

Standards Committee

Agenda

Date: Monday, 24th January 2011
Time: 2.00 pm
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach
CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Members of the public should provide 3 clear working days notice, in writing, if they wish to ask a question at the meeting, in order for an informed answer to be given. It is not required to give notice of the intention to make use of public speaking provision, however, as a matter of courtesy, a period of 24 hours notice is encouraged.

Please contact
E-Mail:

Carol Jones on 01270 686471
carol.jones@cheshireeast.gov.uk with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

4. **Minutes of Previous Meeting** (Pages 1 - 6)

To approve the Minutes of the meeting held on 27 September 2010.

5. **The Future of the Standards Regime and the Standards Committee** (Pages 7 - 10)

The report provides details of the content and impact of prospective legislation. Members are invited to note the report and to consider the Committee's current view on future provisions for Cheshire East Borough Council under the emerging legislation, and how this might be taken forward.

6. **Conduct of Local Authority Members- Correspondence from C L G** (Pages 11 - 20)

To advise Members of the correspondence received from Standards for England enclosing guidance from the Department for Communities and Local Government (CLG) on the abolition of the Standards Board Regime.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Committee**
held on Monday, 27th September, 2010 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Mr N Briers (Chairman)
Mr D Sayer (Vice-Chairman)

Councillors Rhoda Bailey, B Dykes, J Goddard, J Hammond, M A Hollins,
M A Martin and L Smetham

Independent Members:

Mr M Garrett
Mr R Pomlett

Parish Council representatives:

Mrs P Barnett
Mrs T Eatough

APOLOGIES

Councillor M Parsons, Mr I Clark, Mr K Edwards

IN ATTENDANCE

| | |
|----------------|----------------------------------|
| Chris Chapman | Monitoring Officer |
| Julie Openshaw | Deputy Monitoring Officer |
| Helen Gough | Customer Services Manager |
| Paul Jones | Democratic Services Team Manager |
| Carol Jones | Democratic Services Officer |
| Keith Sutton | ICT Security Project Manager |
| Roger Lewis | ICT Auditor |

19 DECLARATIONS OF INTEREST

No declarations of interest were made.

20 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules Nos. 11 and 35, a total period of 10 minutes was allocated for members of the public to address the Committee on any matter relevant to its work, or to ask a question.

There were no members of the public present and the Committee proceeded to its next item of business.

21 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting held on 26 July 2010 be approved as a correct record.

22 SUB-COMMITTEES TERMS OF REFERENCE

At the meeting held on 26 July 2010, the role of each of the Sub-Committees was discussed and clarification sought.

The report now submitted detailed the Terms of Reference for each of the Sub-Committees of the Standards Committee, namely Assessment Sub-Committee; Review Sub-Committee; and Hearings Sub-Committee, which was divided into the two roles of (i) consideration; and (ii) hearings.

RESOLVED: That the Terms of Reference for the Sub-Committees of the Standards Committee be noted.

23 PLANNING PROTOCOL

Consideration was given to a report which proposed amendments to the Planning Protocol adopted by Council on 24 February 2009. The Committee was invited to review and comment on the document and to commend it to the Constitution Committee for approval.

A query was raised regarding consistency between paragraph 11.3 of the document and the Public Speaking Rights Protocol used at Strategic Planning Board and Planning Committees. Whilst paragraph 11.3 confirmed that Members with a personal and prejudicial interest in a planning application could only speak for the purpose of making representations, answering questions, or giving evidence relating to the matter, following which, they would be required to withdraw from the meeting room, (wording which had been taken from the National Code of Conduct for Members), the Public Speaking Protocol indicated that no questions should be asked of Council Member speakers.

RESOLVED:

That

1. the revised Planning Protocol be commended to the Constitution Committee for approval without amendment; and
2. a review of the Public Speaking Protocol be undertaken to ensure consistency.

24 PARTNERSHIPS PROTOCOL

The Committee considered a report which updated Members on the work undertaken to develop a protocol for values and behaviours for use within partnerships.

