

Standards Committee

- To:** Mrs C Bainton (Independent Member, in the Chair)
Cllrs Horton (Vice-Chair), Waudby, Hudson and Taylor
(CYC Members)
Mr A L Dixon, Mr M R Hall and Mr D Wilson
(Independent Members)
Cllrs Crawford, Mellors and Forster (Parish Council
Members)
- Date:** Friday, 17 December 2010
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

- 1. Declarations of Interest**
At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.
- 2. Minutes** (Pages 3 - 6)
To approve and sign the minutes of the meeting of the Standards Committee held on 22 October 2010.
- 3. Minutes of Sub-Committees** (Pages 7 - 10)
To approve and sign the minutes of the meetings of the Standards Committee Assessment Sub-Committee held on 22 October 2010 and 11 November 2010.

4. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak, regarding an item on the agenda or an issue within the remit of the Standards Committee, may do so. The deadline for registering is **5:00 pm on Thursday, 16 December 2010.**

5. Registers of Gifts and Hospitality (Pages 11 - 12)

This report responds to a resolution made by the Standards Committee in January requesting an annual review of the registers of gifts and hospitality.

6. Charter for Member Development (Pages 13 - 14)

This report advises Members of the City of York Council's successful bid for Charter status.

7. First Monitor of Member Training and Development (Pages 15 - 22)

This report informs the Committee of the take up and feedback received regarding to development events offered to Members in the first half of 2010/2011.

8. Update on Government Proposals Relating to the Standards Regime (Pages 23 - 28)

This report provides the most up to date information with regard to the Government's proposals to abolish the "Standards Board Regime".

9. Review of Work Plan (Pages 29 - 30)

To review the work plan for the Standards Committee for the remainder of the 2010/11 Municipal Year. An updated copy of the current approved work plan is attached.

10. Urgent Business

Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democratic Services Officer responsible for this meeting:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
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City of York Council

Committee Minutes

MEETING	STANDARDS COMMITTEE
DATE	22 OCTOBER 2010
PRESENT	COUNCILLORS HORTON (VICE-CHAIR, IN THE CHAIR), WAUDBY, HUDSON AND TAYLOR (CYC MEMBERS) MR DIXON AND MR HALL (INDEPENDENT MEMBERS) COUNCILLORS CRAWFORD, MELLORS AND FORSTER (PARISH COUNCIL MEMBERS)
APOLOGIES	MRS BAINTON AND MR WILSON (INDEPENDENT MEMBERS)

11. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Cllr Taylor declared a personal, non prejudicial interest in agenda item 8 (Whistleblowing Policy), as he had made a complaint under the current Policy in the past.

12. MINUTES

RESOLVED: That the minutes of the Standards Committee meeting held on 25 June 2010 be approved and signed by the Chair as a correct record.

13. MINUTES OF SUB-COMMITTEES

The minutes of the meeting of the Standards Committee Assessment Sub-Committee held on 25 June 2010 were approved by the relevant members and signed by the Chair of that meeting as a correct record.

14. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

15. REVIEW OF WORK PLAN

Members reviewed the Standards Committee's work plan for the 2010/11 Municipal Year.

RESOLVED: That the work plan be noted and that no further amendments be made at this stage.

REASON: In the light of government proposals to abolish the Standards regime.

16. UPDATE ON GOVERNMENT PROPOSALS RELATING TO THE STANDARDS REGIME

Members received a report which provided further clarification of the Government's proposals, announced in May 2010, to introduce legislation to abolish the 'Standards Board regime'.

The Government intended to introduce a Decentralisation and Localism Bill during the autumn. According to a recent press release, this would include provision to abolish the entire Standards regime, including the Code of Conduct, standards committees with a power to suspend councillors, and the central body Standards for England. There would continue to be a register of interests and failing to register or declare an interest would become a criminal offence. The common law rules relating to pre-determination would be relaxed.

Members expressed regret at what they felt to be a retrograde step, which would leave parish councils, in particular, with few options to deal with issues of concern. However, they agreed that there would be little point in continuing to meet as a Standards Committee if that committee no longer had any statutory powers.

RESOLVED: That the report be noted and that, if and when the Bill is enacted, this committee be disbanded.

REASON: In view of the fact that the Standards Committee would have no powers under the new legislation.

17. COMPLAINTS AND PRE-HEARING PROCEDURES

Members received a report which provided background on the time taken to process complaints received by the Standards Committee during 2009 and 2010.

