

Bath & North East Somerset Council

MEETING:	Standards Committee
MEETING DATE:	23 June 2011
TITLE:	Standards – the future
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report: none	

1 THE ISSUE

1.1 The Committee is invited to consider the proposals relating to standards in the Localism Bill.

2 RECOMMENDATION

The Committee is asked to:

2.1 Note this report and put forward any views it has at this stage on how the Council should discharge its new duty to discharge to promote high standards of conduct

3 FINANCIAL IMPLICATIONS

3.1 None at this stage.

4 THE REPORT

4.1 Council at its meeting on 19 May 2011 resolved “To ask the Standards Committee to review its procedure for investigation of complaints and report back thereon to the September meeting of Council with the intention of;

- a. Making the system fairer to those who are complained about; and
- b. Making proposals for the implementation of the Localism Bill currently before Parliament.

4.2 The Localism Bill will place a new duty on local authorities in England to promote and maintain high standards of conduct among elected and co-opted members of the authority but remove the present means of discharging this duty by abolishing the General Principles, the Model Code of Conduct, Standards for England and

standards committees. There will be a new statutory Register of Members' Interests with criminal penalties for failure to comply.

- 4.3 The Bill envisages that authorities may wish to adopt their own non-statutory Code of Conduct. The simplest course would be to re-adopt the general conduct provisions in paragraphs 3-7 of the Model Code, as these are the parts which will not be replaced by the new statutory interests regime. However, the Bill also provides that, where a local authority adopts a non-statutory Code of Conduct, it must then respond to any written complaints that a member or co-opted member has failed to comply with that Code by considering whether the matter should be investigated and, if satisfied by the investigation that a member or co-opted member has failed to comply, decide what action if any to take. The Bill does not give the local authority an express power to impose sanctions on members who fail to comply with a voluntary code. There would, however, be considerable freedom to delegate more of the process, enable speedier investigation and resolution of simple matters than is the case with the current system.
- 4.4 There is an issue regarding the position of independent members. This is because the current provisions requiring the appointment of independent members to standards committees will be repealed along with the other requirements of the current standards system. Section 102(3) of the Local Government Act would enable the co-option of non-councillors on to a new standards committee, but section 13 of the Local Government and Housing Act 1989 prevents them from having a vote on the committee unless it is purely advisory. It would therefore appear to be necessary for a new standards committee to recommend any matter on to the full Council for decision, if co-opted independent members are to have vote. This issue has been raised with the Government which could, if it considers it to be appropriate, introduce an amendment to the Localism Bill or regulations to allow co-opted members full voting rights on non-statutory standards committees
- 4.5 The Bill provides that the Secretary of State may make regulations requiring the Monitoring Officer to establish and maintain a Register of Members' Interests of members and co-opted members. These regulations may make provision for i) specifying the financial and other interests be registered, ii) requiring disclosure of interests, iii) preventing or restricting the participation of a member or co-opted member with a disclosed interest in any business of the Council to which the interest relates, iv) enabling the Council grant dispensations in specified circumstances from a prohibition imposed in accordance with iii) above, v) enabling the Council to impose sanctions on a member or co-opted member for failure to comply with the regulations, and vi) requiring the Council to make copies of the register available to the public.
- 4.6 It is anticipated that the Bill will receive Royal Assent in late 2011. The current standards regime will continue to function until a fixed date, probably two months after the Bill receives Royal Assent.

5 RISK MANAGEMENT

- 5.1 The Council is currently required by law to put in place and operate a system for the local assessment of complaints about the conduct of members and to operate that system in accordance with the relevant regulations. When the Localism Bill becomes law the Council will be required to comply with its requirements.

6 EQUALITIES

6.1 There are no implications for equality.

7 CONSULTATION

7.1 None

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 None other than the information set out in this report.

9 ADVICE SOUGHT

9.1 This report has been prepared by the Council's Monitoring Officer.

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Background papers	None
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