At its meeting held on 23 November 2009, the Committee established a working group of Members and Officers to develop a local protocol for use across Cheshire East. The working group had met on several occasions to develop the protocol, which was subsequently submitted to the Local Strategic Partnership (LSP) Executive.

The LSP Executive had endorsed the principles and had incorporated the document into its recently published Partnership Agreement.

RESOLVED:

That

1. the action taken by the Local Strategic Partnership to integrate the Standards in Partnerships protocol into the LSP Partnership Agreement be endorsed;
2. the Head of the Partnerships Team be requested to produce an Annual Report for this Committee on the effectiveness of the Partnership Agreement;
3. the Monitoring Officer be requested to promote the agreement across Cheshire East for those Partnerships outside the Local Strategic Partnership Framework; and
4. the Constitution Committee be requested to consider incorporating the agreed Protocol into the Constitution as part of its on-going review.

25 ICT CODE OF PRACTICE FOR CHESHIRE EAST MEMBERS

The Head of ICT Security reported on the development of Cheshire East ICT Security Policies. Cheshire East ICT Security Policies had been developed and agreed. A Code of Practice for Staff had been produced, to give specific examples and guidance to aid the interpretation of the detailed policies.

A Code of Practice for Members had also been produced, and the report submitted detailed that Code of Practice.

During discussion of the Code, Members commented that the second sentence under paragraph 3, "Guidance when using Council Equipment", sub-paragraph 3.1 "Use and Protection", second bullet-point (*"Receiving e-mail on a separate private e-mail account from a Member's group or party would not be regarded as improper."*), was unnecessary and should be removed.

RESOLVED:

That, subject to the amendment described above, the ICT Code of Practice for Members be adopted by the Standards Committee as a protocol.

26 CUSTOMER COMPLAINTS AND LOCAL GOVERNMENT OMBUDSMAN COMPLAINTS

At its meeting held on 26 July 2010, the Committee considered a report which provided a summary of complaints dealt with by the Local Government Ombudsman in respect of Cheshire East Council for the period 1 April 2009 to 31 March 2010.

The Committee had requested a summary report on both Local Government Ombudsman complaints and customer complaints to be submitted to each meeting.

The report submitted provided a summary of the corporate complaints and the Local Government Ombudsman complaints for the period 1 April 2010 to 30 June 2010.

RESOLVED:

That, having regard to the parameters of the Committee's Terms of Reference as outlined, the report be noted.

27 STANDARDS FOR ENGLAND - BULLETIN 48

Bulletin No. 48 (August 2010) issued by Standards for England, was submitted for information.

The Bulletin referred to the proposed abolition of the Standard Board Regime and the planned Decentralisation and Localism Bill which was due to be presented in late 2010; in view of this development, it was agreed that the informal "Issues and Improvements" Working Group meeting scheduled to be held on 2 November 2010, be postponed until early 2011.

28 EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the meeting during consideration of the following item, pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7C of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 and the public interest would not be served in publishing this information.

29 COMPLAINTS RECEIVED UNDER THE CODE OF CONDUCT

The Committee received a report about complaints made against serving Cheshire East Councillors (Complaint Nos. CEC/10/05 and CEC/10/03).

Complaint No. CEC/10/03 had been considered by a Review Sub-Committee on 26 August 2010, at which time the Sub-Committee had resolved that the decision of the Assessment Sub-Committee be upheld and no action be taken in respect of the allegation.

Complaint No. CEC/10/05 had been considered by an Assessment Sub-Committee on 26 August 2010, at which time the Sub-Committee had resolved to refer the complaint to the Monitoring Officer for action other than an investigation.

RESOLVED:

That the report be received and noted.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

Mr N Briers (Chairman)

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CHESHIRE EAST STANDARDS COMMITTEE

Date of meeting: 24 January 2011

Report of: Interim Borough Solicitor / Monitoring Officer

Title: The Future of the Standards Regime and the
Standards Committee

1.0 Purpose of the Report

- 1.1 To inform members of the content and impact of prospective legislation.

