



STANDARDS COMMITTEE

20 JULY 2011

Summary

This report provides an update on the passage of the Localism Bill through Parliament. A further report will be circulated to Members at a later date in order to determine the future of the Standards regime at H&F.

WARDS

ALL

RECOMMENDATIONS that:

- i) the report be noted; and
- ii) the Monitoring Officer draft detailed proposals for the Committee's considered once the bill has been agreed.

CONTRIBUTORS

ADLADS
HCS

1. Background

The Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007 set out the powers and duties of the Standards Board for England. The Local Government Act 2000 introduced the Code of Conduct for members which was enforced by the Standards Board.

In response to criticism of the regulation being over centralised and unnecessarily bureaucratic, the local standards framework was remodelled in May 2008 by the Local Government and Public Involvement in Health Act 2007. This allowed most complaints about members' behaviour to be dealt with at a local level by local authorities Standards Committee. The Standards Committees were required to set up sub committees responsible for assessing complaints, initiating investigations and, where appropriate, deciding whether a member has breached the Code of Conduct.

2. Localism Bill

Following the General Election in May 2010, the Government announced in the Queen's Speech that the Decentralisation and Localism Bill would include proposals to "abolish the Standards Board regime". The abolition of the Standards Board regime will:-

- revoke the model code of conduct for councillors,
- abolish the need for a local authority to have a statutory Standards Committee and
- abolish the Standards Board for England.

While the Standards Board regime is being abolished, the Localism Bill will make it a criminal offence to deliberately withhold or misrepresent a personal interest. A copy of the press release is attached as appendix 1.

3. Interim Measures

There are no clear details of the scope or implications of proposals to "abolish the Standards Board regime". In the Interim, the Chair of Standards for England (SfE), Bob Chilton, wrote to all Chairs of Standards Committees that the statutory framework remains operative so any local complaints which the Committee decides cannot be handled locally will continue to be referred to the SfE. The SfE will continue to support the work of local Standards Committees. The SfE expects Standards Committees in turn to continue with its statutory duties including the assessment of allegations. The Council has continued to hear local complaints.

4. Next Steps

The Localism Bill 2010/11 received its First Reading in the House of Commons on 13 December 2010 and its Second Reading on 17 January 2011. The Bill completed its passage through the House of Commons on 18 May and was

introduced in the House of Lords the day after. It received its Second Reading there on 7 June and is scheduled to commence Committee stage from 20 June. 2011. Once it has passed through the House of Lords it will return to the House of Commons for consideration of the House of Lords amendments. This is likely to be after the summer recess and so the Bill is unlikely to receive Royal Assent until the autumn.

There are a wide range of options which the Council could explore if the Council's Standards Committee would cease to exist. Any residual functions could have to be passed to other committees. In such a scenario, it is unclear who would deal with complaints against councillors. This would be a challenging task for any officer to perform the function without the support of a committee. Another alternative, is for a Standards Committee to operate with a voluntary code which the Council would adopt. This would not include any enforceable sanctions but might possibly have powers of censure. The Council could also agree that the Code of Conduct be enforced via the Monitoring Officer and Whips alone.

As the future of the Standards regime is still unclear, once the bill has been passed, a further report will be circulated to Members to determine the future of the Standards regime at H&F.

5 Comments of The Assistant Director of Legal and Democratic Services

The comments of the Assistant Director of Legal and Democratic Services are contained within the report.

6. Comments of The Director of Finance and Corporate Services

There are no financial implications contained within the report.

LOCAL GOVERNMENT ACT 2000 BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Policy Briefing on the progress of the Localism Bill	Tom Conniffe xt 2195	FCS Room 039 , Ground floor, Town Hall.