Details of the time taken to process each case received since 2009 were provided in paragraph 3 of the report. It was noted that the average time for completion was around 28 working days in 2009 (not 24 as indicated in the report) and 12 in 2010, as compared to the recommended time of 20 working days. Since 2009, one investigation and one hearing had taken place; both had been completed within the required limits.

RESOLVED: That the report be noted.

REASON: The Committee has satisfied itself as to performance levels and, in the light of proposed changes to the standards regime, no action is required.

18. WHISTLEBLOWING POLICY

Members considered a report which presented an early consultation draft of a proposed new Whistleblowing Policy for the City of York Council.

A recent review of the Council's whistleblowing arrangements had identified a number of potential areas for improvement, as detailed in paragraph 2 of the report. A revised draft version taking account of these matters was attached at Annex 1.

Members were invited to indicate whether they supported the broad thrust of the suggested policy before any widespread consultation took place within the Council.

RESOLVED: That the draft policy be supported and taken forward for wider consultation, subject to the inclusion of a reference to the provisions of the Public Interest Disclosure Act.¹

REASON: The existence of a well understood Whistleblowing Policy within the Council will support good governance.

Action Required

1. Amend the policy as agreed and take it out to consultation AD

D Horton, Chair

[The meeting started at 3.05 pm and finished at 3.55 pm].

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City of York Council

Committee Minutes

MEETING	STANDARDS COMMITTEE ASSESSMENT SUB-COMMITTEE
DATE	22 OCTOBER 2010
PRESENT	MR HALL (INDEPENDENT MEMBER, IN THE CHAIR) COUNCILLOR FORSTER (PARISH COUNCIL MEMBER) COUNCILLOR HUDSON (CYC MEMBER)

3. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

4. COMPLAINT AGAINST A MEMBER OF CITY OF YORK COUNCIL

The Sub-Committee considered a complaint made against a member of City of York Council.

It was alleged that the subject member had behaved in a provocative and hostile manner towards the complainant, in breach of paragraphs 3 and 5 of the Code of Conduct.

Having considered the evidence provided in support of the complaint, it was

RESOLVED: That no further action be taken in this case.

REASON: The evidence presented does not disclose a prima facie breach of the Code of Conduct.

5. COMPLAINT AGAINST A MEMBER OF CITY OF YORK COUNCIL

The Sub-Committee considered a complaint made against a member of City of York Council.

It was alleged that the subject member had made a specific allegation against another political group of Council Members at a public meeting of the Executive, in breach of paragraphs 3 and 5 of the Code of Conduct.

Having considered the evidence provided in support of the complaint, it was

RESOLVED: That no further action be taken in this case.

REASON: The evidence does not show a direct attack on a particular Member and the comments made can be classed as part of the normal 'rough and tumble' of political debate.

M Hall, Chair

[The meeting started at 3.55 pm and finished at 4.15 pm].

MEETING	STANDARDS COMMITTEE ASSESSMENT SUB-COMMITTEE
DATE	11 NOVEMBER 2010
PRESENT	MR DIXON (INDEPENDENT MEMBER, IN THE CHAR) COUNCILLOR HORTON (CYC MEMBER) COUNCILLOR MELLORS (PARISH COUNCIL MEMBER)

6. DECLARATIONS OF INTEREST

Members were invited to declare any interests they might have in the business on the agenda. Cllr Horton declared a personal interest in agenda item 2 (Complaint against a Member of City of York Council), as he knew the subject member and one other person mentioned in the case papers.

7. COMPLAINT AGAINST A MEMBER OF CITY OF YORK COUNCIL

The Sub-Committee considered a complaint made against a member of City of York Council.

It was alleged that the subject member, in relation to a complaint made against York High School, had treated the complainant with disrespect, failed to supply information to which the complainant was entitled by law, and had brought the authority into disrepute, thus breaching paragraphs 3, 4 and 5 of the Code of Conduct.

Having considered the evidence provided in support of the complaint, it was

RESOLVED: That no further action be taken in this case.


REASONS: (i) The information provided suggests that the subject member was not acting in his capacity as a councillor in this matter.

(ii) The complaint relates to events that took place over six months ago.

A Dixon, Chair

[The meeting started at 3.30 pm and finished at 4.20 pm].

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STANDARDS COMMITTEE	17 December 2010
Report of the Monitoring Officer	

Registers of Gifts and Hospitality

Summary

1. At the January meeting of the Committee, Members considered a report in relation to the register of gifts and hospitality and resolved that there should be an annual review of these registers. This report is in response to that resolution.

