

# CHESHIRE EAST

## STANDARDS COMMITTEE

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**Date of meeting:** 24 January 2011

**Report of:** Borough Solicitor / Monitoring Officer

**Title:** Conduct of Local Authority Members –  
Correspondence from CLG

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### **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 30<sup>th</sup> 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](mailto:caroline.elwood@cheshireeast.gov.uk)

### ***Background documents***

Correspondence from Standards for England Dated 30<sup>th</sup> November 2010