2.0 Decision Required

- 2.1 To note the report and to consider the Committee's current view on future provisions for Cheshire East Borough Council under the emerging legislation, and how this might be taken forward.

3.0 Financial Implications

- 3.1 Financial implications are yet to emerge; whilst costs of investigations under current legislation would no longer apply, it is unclear what costs might arise from the alternative proposed provisions.

4.0 Legal Implications

- 4.1 As set out below.

5.0 Risk Assessment

- 5.1 The presentation of this report explains the proposed change in the legislation surrounding the standards and conduct regime, the implications and possible responses, thereby ensuring that the Council is able to begin to prepare its response within the confines of the existing and emerging law.

6.0 Background/Context

- 6.1 On 25 May 2010 the Coalition Government announced its intention to abolish the current Standards regime, along with Standards for England, as part of the forthcoming Localism Bill, which at that time was still to be published. The announcement can be found at

<http://www.number10.gov.uk/queens-speech/2010/05/queens-speech-decentralisation-and-localism-bill-50673>

- 6.2 The Coalition Government also announced its intention to legislate to deal with what was considered to be the unsatisfactory way in which the issues of bias and predetermination are currently treated.
- 6.3 The Localism Bill was published on 13 December 2010. It is a very extensive document which covers a wide range of issues, of which only those of predetermination and standards/conduct are examined for the purpose of this report. Clause 13 of the Bill deals with Predetermination. Clauses 14 to 20 and Schedule 4, deal with Standards and Conduct of Local Government Members.

7.0 Predetermination

- 7.1 Clause 13 provides that if as a result of an allegation of bias or predetermination, there is an issue about the validity of the decision of a relevant authority, in that the decision maker had, (or appeared to have had) a closed mind when making the decision, he/she is not to be taken to have had, a closed mind when making the decision just because the he/she had previously done anything that directly or indirectly indicated what view the he/she took, (or would or might take) in relation to a matter. This applies only to decisions by members (including co-opted members) of the authority.
- 7.2 This Clause, if enacted, will in future have to be taken into account by the Courts in cases where any decision is challenged on this basis, and developing case law will in due course show what effect this new provision will have.

8.0 Member Conduct

- 8.1 Clause 14 proposes to give effect to Schedule 4, to amend existing provisions relating to the conduct of both local government members and employees in England, repeal codes of conduct currently adopted and the undertakings to comply with them, and for the Secretary of State to make regulations to abolish Standards for England.
- 8.2 Schedule 4 proposes to enact a raft of changes to a number of earlier Acts of Parliament, including The Local Government and Housing Act 1989, the Local Government Act 2000, the Freedom of Information Act 2000 and the Local Government and Public Involvement in Health Act 2007, in order to remove references to Standards for England, and make the necessary consequential changes to bring into force the new replacement regime.

- 8.3 Clause 15 places a duty on local authorities to promote and maintain high standards of conduct for members and co-opted members.
- 8.4 Clause 16 provides a power for relevant authorities to adopt a voluntary code dealing with the conduct expected of members and co-opted members. The authority may re-use its existing code to conduct, adopt a new code to replace in existing code of conduct and may simply withdraw its existing code of conduct without replacing it. It may publicise these decisions in any manner it considers appropriate, S16 further provides that if a written allegation is made about the conduct of a member, it has a duty to consider whether it is appropriate to investigate it, and if so, to investigate in such manner as it thinks fit. If it finds a failure to comply with the code, it may have regard to that failure in deciding whether to take action, and what action to take.
- 8.5 Clause 17 gives for the Secretary of State power to make regulations requiring the Monitoring Officer to establish and maintain a register of interests for members and co-opted members. The regulations may provide for
- Registration of financial or other interests
 - Disclosure of relevant interests before taking part in the business of the authority
 - The prevention /restriction of participation in the business of the authority if the member has a relevant interest in the subject matter
 - The prevention / restriction of participation in the business of the authority if the member has a relevant interest in the subject matter
 - The granting of dispensations
 - Sanctions the authority may impose for failure to comply with the regulations

It should be noted that any sanctions available to the authority would not include the suspension or partial suspension or disqualification of a member.