Background

2. The Members Code of Conduct requires Members to register all gifts and hospitality valued at over twenty five pounds. The register of interests for all Members of City of York Council is held both manually and on the Council's website. Registers for each Parish Council are held in manual form only and are retained by the Monitoring Officer.
3. It remains the case that about half of the City of York Council's Members have entered details of gifts and hospitality. A number of Members go further than the Code requires in that they register lower value items and register offers of hospitality which have been made but refused. Random sampling of the registers for Parish Councillors indicates that a far lower proportion of Parish Councillors have made such entries.
4. It was previously reported that most of the declarations relate either to tickets to the Racecourse or to the Theatre Royal. During 2010 the Racecourse changed its practice and no longer offers race tickets generally to Councillors. They are however, still offered to the Lord Mayor and made available to former Lord Mayors. No Theatre Royal tickets appear to have been accepted during 2010.
5. Members are responsible for updating their own registers of interests, including giving details of any hospitality received. Early in the municipal year all Members of the City of York Council and the Clerks to each Parish Council were reminded by the Monitoring Officer of the need to ensure that registers were kept up to date.

Recommendations

6. It is recommended that the Standards Committee note this report.

Contact Details


Author	Chief Officer Responsible for the report		
<i>Author's name: Andy Docherty Title: Assistant Director of Governance and ICT Dept Name: CBSS Tel No: ext 1004</i>	<i>Chief Officer's name: Andy Docherty Title: Assistant Director of Governance and ICT</i>		
	Report Approved	<i>tick</i>	Date
	<i>Insert Date</i>		

Background Papers

None

Annexes

None

	
STANDARDS COMMITTEE	17 December 2010
Report of the Monitoring Officer	

Charter for Member Development

Summary

1. This report advises Members of the City of York's successful bid for Charter status.

Background

2. On 28th September 2010 City of York Council was formally assessed by an external assessment team against the Member Development Charter. The Council was subsequently informed that it had been successful and a formal presentation of the award was made to the Member Development Steering Group on 24th November 2010.
3. The assessment team commented that they had been impressed by positive comments received during the interview process both from Officers and Members in relation to the quality and impact of Member development. They also commented on the effective and enthusiastic Member Development Steering Group, the quality and scope of the annual programme and the comprehensive yet easy to read Member Development Strategy.
4. The assessment team made a number of suggestions for further improvements including:
 - To consider ways to improve take up of personal development reviews.
 - To increase the opportunity for shared learning with peers from other Councils and organisations.
 - A review of the evaluation form used for internal development events in order to effectively measure the impact of training both at individual and community level.
 - A revised approach to the support and induction provided to Members elected in year to ensure it is comparable to that offered to Members elected following the main elections.
 - A more robust system for the allocation of buddies/mentors for newly elected Members.
5. The Member Development Steering Group will be taking forward some of these suggestions at future meetings.

Recommendations

6. It is recommended that the Standards Committee note this report.

Contact Details

Author	Chief Officer Responsible for the report		
<i>Author's name: Andy Docherty</i> <i>Title: Assistant Director of Governance and ICT</i>	<i>Chief Officer's name: Andy Docherty</i> <i>Title: Assistant Director of Governance and ICT</i>		
<i>Dept Name: CBSS</i> <i>Tel No: ext 1004</i>	Report Approved	<i>tick</i>	Date <i>Insert Date</i>

Background Papers

None

Annexes

None



Standards Committee

17 December 2010

Report of the Assistant Director Legal, Governance & ITT

First Monitor of Member Training and Development

Summary

1. This report informs members of the take up and feedback received regarding to development events offered to members in the first half of 2010/2011

Background

2. The Member Development Steering Group regularly monitors attendance levels at Member Development events along with feedback from members of the quality and impact of the training they have received.
3. As part of the Member Development Policy agreed by Council in December 2009, the Steering Group undertook to report its findings to the Standards Committee on a bi-annual basis.

