

STANDARDS COMMITTEE

At a meeting of the Standards Committee Wednesday, 5 January 2011 Committee Room 1, Runcorn Town Hall

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

Apologies for Absence: Mrs A Morris and Councillor K 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

STC19 MINUTES

The minutes of the meeting held on 10 November 2010, having been printed and circulated, were signed as a correct record.

STC20 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 North Tyneside Metropolitan Borough Council and Oldham Metropolitan Borough Council.

RESOLVED: That the report be noted.

STC21 ABOLITION OF STANDARDS REGIME

The Committee received a report of the Strategic Director, Resources on the abolition of the Standards regime.

Action

At the previous meeting of the Committee, a press release from the Communities Minister was considered, which set out his views on the future of the Standards regime. Since then, a letter to Standards Committee Chairs had been issued from the Chair of Standards for England. It was reported that alongside the proposal to abolish Standards for England, the First Tier Tribunal would lose jurisdiction over member conduct. In addition, the Government also intended 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.

The Committee were advised that in the event of a Council choosing to have a Standards Committee, then that Committee would no longer have the power to suspend a Member. The Government had proposed that there would be a new criminal offence created which related to failure to register or declare interests. However, it was not intended that the functions of Standards for England would transfer to any other body.

The Localism Bill published on 13th December 2010 introduced these proposals into the legislative framework and confirmed that Councils would be able to adopt a non-statutory code and would have a duty to consider allegations of a breach of such a code, without statutory sanctions against an offending member. Provided that Members did not commit a criminal offence, they would remain in Office until the electorate 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 were not included in the Bill.

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

The Committee considered and discussed the

following matters arising from the report :

- how the Borough Council would deal with complaints against Members of the Council once the Standards Committee was no longer in existence;
- if the Council were to support the continuation of a local Standards regime, how the Standards Committee could advise and support the Council in the handover phase over the next 12 months; this could include the development of a local Code of Conduct for Councillors;
- the benefits of retaining independent membership on any future local Standards Committee;
- noted the need for changes to the Council's Constitution once the Standards Committee ceased; and
- the Committee unanimously supported the continuation of a Standards regime within Halton Borough Council.

RESOLVED: That the Operational Director, Legal and Democratic Services be asked to

- 1) inform the Leader of the Council of the Committees' views on the future of the Standards regime within Halton Borough Council;
- 2) seek direction from the Council on the future work of the Standards Committee prior to its statutory abolition; and
- 3) report the outcome to the next meeting of the Committee.

Operational
Director, Legal
and Democratic
Services

Meeting ended at 3.50 p.m.