

REPORT TO: Standards Committee

DATE: 25th May 2011

REPORTING OFFICER: Strategic Director Policy and Resources

SUBJECT: The Future of Standards

WARDS: N/A

1.0 PURPOSE OF REPORT

1.1 To provide members with further information on the future of the Standards regime.

2.0 RECOMMENDATION

2.1 That the Report be noted.

3.0 SUPPORTING INFORMATION

3.1 At the meeting of the Committee held on 5th January 2011 a report was submitted detailing correspondence about the future of the Standards regime. It was advised that Standards for England, the National Code of Conduct, and the requirement to have Standards Committees were to be abolished in the Localism Bill.

3.2 The Bill is due to have its Report stage and third reading in the House of Commons on 17th and 18th May 2011. If any information is available before the meeting, this will be reported verbally.

3.3 The Bill has now completed its committee stage and will be reprinted to incorporate the changes made during committee consideration. The Report stage gives MP's an opportunity, on the floor of the House, to consider further amendments to a Bill which has been examined in committee. All MP's may speak on the vote, and can suggest amendments to the Bill or new clauses which they think ought to be added. The Report stage is normally followed immediately by debate on the Bill's third reading.

3.4 Implications for Standards are contained in chapter 5 of the Bill. This chapter gives effect to the Government's promise to dismantle the Ethical Conduct Regime introduced in 2001 under part 3 of the Local Government Act 2000. Schedule 4 contains a long list of changes to existing legislation, and includes that all references to Standards for England are repealed and that the Board is abolished and wound up. The task of deciding whether particular employees should be on the list of staff holding politically restricted posts is transferred from

Standards Committees to the Head of Paid Service in consultation with the Monitoring Officer. Part 3 of the Local Government Act 2000 is repealed, and Codes of Conduct end undertakings to abide them will cease to have effect.

- 3.5 The Bill contains a new general duty for relevant Authorities to promote and maintain high standards of conduct by Members and voting Co-opted Members. They can adopt, change and withdraw voluntary Codes of Conduct, and publicise them if they wish. If they have a Code of Conduct and receive written allegations of breach, they must consider whether to investigate them and can investigate them in any manner they think fit. If they find a breach of the Code – with or without an investigation – they can decide what action, if any, to take. However, these sanctions could not include suspension or disqualification.
- 3.6 Regulations may provide for the Monitoring Officer to keep a register of Members interests. In the case of Parish Councils, the regulations will state who is to perform the role. The regulations may provide for the disclosure of the interest before participating in related business, for preventing or restricting participation in such business, for dispensations from the requirements, and for sanctions for failure to comply. In addition, a member who fails to register an interest, who fails to disclose the interest when required to do so, or who takes part in authority business despite an interest contrary to the regulations is guilty of an offence. The maximum penalty is a level 5 fine (currently £5,000) plus the court can disqualify for up to five years. The consent of the DPP is needed for a prosecution, so local authorities themselves would be unlikely to prosecute.
- 3.7 As indicated above, there will be no requirement for an authority to maintain a Standards Committee or Code of Conduct, and it is for Council's to make their own choices. To this end, the Monitoring Officer is preparing a paper dealing with the options which will be available to the Council for its consideration.
- 3.8 Turning to Standards for England, it can be reported that the former Chief Executive Glenys Stacey left her position in February 2011, and the Board's Director of Regulation – Tim Leslie – has been appointed as interim Chief Executive. He will assume the position in addition to his existing role in Regulation until the closure of the organisation in line with the proposals contained in the Localism Bill. It should be further pointed out that Standards for England have not released any other publications in the recent past which could be brought to Members for information.

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 – None

6.2 Employment Learning and Skills in Halton – None

6.3 A Healthy Halton – None

6.4 A Safer Halton – None

6.5 Halton's Urban Renewal - 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 PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 Published Material from Standards for England and the Department of Communities and Local Government available from Mark Reaney, Municipal Building, Kingsway, Widnes.