

MEETING:	COUNCIL
DATE:	19 NOVEMBER 2010
TITLE OF REPORT:	REPORT OF THE STANDARDS COMMITTEE MEETING HELD ON 22 OCTOBER 2010
REPORT BY:	STANDARDS COMMITTEE

CLASSIFICATION: This is an open report.

MEMBERSHIP: Robert Rogers (Independent Member) (Chairman); Jake Bharier (Independent Member); Isabel Fox (Independent Member); Richard Gething (Town and Parish Council Representative); John Hardwick (Town and Parish Council Representative); David Stevens (Independent Member) (Vice-Chairman); John Stone (Local Authority Representative); Beris Williams (Local Authority Representative).

Wards Affected

County-wide

Purpose

To inform Council about the activities of the Committee and its Sub-Committees and the future of the standards framework.

Recommendation

THAT the report be noted

Dispensations

1. We have not received any applications for dispensations from parish or town councillors since our last meeting.

Annual Governance Report 2009/10

2. We have noted the external auditors' Annual Governance Report for 2009/2010.

The Future of the Local Government Standards Framework

3. Some further information has emerged about how the local Standards framework will be dealt with through the Decentralisation and Localism Bill, which was due to be published on 18 November. The Bill includes 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 legislation is passed however, the statutory framework remains and we will continue to deal with complaints in the same way. 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 but as yet there is no indication of any transitional arrangements.

4. On 20th September, Communities Minister Andrew Stunell announced that serious misconduct for personal gain would become a criminal act and that the SFE regime would cease. Mr. Stunell's view is that the standards regime had become a vehicle for malicious and frivolous complaints and resulted in considerable costs having to be met by Councils to deal with them. He said that Local Standards Committees had investigated some 6,000 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. His aim 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.
5. 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. Greater powers will be given to the Local Government Ombudsman in that local authorities will be legally compelled to implement any findings. Further details are awaited on how this will fit into the new process. 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.
6. We recognise the shortcomings of the present system and we have sought by our methods of operation to minimise them – we think to some good effect. But if the present proposals are carried through we think that there is unlikely to be an effective local government ethical code, which may be a matter of concern to the public. A number of questions remain to be addressed. 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, but does the LGO have the resources to deal with them?;
 - how will complaints about parish and town councillors be dealt with?
 - most of the complaints dealt with by the Council relate to allegations of misuse 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?

8. Since our meeting the Communities Secretary, Eric Pickles, has said that discussions have been held with the Local Government Association (LGA) about some of the concerns which have been raised. At the moment it seems likely that there will be a voluntary code and the LGA will assume a leadership role for standards in local government. We are raising with the LGA the practical issues listed above.

Local Filter Cases and Determinations

9. We have reviewed progress made with complaints about local authority, town and parish councillors since the introduction of the local filter on 08 May 2008. In 2008, 18 complaints were considered, 50 in 2009, and during 2010 27 have been dealt with. We have expressed our gratitude to the Legal and Democratic services team for the good progress that has been made in dealing with complaints more quickly and the work they have carried out on mediation, conciliation between complainants, governance reviews and training and support for councils.

Background Papers

- Agenda for the Standards Committee Meeting held on 22 October 2010.

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**