- 8.6 Clause 18 introduces a new offence of breaching certain regulations made under Clause 17. Such an offence would be triable summarily only (i.e. by the Magistrates' Court only, not Crown Court) and the maximum fine available would be at Level 5, currently £5,000. Generally, this is the maximum fine available for most offences tried by Magistrates. As well as a fine, disqualification for up to 5 years from being or becoming a member or co-opted member of a relevant authority would be available to the Court as a further sanction. Only the

Director of Public Prosecutions would be able to bring such a prosecution, and it would have to be brought within a period of 12 months from the date on which evidence sufficient in the opinion of the prosecutor to warrant proceedings came to the prosecutor's knowledge, with a maximum deadline of 3 years after the commission of the offence, or if the contravention was continuous, the last date on which it was committed.

- 8.7 Clauses 19 and 20 propose transitional provisions and proposed amendments following the proposed abolition of Police Authorities.
- 8.8 The Localism Bill received its First Reading on 13 December and is due for its Second Reading on 17th January 2011. Although its standards and conduct provisions are at an early stage, and may undergo some revision before final enactment, the Government has made its intentions clear, and the Standards Committee is therefore invited to note the current position and begin to consider its view on future arrangements.

9.0 Reasons for Recommendation

- 9.1 As outlined in part 6 above.

For further information:

Officer: Julie Openshaw Deputy Monitoring Officer

Tel: 01625 503250

e-mail: Julie.openshaw@cheshireeast.gov.uk

Background documents

Localism Bill.

CHESHIRE EAST

STANDARDS COMMITTEE

Date of meeting: 24 January 2011

Report of: Borough Solicitor / Monitoring Officer

Title: Conduct of Local Authority Members –
Correspondence from CLG

1.0 Purpose of the Report

- 1.1 To advise members of the correspondence received from Standards for England enclosing guidance from the Department for Communities and Local Government (CLG) on the abolition of the Standards Board Regime.

2.0 Decision Required

- 2.1 To note the report

3.0 Financial Implications

- 3.1 Financial implications are currently unclear. Much will depend whether the Authority chooses to establish a voluntary Code of Conduct upon the abolition of the current regime.

4.0 Legal Implications

- 4.1 As set out below.

5.0 Risk Assessment

- 5.1 The correspondence outlines proposed changes to the Standard Regime as announced by the Coalition Government. The Authority will need an awareness of the proposed transitional measures in order to ensure that ongoing cases can be concluded appropriately.

6.0 Background/Context

- 6.1 On the 30th October 2010 all Standards Committee Chairs received a copy of a letter from Robert Chilton, Chair of Standards for England, enclosing a letter sent by the Local Government Minister, Bob Neil MP, setting out the Governments proposals for the future of Standards in Local Government. Copies of the correspondence were forwarded to members of the Standards Committee; however it was felt appropriate to formally report the information to the Standards Committee now that the Localism Bill has been published. Copies of the correspondence are attached as Appendix 1 to the report.

6.2 The Ministers letter outlines the Government proposals to:-

- Repeal the 10 General Principles of Conduct.
- Repeal the Model Code of Conduct for Elected Members.
- Remove the requirement for Local Authorities to establish a Standards Committee.
- Abolish Standards for England.
- Amend the Jurisdiction of the First Tier Tribunal so that it will no longer deal with the complaints regarding the conduct of Local Authority Members.

6.3 The letter clarifies that it will be open to Local Authorities to adopt their own Voluntary Code of Conduct should they wish to do so and to establish Voluntary Standards Committees to consider complaints regarding the conduct of both the elected and co-opted members. Such Committees will not have the power to suspend or disqualify members from Council Membership.

