

	
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