Monitoring of Take-Up of Training & Development

4. In January of 2009 Council introduced an annual minimum requirement relating to the number of development activities Executive/Non Executive members should attend. Council agreed that Executive members should attend a minimum of 12 development sessions and Non-Executive Members a minimum of 8 sessions during the course of a year;

Analysing Take-Up

5. Details of Members' attendance levels at qualifying events and activities are held on a central database within Democratic Services such events include sessions offered in the core programme, external seminars, topical briefings and in addition training offered by partner organisations such as the Police and Fire Authorities
6. Members are encouraged to notify Member Support of any qualifying events they have attended throughout the year in this instance (May 2010 to May 2011) which will impact on their personal targets.
7. The mid-year Training attendance figures can be summarised as follows:

- 5 Non Exec Members have achieved the minimum target of 8 qualifying 'sessions' to date and 4 of those have exceeded the target
- 2 Executive Members have achieved the minimum target of 12 qualifying 'sessions' to date
- All Executive Members have undertaken at least 2 qualifying events or activities to date;
- 7 Non-Executive Members have yet to undertake any qualifying events or activities so far this year;

Evaluating the Core Programme (including in year additions)

8. In addition to the monitoring of take up at development events another key aspect to measuring the success and effectiveness of the development sessions on offer is measured through feedback received from attendees.
9. Details of feedback received between June and November relating to development activities included in the core programme are summarised in Annex B.

Summary of Feedback

10. The Supercharged Debates session delivered by Emma Taylor 'successful speeches' was included in the programme following individual requests coming out of the PDR process for increased skills during debate both within the group and at full council. As a successful writer for television, Emma Taylor has a unique and engaging style of delivery which members appear to warm to. Feedback from all members who engaged in the training was extremely positive particularly with regard to the standard of training and the general level of interaction which was achieved with the participants. Some members commented they would be interested in more training using this particular provider.
11. In September and October York hosted two regionally funded sessions on behalf of Local Government Yorkshire and Humber. Both sessions were of excellent quality giving our own members a valuable opportunity to network and learn with officers and members from across the region. The first, an interactive workshop entitled Govern-it was a virtual reality game where officers and members divided into teams to solve complex challenges facing a virtual authority. The innovative virtual reality style was a real hit with members and officers who attended the session. The training provider Pixel Fountain have a range of 8 similar sessions to offer which members may wish to explore when planning the core programme.
12. The second regionally funded event took place in November and focused on the spending review. Of the 23 delegates from across the region 9 were from York. Much credit was given to the specialist knowledge and delivery style shown by the trainer Ian Fifield from Local Government futures. Feedback reported an extremely worthwhile session which equipped members and

officers with the necessary knowledge and practical skills to contribute to, and evaluate the results of, their authority's approach to savings identification.

13. Other sessions such as 'Making a difference in Scrutiny' and the 'Budget Overview' session were well received, however turnout at these two sessions was particularly disappointing. The Scrutiny session had only 5 members in attendance and those who attended commented on "an excellent session but not enough members present" another member commented " All scrutiny members should have this training". The Budget Overview Session also had just 5 attendees however feedback received showed it was short and to the point and aimed at the right level.

Options

14. Members can:

- (i) make recommendations to Council on the level of take-up of development opportunities;
- (ii) make representations to the Member Development Steering Group on the quality and provision of the existing core programme and the provision of the 2011/12 core programme

Corporate Priorities

15. Monitoring take up of development events and evaluating the core programme directly supports the Council's Corporate aim of providing of strong leadership, supporting and developing people and encouraging improvement in everything we do.

Implications

16. There are no known financial, HR, legal or other implications associated with the contents of this report.

Risk Management

17. In compliance with the Council's risk management strategy, there are no risks associated with the contents of this report other than if Standards Committee were not to refer this report on to Full Council, thus being in breach of the Terms of Reference for the Steering Group agreed by Full Council.

Recommendation

18. Members are asked to comment on the contents of the report and in particular to make any recommendations to Full Council on the take-up of

development opportunities offered in 2010/2011

Reason

19. In order to comply with the monitoring arrangements set out in the Steering Group's Terms of Reference as approved by Council.

Contact Details

Author:

Amanda Oxley
Senior Member Support Officer

Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director Legal, Governance & ITT

Dawn Steel
Democratic Services Manager

Report Approved

Date 9/12/10

Specialist Implications Officer(s)

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None.

Annexes:

Annex A – Summary of Evaluation of Core Programme events

Evaluation of Member Training from June 2010 - November 10

Annex A

	Not Stated or Not Applicable	Unsatisfactory	Poor	Satisfactory	Good	Excellent
How well did the course meet your objectives					48	52
Was training aimed at the right level			4	4	37	55
Rate the style and delivery of the session				8	37	55
Rate the quality and content of handouts	18		4	12	48	18
How much did your knowledge increase		4		12	32	52
Sufficiency of breaks	22			12	25	41
General organisation			4	4	48	44
Did the session support the Council's strategic aims and objections	19				50	31

	Not Stated	Effective Organisation	All			
Which of the Council's Strategic Aims and Objections did attendees this session supported.	9	63	28			

General Comments:

Making a difference through Overview & Scrutiny:

Comfortable Venue

I know what Scrutiny should be and am absolutely positive that we are not achieving what we should be because we have it wrong in York.

