

**REPORT TO:** Standards Committee  
**DATE:** 5<sup>th</sup> 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 30<sup>th</sup> November 2010 to Standards Committee Chairs, from the Chair of Standards for England. This letter includes a letter to him dated 15<sup>th</sup> 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 13<sup>th</sup> 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.