

MEETING:	STANDARDS COMMITTEE
DATE:	22 OCTOBER 2010
TITLE OF REPORT:	THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK
REPORT BY:	ASSISTANT CHIEF EXECUTIVE LEGAL AND DEMOCRATIC (INTERIM)

Classification: Open

Purpose

To inform Members of further information received regarding the future activities of Standards for England and the standards regime since the last meeting of the Committee on 2nd July, 2010.

Recommendation

THAT the report be noted and Members give there initial views on the proposals which have emerged so far.

Key Points Summary

- A limited amount of information has become available since the meeting of the Committee on 2nd July.
- The proposed Decentralisation and Localism Bill will include proposals to 'abolish the Standards Board regime'. The budget for Standards for England (SFE) has also been reduced for this year by £1.45m (18%).
- Until such time as the relevant legislation is passed, the statutory framework remains operative and complaints are still being dealt with in the same way. A report about the progress of these is set out for Members in the confidential section of the Agenda.
- The SFE is of the view that the process is likely to lead to its final closure sometime between 31 December 2011 and 31 March 2012. As yet there is no indication of any transitional arrangements that will be put in place but further information is starting to emerge about how the ethical framework will be dealt with in future.

Alternative Options

- 1 There are none.

Reasons for Recommendations

- 2 To note the emerging information about the Government's planned Decentralisation and Localism Bill on the SFE and the ethical standards framework.

Introduction and Background

3. The Government announced its intention to abolish the Standards Board regime on 20 May 2010.

Key Considerations

4. The Decentralisation and Localism Bill is due to be presented in late 2010 and Royal Assent is anticipated between July and October 2011.
5. On 20th September, Communities Minister Andrew Stunell announced that serious misconduct for personal gain will become a criminal act and that the SFE regime would cease, therefore removing the platform for 'petty local vendettas'. Mr. Stunell said the Standards regime which had been introduced by the Government to monitor the conduct of councillors, had become a vehicle for malicious and frivolous complaints and resulted in considerable costs having to be met by Councils to deal with them.
6. The Minister said that Local Standards Committees had investigated some 6000 complaints in the first two years of the regime and that over half of these had been judged not to be worthy of any further action.
7. The aim of the Minister is to introduce legislation so that all serious misconduct by Members will become a criminal offence and dealt with by the courts instead of the current arrangements where some matters are dealt with by the Monitoring Officer and the Standards Committee.
8. Greater importance will be attached to Councillors registering certain personal interests in a public register and there will be sanctions against those who fail to register or declare an interest, or deliberately mislead the public. The Minister believes that the changes will give voters the confidence that any Councillors who misuse their office will be effectively dealt with, and at the same time give greater assurance to Councillors that they will no longer be the subject of investigation over petty allegations. He also feels that the public should address unsatisfactory performance of Councillors via the ballot box.
9. The proposals will also give the Local Government Ombudsman greater powers so that local authorities will be legally compelled to implement the Ombudsman's findings. Further details are awaited on how this will fit into the new process.
10. The Government also intends introducing legislation to make it clear that Councillors will be able to campaign and vote freely on local ward issues. Councillors who have previously been prevented from speaking about the issues they had been elected on, such as planning matters, will have greater freedom to express their views.
11. The view of the Association of Council Secretaries and Solicitors is that the proposals will be similar to the position before the provisions of the Local Government Act 2000 came into effect. They suggest that it is possible that the LGA (and National Association of Local Councils) may

take on the role of maintaining some uniformity of ethical standards in local government, with the possible introduction of a non statutory model code for local authorities to adopt. They point out that if not, local government will be the only part of the public sector without an ethical code

12. At present there seem to be a number of gaps left when the new arrangements are brought into being and it is not yet clear how they will be dealt with. These include
 - how will complaints that fall between being trivial and being serious but which do not warrant criminal investigation be dealt with? – these may be picked up by the Local Government Ombudsman as maladministration complaints;
 - how will complaints about parish and town councillors be dealt with?
 - most of the complaints dealt with by the Council relate to allegations of mis-use of office or bullying – how will these be dealt with when the present system is abolished?
 - what about the principles of public life – there presumably still needs to be a framework within which councillors are required to operate?
 - the pre 2001 pecuniary and non pecuniary interests regime was helpful – albeit without real teeth – is this really going to be replicated or replaced by statutory offences regime?
13. More details are awaited about the implications of the new arrangements and the impact that they will have on the way the ethical process is managed locally and nationally. The Websites of SFE, the ACSeS and the DCLG are being monitored and the views of HALC sought about the proposals.

Community Impact

14. It is important to ensure that the community at large is aware that the statutory framework remains operative.

Financial Implications

15. There are no further financial implications known at this stage.

Legal Implications

16. Until such time as the relevant legislation is passed, the statutory framework remains operative

Risk Management

17. There is a need to ensure that, until otherwise known, the statutory framework is adhered to.

Consultees

18. There are none

Appendices

None

Background Papers

None