

NORTH LINCOLNSHIRE COUNCIL

STANDARDS COMMITTEE

LOCALISM BILL

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To report further on provisions in the Localism Bill relating to standards and member conduct together with suggested arrangements.

2. BACKGROUND INFORMATION

- 2.1 The Localism Bill is currently passing through its Parliamentary stages. It will have the following effects.
- 2.2 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 will be revoked.
- 2.3 The Local Authorities (Model Code of Conduct) Order 2007 which prescribes the model code of conduct to apply to members of relevant authorities will be revoked.
- 2.4 The requirement for local authorities to have standards committees will be abolished.
- 2.5 Standards for England will be abolished. Established by the Local Government Act 2000 and the regulator for local authority standards committees, Standards for England requires primary legislation to abolish it and its legislative functions. None of its functions will be transferred to other bodies.
- 2.6 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.
- 2.7 Elected 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 intends that wilful failure to comply with these requirements will constitute a criminal offence.

- 2.8 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.
- 2.9 The requirement for councils 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.
- 2.10 It is anticipated that the Bill will receive Royal Assent in 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 Standards 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.
- 2.11 This means that until the appointed day, an allegation of misconduct can be made but that after the appointed day no further allegations of misconduct can be made under the Standards for England 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 are to be put in place to address this.
- 2.12 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 these will be properly dealt with. It also provides an elected member who has had an allegation made against them with the opportunity to clear their name.
- 2.13 The government proposes 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.
- 2.14 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).

- 2.15 The government proposes that the suspension sanction is removed from standards committees for the transitional period. Hence the most a standards committee could do, for instance, is to issue a councillor with a censure or a request that they undergo training.
- 2.16 The terms of office of North Lincolnshire Council members on the Standards Committee run until the Annual Meeting, those of the Independent members and town/parish representatives until September of this year.
- 2.17 From the above paragraphs it can be seen that a legally constituted Standards Committee will be required until all complaints made under the current regime have been dealt with.

3. OPTIONS FOR CONSIDERATION

- 3.1 To appoint North Lincolnshire Council members to the Standards Committee at the May Annual Meeting and to approve the extension of office of Independent Members and town/parish representatives in order to complete any ongoing complaints.
- 3.2 Not to so appoint/extend or to follow the full processes for appointing Independent Members and town/parish representatives.

4. ANALYSIS OF OPTIONS

- 4.1 The option in paragraph 3.1 represents the most efficient way of dealing with outstanding complaints.
- 4.2 The option in paragraph 3.2 would involve the council not complying with its statutory responsibilities or embarking on time consuming processes with attendant costs.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 The option set out in paragraph 3.1 would have no additional resource implications. The options involving following a full appointment process would require staff and financial resources to be diverted to it.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

- 6.1 The council needs to ensure that it meets its statutory requirements in determining which option to take.

7. OUTCOMES OF CONSULTATION

7.1 Consultation will need to take place with the individuals concerned if the option in paragraph 3.1 is followed.

8. RECOMMENDATION

8.1 That the option set out in paragraph 3.1 be adopted.

SERVICE DIRECTOR LEGAL AND DEMOCRATIC

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Background Papers - Nil