

Report of	Meeting	Date
Monitoring Officer	Standards Committee	15 September 2011

## UPDATE ON THE ABOLITION OF THE STANDARDS REGIME

### PURPOSE OF REPORT

1. To update members' on the abolition of the Standards regime and proposals for replacement at local level on a voluntary basis.

### RECOMMENDATION(S)

2. To note the content of the report.

### EXECUTIVE SUMMARY OF REPORT

3. Members received a verbal update on the impending abolition of the current regime at Standards Committee on 16 June 2011 and an earlier written report on 9 December 2010. The Localism Bill includes the following provisions:
  - to abolish Standards for England (formerly known as the Standards Board for England)
  - to remove the Standards for England jurisdiction over member conduct
  - to remove the National Code of Conduct for councillors and the requirement for councils to have a standards committee
  - to allow councils to choose whether or not they wish to have a local code or a standards committee
  - to create a criminal offence relating to failure to register or declare interests. Prosecutions will only be able to be brought with permission of the Director of Public Prosecutions (with a maximum fine of £5000 and/or disqualification from being elected or co-opted to local office of up to 5 years)

Provisionally the Standards Board anticipate that they will stop investigating complaints in late 2011 and be abolished in early 2012. This timetable is subject to the provisions becoming law and then being brought into force. The relevant provisions are expected to become law at the end of this year or early in 2012.

There will no successor body to Standards for England.

4. Details of the proposed transitional arrangements have been published. If complaints are made under the current rules and are still being investigated on the date that the legislation comes into force then the complaints will still be investigated but only by the Council. There will be no appeal to the Standards Board after the legislation comes into force and the Council will only be able to censure members or recommend training and not suspend them. No complaints under the current standards regime will be possible once the legislation is brought into force.

5. After abolition of the current system standards will be dealt with locally. Authorities will be under a legal duty to promote high standards amongst members and co-opted members but there will be no legal requirement to have standards committees or an enforceable code of conduct. Councils can devise their own procedures. The adoption of a code or revision or withdrawal of the current code must be published locally although the means by which changes are published is not prescribed. They may choose to retain a standards committee. The standards committee will not be able to suspend or disqualify members. The Council will no longer be under duty to advise parishes in relation to conduct issues. Consequently there will be no need for parish representation on any retained standards committee.

A voluntary code could be adopted by full Council if members thought it appropriate. It may not include the sanctions of suspension or disqualification.

The Monitoring Officer will still maintain a Register of Members' Interests. Failure to declare interests without reasonable excuse will constitute a criminal offence as described in paragraph 3 above.

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<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Letter from Communities and Local Government	8 March 2011	***	Legal Services Town Hall