

**Standards Committee : 12 October 2010**
**Title of report: Government Proposals for the Future of the Standards Regime**

<b>Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>N/A</b>
<b>Is it in the Council's Forward Plan?</b>	<b>N/A</b>
<b>Is it eligible for "call in" by Scrutiny?</b>	<b>N/A</b>
<b>Cabinet member portfolio</b>	<b>Corporate</b>

**Electoral wards affected and ward councillors consulted: All**

**Public or private: Public**

**1. Purpose of Report**

To draw to Standards Committee's attention the government's proposals for the future of the standards regime.

**2. Key Points**

On 20 September 2010 the Department for Communities and Local Government issued a press release on the future of the standards regime. A copy of the press release forms the Annex to this report. The proposals are:

- The entire standards regime is to be axed, including the regulator Standards for England, the model Code of Conduct and statutory standards committees.
- Genuine corruption in local government will be dealt with by passing legislation to make serious misconduct a criminal offence dealt with by the courts.
- Councillors will have to register certain personal interests in a publicly available register.
- The role of the Local Government Ombudsman will be strengthened.

- The rules on predetermination and bias will be relaxed to enable councillors to campaign freely and to express themselves.

These proposals will require changes to the Local Government Act 2000 and this will be dealt with in the pending Decentralisation and Localism Bill. It seems likely that the proposals will become law at some point in the second half of 2011 and until then the current regime will remain in place.

### **3. Implications for the Council**

The proposals are intended to give voters the confidence that councillors who misuse their office will be effectively dealt with, and to give councillors the confidence to get on with their job knowing they will not be plagued by petty allegations. The proposals will have important implications for public confidence in both the Council and in individual councillors.

### **4. Consultees and their opinions**

N/a

### **5. Officer recommendations and reasons**

It is recommended that committee note the government proposals and that a copy of this report be circulated to all councillors and to all co-opted members of the Council with voting rights.

### **6. Cabinet portfolio holder recommendation**

N/a

### **7. Next steps**

See recommendation.

### **8. Contact member and officer and relevant papers**

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Background Papers:

Department of Communities and Local Government press release dated  
20/09/10

## **ANNEX**

### **Stunell - Corrupt councillors will go to court not Standards committees**

**Published** 20 September 2010

Serious misconduct for personal gain will be a criminal act, while petty local vendettas will no longer get a hearing as the unpopular standards board regime is axed, Communities Minister Andrew Stunell announced today.

Mr Stunell said the top-down regime set up by central government to monitor council conduct had become a vehicle for malicious and frivolous complaints. For example, one authority had to fork out £160,000 after receiving over 170 complaints from the same person. Each one had to be examined, but only three were considered worth investigating and after investigation all were dismissed.

Local Standards Committees investigated 6000 complaints in the first two years - of which over half were judged not worthy of any further action. The Government is axing the entire Standards regime including the central board, which costs over £6 million a year; with investigations of complaints costing thousands of pounds each.

Genuine corruption in local government needs to be rooted out and the new Government is legislating to make serious misconduct a criminal offence dealt with by the courts not committees. Councillors will have to register certain personal interests in a publicly available register.

Ministers believe these changes will give voters the confidence that councillors who misuse their office will be effectively dealt with. While councillors themselves will have the confidence to get on with their job knowing they won't be plagued by petty allegations.

### **Public will decide councillors' fates**

Under new plans the public will also have greater confidence to challenge poor local services. The Government intends to give the Local Government

Ombudsman, the established body for investigating public complaints over the way they have been treated by their council, reel teeth. For the first time local authorities will be legally compelled to implement the Ombudsman's findings.

Andrew Stunell said:

"The Standards Board regime ended up fuelling petty complaints and malicious vendettas. Nearly every council had investigations hanging over them - most of which would be dismissed but not before reputations were damaged and taxpayer money was wasted. Frivolous allegations undermined local democracy and discouraged people from running for public office.

"That's why we are axing the unpopular and unelected standards board regime. Instead we will legislate to ensure that if a councillor is corrupt and abuses their office for personal gain they will be dealt with in the criminal courts. If a councillor behaves ineffectively or irresponsibly then it's a matter for the electorate not an unelected quango.

"This Government is freeing councillors from central prescription and top down bureaucracy so they can get on with their job. In the future councillors must expect to be judged at the ballot box by an electorate with real access to their accounts and personal interests in a new transparent era."

Communities Secretary Eric Pickles added:

"The standards board regime became the problem, not the solution. Unsubstantiated and petty allegations, often a storm in a teacup, damaged the reputation and standing of local government, as well as wasting taxpayers' money.

"But by abolishing the failed standards committees we're not letting councillors off the hook. Failure to register or declare an interest, or deliberately seeking to mislead the public about an interest, will become a criminal offence while a newly empowered Local Government Ombudsman will investigate incompetence on behalf local people."

The Government will also legislate to make it clear that councillors can campaign and vote freely on their issues. Councillors who have been

prevented from speaking on the very issues they had been elected on, such as planning matters, will now have the freedom to express their views.

But councillors will have to register certain personal interests in a publicly available register; this could include anything that could reasonably be regarded as likely to influence or affect their actions, conduct when on business for the authority or voting.

The whole Standards Board regime consisting of a centrally prescribed code of conduct, standards committees with the power to suspend councillors and an unelected central body will be axed in the upcoming Localism Bill.

However councillors will have to conform to the highest standards of conduct. At present if a councillor abuses their position for personal gain it may result in a complaint to the local authority's standards committee with the councillor simply having to apologise. New legislation will make failing to register an interest, or deliberately seeking to mislead the public about an interest a criminal offence.

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