the appointed day will be concluded by that tribunal. It will not receive any appeals against standards committee rulings after that date.

The right of appeal will not exist for those cases standards committees deal with as they work their way through the transitional system. The Government considers that the risk of protracted proceedings justifies this approach. The sanctions available to standards committees are significantly less severe than the sanctions available to the First-tier Tribunal (Local Government Standards in England).

Further, the Government propose that the suspension sanction is removed from standards committees for the transitional period. Hence the most a standards

committee could do is, for instance, to issue a councillor with a censure or a request that they undergo training.

The conduct regime in a post-Standards Board world

The Government is committed to maintaining high standards of conduct in office and will ensure that, in the absence of a statutory code of conduct, councillors do not abuse their office for personal gain by putting their personal interests before those of the general community or local area that they represent. Members will be required to continue to register and declare personal interests and will not be allowed to use their position improperly for personal gain. The Government intend that wilful failure to comply with these requirements will constitute a criminal offence.

The requirement for local authorities to adopt a model code of conduct and for local authority members to abide by that code will be abolished. However, local authorities will be free to adopt their own, voluntary code of conduct should they so wish.

The requirement to maintain a standards committee will be abolished. However, local authorities will be free, should they choose, to establish voluntary standards committees to consider complaints about the conduct of elected and co-opted members. Such committees will, according to councils' local constitutions, be able to censure but will not be able to suspend or disqualify members from council membership.

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