All scrutiny Committee Members should have to have this training.

Excellent, not enough Members present

Just right time, enthusiastic delivery

A really helpful session which is illustrated where the barriers are to good scrutiny and what to do about them

Pity we ran out of time could have allowed for more discussion

Supercharged Debates

Excellent Presenter

Good, would like further training

Very good

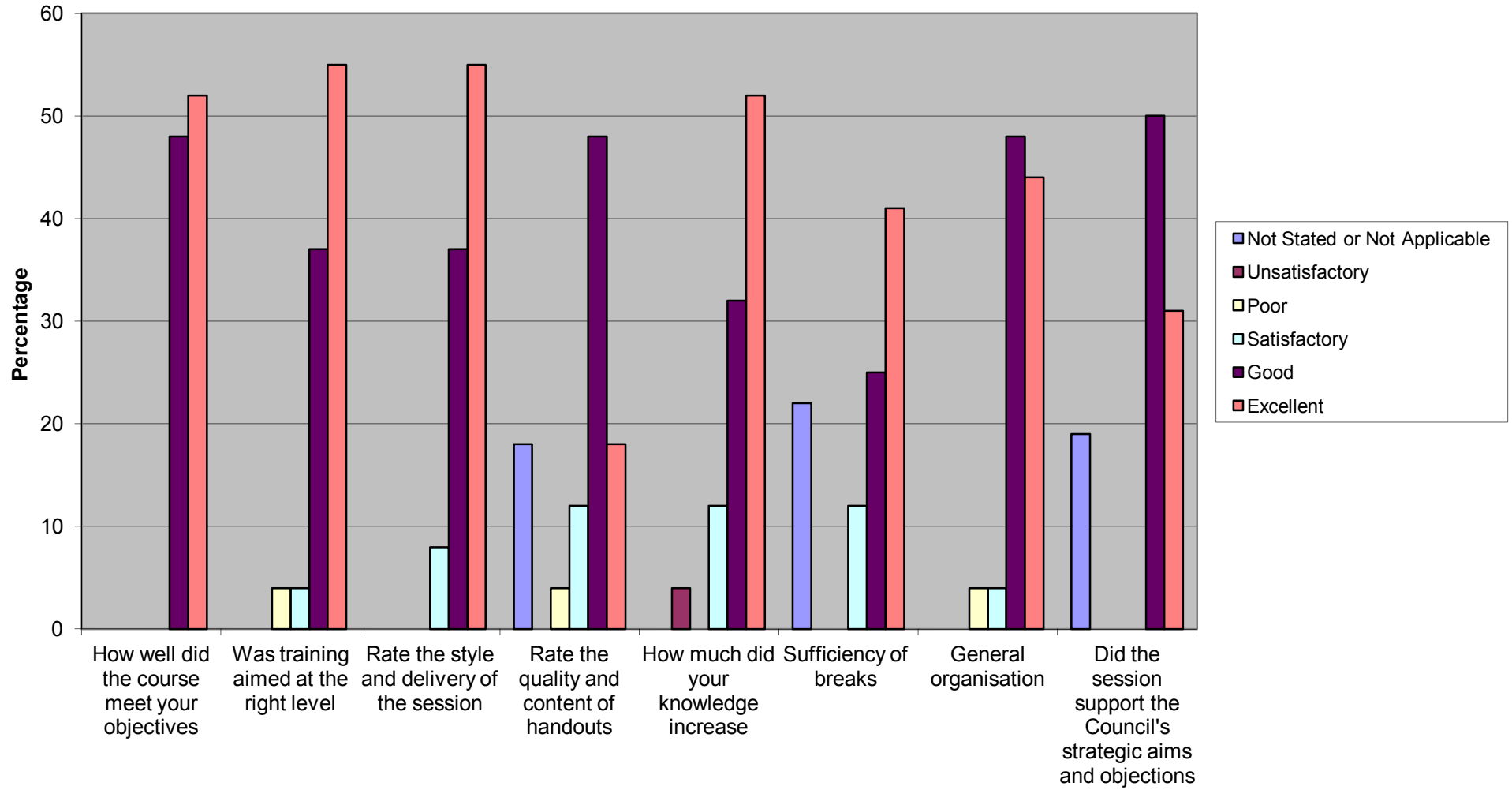
Very enjoyable

Good interaction and correct time spent


Excellent

Very good

Evaluation of Member Training from June 2010-November 2010



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STANDARDS COMMITTEE	17 DECEMBER 2010
Report of the Monitoring Officer	

