

Standards Committee : 29 March 2011

Title of report: Implications of the Localism Bill for the Standards Regime

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

Electoral wards affected and ward councillors consulted: All

Public or private: Public

1. Purpose of Report

To brief Standards Committee on the elements of the Localism Bill which relate to the future of the standards regime. The Bill may be amended as it passes through the parliamentary process so this report refers to the Bill as it is currently drawn. The next stage of the parliamentary process for the Bill will be the report stage in the House of Commons, the date of which has not yet been announced.

2. Key Points

The Localism Bill contains the following clauses which relate to the standards regime:

Clause 14

Clause 14 abolishes the Standards Board regime, which consists of the Standards Board for England, standards committees of local authorities, the jurisdiction of the First Tier Tribunal in relation to local government standards in England and the code of conduct for councillors. The abolition of the Standards Board for England and revocation of the codes of conduct will take place on a date appointed by the Secretary of State. None of the functions of the Standards Board for England are to be preserved. The power for the Secretary of State

to issue a model code of conduct and to specify principles to govern the conduct of members of relevant authorities is removed together with the requirement for relevant authorities to establish standards committees. The First Tier Tribunal loses its jurisdiction over councillor conduct issues.

Clause 15

Clause 15 places a duty on a relevant authority to ensure that members and co-opted members maintain high standards of conduct. It defines what co-opted members by reference to voting rights. Relevant authorities will include district councils and parish councils.

Clause 16

Clause 16 provides that a relevant authority may adopt a voluntary code of conduct. If an allegation of a breach of a code is made in writing, the authority must take a decision on whether or not to investigate the allegation and, if it is considered that an investigation is warranted, investigate in any way the authority sees fit.

Clause 17

Clause 17 provides for the establishment and maintenance of a register of members' and co-opted members' interests by the local authority by giving the Secretary of State power to make regulations to specify what interests must be recorded in that register. The regulations may make provision for restrictions on taking part in the business of the council to be imposed on a member or co-opted member with a registered or declared interest. The regulations may require the register to be available to the public and may make provision about exempting sensitive information from it.

Clause 18

Clause 18 makes it a criminal offence to fail, without reasonable excuse, to comply with obligations imposed by regulations under clause 17 to register or declare personal interests, or to take part in council business when prevented from so doing by such regulations. The penalty that the magistrates' court may impose upon conviction is a fine of up to £5,000 and an order disqualifying the person from being a member of a relevant authority for up to five years. A prosecution for the offence may be brought within 12 months of the prosecuting authorities having the evidence to warrant prosecution, but only by or on behalf of the Director of Public Prosecutions.

Clause 20

Clause 20 gives the Secretary of State power to make transitional provision in relation to the abolition of the Standards Board regime. Allegations of misconduct can be brought against a member up to the date when the relevant section of the Local Government Act 2000 is repealed. The transitional provisions made under this clause will make provision for any such allegations to be transferred from the Standards Board for England to local standards committees, and may make provision for the penalties which can be imposed by those committees, and rights of appeal to be modified.

3. Implications for the Council

The promotion and maintenance of high standards of conduct among councillors and voting co-opted members is an important part of maintaining public confidence in the council and its members. The future arrangements for dealing with standards issues will play an important part in maintaining that confidence.

4. Consultees and their opinions

N/a

5. Officer recommendations and reasons

It is recommended that the contents of this report be noted.

6. Cabinet portfolio holder recommendation

N/a

7. Next steps

To hold the sub-committee meetings referred to above.

8. Contact officer and relevant papers

Dermot Pearson
Senior Legal Officer

Telephone: 01484 221437
Internal: 860 1437
E-mail: Dermot.pearson@kirklees.gov.uk

Background Papers:

Explanatory Note to the Localism Bill at
<http://www.publications.parliament.uk/pa/cm201011/cmbills/126/en/2011126en.htm>

Text of the Localism Bill at

<http://www.publications.parliament.uk/pa/cm201011/cmbills/161/11161.i-vii.html>