

WIRRAL COUNCIL
STANDARDS COMMITTEE
4 JULY 2011

SUBJECT:	The Future of the Standards Regime
WARD/S AFFECTED:	All
REPORT OF:	Director of Law, HR and Asset Management
RESPONSIBLE PORTFOLIO HOLDER:	Leader
KEY DECISION	No

1.0 EXECUTIVE SUMMARY

On 26 January the Head of Legal and Member Services presented a report to the Standards Committee summarising the main provisions of the Localism Bill and the implications for the Standards Committee.

The purpose of this report is to update the Standards Committee on the future of the Standards Board regime.

2.0 RECOMMENDATION(S)

2.1 That the Standards Committee:

(1) Note the contents of this report.

(2) Request that the Monitoring Officer continue to examine the provisions of the Bill and present proposals to a future meeting of the Standards Committee with regard to how the Council may respond to the Bill once it is enacted.

3.0 REASON/S FOR RECOMMENDATION/S

3.1 This report has been prepared so that Members of the Standards Committee can be briefed on the potential implications of the Localism Bill in relation to the standards regime, including the Members' Code of Conduct and the future of the Council's Standards Committees.

4.0 BACKGROUND AND KEY ISSUES

4.1 The Government has stated that it considers the Standards Board regime consisting of a centrally prescribed model code of conduct, standards committees with the power to suspend councillors and an unelected central body is inconsistent with the principles of localism, and that the regime can be a vehicle for vexatious or politically motivated complaints.

4.2 The Government considers that it is the right and the responsibility of the electorate to determine who represents them and that the abolition of the regime will restore power to local people. Subject to Parliament approving the necessary legislation, the changes are as follows:

- The Relevant Authorities (General Principles) Order 2001, which sets out the principles which govern the conduct of members and co-opted members of relevant authorities in England, will be revoked
- The Local Authorities (Model Code of Conduct) order 2007 which prescribes the model code of conduct to apply to members of relevant authorities will be revoked.
- The requirement for local authorities to have standards committees will be abolished.
- Standards for England will be abolished
- The First-tier Tribunal (Local Government Standards in England), the independent judicial tribunal established as a disciplinary body to hear and determine references and appeals concerning the conduct of local authority councillors, will lose its jurisdiction over the conduct of local authority members.

4.3 In its announcement advising that the current standards regime is to be abolished in its entirety, the Department for Communities and Local Government (DCLG) stated that “councillors will have to register certain personal interests in a publicly available register; this could include anything that could be reasonably regarded as likely to influence or affect their actions, conduct when on business for the authority, or voting.”

4.4 The present conduct regime will continue to function in a normal manner, considering, investigating and determining allegations of misconduct until a fixed date (“the appointed day”), probably two months after the Bill receives Royal Assent. This means that until the appointed day, an allegation of misconduct can be made under the standards regime. It also means that at the appointed day, allegations will be in the process of investigation and, further, that appeals against sanctions will be pending. Transitional measures will be put in place to address this.

4.5 Any cases in the system at the appointed day will make their way through a transitional regime. This would meet the expectation of those who had made allegations that they would be properly dealt with. It also provides an opportunity for a member who has an allegation made against them to clear their name.

4.6 The Government propose that any investigations being undertaken by Standards for England transfer, on the appointed day, to the local authority that referred the investigation. It will be for the local authority to arrange for the conclusion of the investigation . The local authority’s standards committee will remain established until the last complaint it is considering, referred either internally or from Standards for England, has been dealt with.

4.7 The Government has indicated that it is committed to maintaining high standards of conduct in office and will ensure that, in the absence of a statutory code of conduct, councillors do not abuse their office for personal gain by putting their personal interests before those of the general community or local area that they represent. Members will be required to continue to register and declare personal interests and will not be allowed

to use their personal position improperly for personal gain. The Government intend that wilful failure to comply with these requirements will constitute a criminal offence.

4.8 The requirement for local authorities to adopt a model code of conduct and for local authority members to abide by that code of conduct will be abolished. However, local authorities will be free to adopt their own voluntary code of conduct should they so wish.

The requirement to maintain a standards committee will be abolished but local authorities will be free, should they choose, to establish voluntary standards committees to consider complaints about the conduct of elected and co-opted members. Such committees will, according to councils' local constitutions, be able to censure but will not be able to suspend or disqualify members from council membership.

4.9 Standards for England has stressed that until such time as appropriate legislation has been passed, the current statutory framework remains operative.

5.0 RELEVANT RISKS

5.1 Should the Council not adopt a voluntary Members' code of conduct or alternative mechanism/framework, it could fail in its duty to maintain and promote high standards of conduct amongst its Members and Co-opted Members, which could result in reputational harm.

6.0 OTHER OPTIONS CONSIDERED

6.1 There are no other relevant options.

7.0 CONSULTATION

7.1 There is no planned consultation in respect of the proposed changes to the standards regime.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 There are no such implications arising.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 None identified at this stage.

10.0 LEGAL IMPLICATIONS

10.1 The legal implications are set out throughout the report.

11.0 EQUALITIES IMPLICATIONS

11.1 Any equalities implications will be considered if and when the Localism Bill receives Royal Assent.

12.0 CARBON REDUCTION IMPLICATIONS

12.1 There are no such implications arising.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are no such implications arising.

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REFERENCE MATERIAL

Localism Bill

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Standards Committee	26 January 2011