6.4 Members will continue to be required to register and declare personal interests and will not be allowed to use their position improperly for personal gains. The intention is that wilful failure to comply with these requirements will in the future constitute a criminal offence.

7.0 Proposed Transitional Measures

7.1 It is anticipated that the Localism Bill will received Royal Assent in late 2011. The present Conduct Regime will continue to function in the normal manner so that allegations of misconduct maybe investigated and determined until a fixed date to be known as “the appointed day” likely to be two months after the Bill receives Royal Assent. Until the appointed day an allegation of misconduct under the Model Code of Conduct can be made. After the appointed day no further allegations of misconduct can be made under the Standards for England Regime. Transitional measures will be put in place to deal with those allegations which are in the process of investigation or any appeals against sanctions which are pending.

7.2 All cases within the system on the appointed day will be determined through a transitional regime. This means that any person that has made an allegation under the Code of Conduct can be confident that the matter will be properly dealt with. Equally if a Member has an allegation made against them the opportunity will remain to clear their name.

7.3 The proposal is that any investigations being undertaken by Standard for England will transfer on the appointed day to the relevant Local Authority and it will be for that Authority to arrange for the conclusion of the investigation. The Local Authorities Standards Committee will remain established until the last complaint it is considering has been dealt with.

- 7.4 Any case with which the First Tier Tribunal (Local Government Standards in England) is dealing with on the appointed day will be concluded and dealt with by the Tribunal. However it will not receive any appeals against Standards Committee rulings following the appointed day.
- 7.5 It is important to note that the right of appeal will not exist for those cases which Standards Committee are dealing with as they work their way through the transitional period. The Governments view is that the risk of protracted proceedings justifies this approach. Standards Committees do not have the same range of sanctions which are available to the First Tier Tribunal. Furthermore the Government proposes that the sanction which enables the Standards Committee to suspend a member will be removed from their jurisdiction during the transitional period.

8.0 Reasons for Recommendation

- 8.1 The information contained within this report complements the further report on the agenda dealing with the future of the Standards Regime and the Standards Committee and enables members to have an understanding of the proposed changes surrounding the Standards and Conduct Regimes.

For further information:

Officer: Caroline Elwood Borough Solicitor/ Monitoring Officer

Tel: 01625 503250

e-mail: caroline.elwood@cheshireeast.gov.uk

Background documents

Correspondence from Standards for England Dated 30th November 2010

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Fourth Floor
Griffin House
40 Lever Street
Manchester
M1 1BB

T 0161 817 5300
F 0161 817 5499
Minicom 0161 817 5449
enquiries@standardsforengland.gov.uk
www.standardsforengland.gov.uk



To: Standards Committee Chairs

30 November 2010

Dear colleagues

I would like to draw your attention to a letter sent to me from the Local Government Minister, Bob Neill MP about the Government proposals for the future of standards in local government. This letter has now been published on both our and CLG's website.

As you will know, since the Coalition Government announced its intention 'to abolish the Standards Board regime', there has been little detail available about what this would mean in practice. The letter from the Minister now sets out the proposition in greater detail.

In brief, you will see that the proposal is that, alongside the 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. Instead it would be for councils themselves 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). Any standards committee would no longer have the power to suspend a member. There would also be a new criminal offence created relating to failure to register or declare interests.

In the meantime, you will see that these proposals will need primary legislation. Our understanding is that the Decentralisation and Localism Bill, which would contain such provisions, will be introduced to Parliament by the end of the year. The current framework will continue in place until such time as the bill receives Royal Assent and the relevant provisions are enacted. Our understanding is that

this is likely to be some time in the summer or autumn next year, although exact timing will obviously depend upon Parliamentary progress of the bill as a whole. Consequently, in the meantime, as the Minister recognises, standards committees will continue to have a legal requirement to operate as now and, in particular, to continue to consider any allegations.