UPDATE ON GOVERNMENT PROPOSALS RELATING TO THE STANDARDS REGIME

1. Summary

- 1.1 The report gives the most up to date information with regard to the Government's proposals to abolish the "Standards Board Regime".

2. Background

- 2.1 The Government intends to introduce a Decentralisation and Localism Bill, which will include provisions abolishing the current arrangements relating to standards of Member conduct. Although the Bill was anticipated to be laid before parliament in November, at the time of writing this report the Bill has still not been published. It is though said to be imminent and may well have been laid before Parliament by the time the meeting of the Committee takes place.
- 2.2 The Standards Board have circulated details of recent correspondence, which they have had with the Department for Communities and Local Government and a copy of that correspondence is attached to this report.
- 2.3 The fact that the Code of Conduct will be revoked and that both the Standards Committee and the Standards Board will be abolished has previously been reported to the Committee. A new piece of information is that the Relevant Authorities (General Principles) Order 2001 is also to be revoked. That Order sets out the principles which govern the conduct of Members of Councils and largely follows the Nolan Committee's 'Principles of Public Life'.
- 2.4 The correspondence also gives details of the proposed transitional arrangements following the publishing of the current regime.
- 2.5 Going forward, the Government has indicated an intention to maintain a requirement for personal interests to be registered and declared and has said that Councillors will not be allowed to use their position improperly for personal gain. Wilful failure to comply with these requirements will constitute a criminal offence.
- 2.6 Local authorities will be able to adopt their own voluntary Code of Conduct but the only sanction for a failure to comply with such a code would be censure. Councils could establish their own Standards Committees. Such Committees would though be ordinary Committees of the Council. Consequently, unless the new legislation says otherwise, independent Members would not be entitled to vote at meetings of such a Committee. It is also difficult to see how such Committees could in practice

provide the “umbrella” coverage for Parish Councils offered by the current arrangements.

2.7 Separately, the Department for Communities and Local Government has issued a press release setting out plans to “clarify the law” in relation to predetermination and bias. This press release indicates that Ministers believe Councillors are entitled to have and express their own views, as long as they are prepared to reconsider their position in the light of all the evidence and arguments.

2.8 In the past, the law in relation to predetermination and bias has not always been straightforward owing to a number of conflicting legal judgements. However, more recently there has been a string of cases which has recognised political realities and permitted Councillors to have a predisposition to a certain outcome, without them thereby being disqualified from decision making. The Government’s proposals therefore, reflect the current legal position.

3. Recommendations

3.1 That the Standards Committee note this report.

Author	Chief Officer Responsible for the report			
<i>Author’s name: Andy Docherty Title: Assistant Director of Governance and ICT Dept: CBSS Ext: 1004</i>	<i>Chief Officer’s Andy Docherty Title: Assistant Director of Governance and ICT</i>			
	Report Approved	<i>Tick</i>	Date	<i>Insert Date</i>

Background papers

None

Appendix

Letter to Dr Robert Shilton, dated 15 October 2010



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 3986
E-Mail: bob.neill@communities.gsi.gov.uk

www.communities.gov.uk

A handwritten signature in black 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 black ink, appearing to read "Bob Neill".
A printed name in black ink, "BOB NEILL MP", positioned below the handwritten signature.
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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2010/11 Work Plan for Standards Committee

Ongoing Activities

Local assessment of complaints

Standards Board Guidance

Member and Officer Training

<u>Item</u>	<u>Meeting Date</u>	<u>Notes</u>
Annual Review of Members' and Officers' Registers of Gifts and Hospitality and Members' Declarations of Interest	17 December 2010	Report on agenda for meeting on 17 December 2010
Report on complaints pre-hearing and hearing procedures	22 January 2011	

Other Items for 2010/11 Municipal Year (dates tba):

- *Update on the new Standards bill (ongoing)*
- *Report on promoting the work of the Standards Committee (once future of standards regime known)*
- *Review of Planning Code of Good Practice*

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