

CHESHIRE EAST

STANDARDS COMMITTEE

Date of meeting: 26 July 2010

Report of: Monitoring Officer

Title: The future of Standards for England and impact upon the Standards Committee

1.0 Purpose of the Report

- 1.1 To inform members of the current position regarding Standards for England (SfE) and the implications for the Standards Committee.

2.0 Decision Required

- 2.1 To note the report.

3.0 Financial Implications

- 3.1 It is unclear at this stage what if any financial implications there will be until more is known about how the volume of complaints will develop, and what if any changes there will be as to how they are handled, following the abolition of SfE. An increased amount of complaints which may have to be dealt with locally would be highly likely to require more internal resources.

4.0 Legal Implications

- 4.1 As outlined in the report below.

5.0 Risk Assessment

- 5.1 The abolition of the SfE will not, unless other legislative changes are made, remove the need for the Council to continue to have a Standards Committee to discharge its legal duties. Continuing to ensure compliance with current legislation, as it develops, will mitigate the risk of challenge.

6.0 Background/Context

- 6.1 Following the General Election and the formation of the Coalition Government, it has been announced that “the standards board regime” and as part of this, Standards for England, is to be abolished. No firm date has been set, but Autumn appears likely. The Annual Assembly which had been scheduled for October 2010 has been cancelled. A copy of a letter, dated 1 June, and sent to the Chairman of the Committee from the Chairman of SfE is attached as Appendix 1.

- 6.2 The Decentralisation and Localism Bill, which is the proposed legislation which is expected to enact the abolition, was announced in the Queen's Speech on 25 May. A search of the Parliament website shows that the draft Bill has yet to be published. Given the role of SfE as an advisory body, as well as the body which is responsible for the investigation of more serious complaints about allegations about member conduct breaching the Code, there are clearly important implications for the work of the Standards Committee and how it is supported.
- 6.3 At the present time, no firm information about how the standards regime is to be changed to reflect the abolition of SfE is available. However, given its investigative role, unless some alternative mechanism is formulated to replace this role, there are implications for how more serious complaints are to be handled, both from a workload point of view, and with regard to securing the necessary independence for the investigation of serious conduct complaints.
- 6.4 As yet, there are also no firm suggestions as to what approach the Government will take in relation to the statutory need for Standards Committees, although as there is a suggestion that changes may be enacted, a close watch needs to be kept on developments in this area. However, until any amending legislation is brought into force, the statutory need for a standards committee and its composition remain in force.
- 6.5 The Government has also expressed its intention to remove restrictions on members making and taking part in decisions where they have predetermined an issue. It is unclear how this would be intended to work, particularly as this area is one which sits outside the Code of Conduct, and has implications for the potential ability to challenge Council decisions through the civil courts, but it is an area on which SfE has in the past issued guidance, and there is a link to the Code because of the Code's general requirement that members must not act in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 6.6 The developing situation suggests that a further report should be brought to the next scheduled meeting of the Committee.

7.0 Reasons for Recommendation

- 7.1 As outlined in part 6 above.

For further information:

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Background documents:

<http://services.parliament.uk/bills/>