You will see that the Minister's letter sets out, in some detail, the transition arrangements that they intend to apply to any cases which will be in the pipeline at the end of the framework. While these proposals obviously depend on Parliamentary approval, in brief, Standards for England would cease to handle cases from an Appointed Day (likely to be two months after the coming into force of the provisions). At that stage, all cases still open would be passed back to the relevant local authority to complete. Any cases with the Tribunal at that stage would be completed but no further references could be made to it. Any cases being handled locally would need to be completed locally after that date by the standards committee, with no power to pass them to Standards for England or the Tribunal, but no new allegations could be made after the Appointed Day.

I hope that you find this helpful.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'R. Chilton', with a stylized flourish at the end.

Robert Chilton
Chair



Dr. Robert Chilton

Bob Neill MP
Parliamentary Under Secretary of State

Department for Communities and Local
Government
Eland House
Bressenden Place
London SW1E 5DU

Tel: 0303 444 3430
Fax: 0303 444 3886
E-Mail: bob.neill@communities.gsi.gov.uk

www.communities.gov.uk

A handwritten signature in dark ink, appearing to read "Bob Neill".

15 OCT 2010

Conduct of local authority members

Recently Andrew Stunell announced the broad package of changes that we intend to put in place to abolish the Standards Board regime. A press notice relating to this announcement is available on the Department's web-site at:

<http://www.communities.gov.uk/news/corporate/157558411>

When we met on Wednesday 15 September, I undertook to let you have the details of what we are proposing once the package of changes was announced, and accordingly I enclose a short paper setting out the changes we intend to make.

I would of course be very happy to discuss these with you and your Committee. If you would like a meeting, please don't hesitate to get in touch with my office.

A handwritten signature in dark ink, appearing to read "Bob Neill".

A handwritten signature in dark ink, appearing to read "Bob Neill".
BOB NEILL MP



Abolition of the Standards Board regime

The Standards Board regime

The Coalition Agreement *Our Programme for Government* included the commitment to "abolish the Standards Board regime".

The Government considers that the Standards Board regime, consisting of a centrally prescribed model code of conduct, standards committees with the power to suspend a local authority member and regulated by a central quango was inconsistent with the principles of localism. In addition there is a concern that the regime is a vehicle for vexatious or politically motivated complaints.

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.

Accordingly, given the interdependencies of the bodies, requirements and guidance that constitute the Standards Board regime, the Government is proposing to abolish the regime in its entirety.

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 and police authorities in Wales, will be revoked.
- The Local Authorities (Model Code of Conduct) Order 2007 (S.I 2007/1159) 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 (formally known as the Standards Board for England) will be abolished. Established by the Local Government Act 2000 and the regulator for local authority standards committees, the Standards Board requires primary legislation to abolish it and its legislative functions. None of the Standards Boards functions will be transferred to other bodies.

- 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.

It is intended to effect the abolition of the Standards Board regime through the Localism Bill. It is anticipated that the Bill will be laid before Parliament in December and will receive Royal Assent late-2011.

The present conduct regime (a model code governing local authority members' conduct and enforced through local authority standards committees, regulated in turn by the Standards Board for England), 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; after the appointed day, no further allegations of misconduct can be made under the standards board 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.

Proposed transitional measures

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 their allegations would be properly dealt with. It also enables that if a member has an allegation made against them, they should have the opportunity to clear their name.

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 that 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.

Any cases with which the First-tier Tribunal (Local Government Standards in England) is dealing on the appointed day will be concluded by that tribunal. It will not receive any appeals against standards committee rulings after that date.

The right of appeal will not exist for those cases standards committees deal with as they work their way through the transitional system. The Government considers that the risk of protracted proceedings justifies this approach. The sanctions available to standards committees are significantly less severe than the sanctions available to the First-tier Tribunal (Local Government Standards in England).

Further, the Government propose that the suspension sanction is removed from standards committees for the transitional period. Hence the most a standards

committee could do is, for instance, to issue a councillor with a censure or a request that they undergo training.

The conduct regime in a post-Standards Board world

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

The requirement for local authorities to adopt a model code of conduct and for local authority members to abide by that code 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. However, 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.

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