REPORT TO:	**STANDARDS COMMITTEE**	**AGENDA ITEM: 5**
DATE OF MEETING:	**12TH JANUARY 2011**	**CATEGORY: DELEGATED**
REPORT FROM:	**HEAD OF LEGAL & DEMOCRATIC SERVICES AND MONITORING OFFICER**	**OPEN PARAGRAPH NO: N/A**
MEMBERS' CONTACT POINT:	**ANDREA McCASKIE (595831)**	**DOC:**
SUBJECT:	**FUTURE OF LOCAL STANDARDS FRAMEWORK**	**REF:**
WARD(S) AFFECTED:	**ALL**	

1.0 Reason for Exempt

1.1 Not applicable.

2.0 Recommendation

2.1 That any comments from the Committee on the future of the local standards framework be submitted to the Full Council for consideration.

3.0 Purpose of Report

3.1 To consider the government's proposals on the future of the local standards framework.

4.0 Detail

4.1 The government set out its intention to abolish the 'Standards Board Regime' in the coalition agreement published in May. It is the government's intention to effect the abolition through the Localism Bill which was introduced to Parliament on 13th December 2010. It is likely that Standards for England will cease to investigate complaints in late 2011 and will be formally abolished in early 2012.

4.2 The Localism Bill gives local authorities new freedoms and flexibilities to act in the best interests of their area, including revocation of the Members' Code of Conduct, and abolition of Standards for England and the requirement for local authorities to have a standards committee. Instead, it will be a criminal offence to fail to register or withdraw for a personal interest (the scope of which awaits regulations) and on conviction the court may by order disqualify a member for up to five years. Local authorities may still adopt a non-statutory Code and will be under a duty to promote and maintain high standards of conduct by members and co-opted members. They will also have a duty to consider allegations of breach of such a Code and decide whether it is appropriate to investigate the allegation and then decide whether to take action and if so, what action to take. However, it should be noted that there are no statutory sanctions against an offending member. Therefore, there will no longer be

a power to suspend or disqualify councillors who bully, are rude, disclose confidential information or bring their own authorities and local government generally into disrepute. Provided they do not commit a criminal offence, they will remain in office until the electorate have a chance to remove them at the next election. Proposals for electoral recall, to allow the removal of councillors mid-term on evidence of serious misconduct, are not included in the Bill.

4.3 Ahead of the legislation, Standards for England received a letter from Local Government Minister Bob Neill setting out the Government's proposition in detail and a copy of the letter is attached at Annexe 'A'.

4.4 In summary, the government's proposals are as follows:-

- to abolish Standards for England
- to remove the First-tier Tribunal's (Local Government Standards in England) jurisdiction over member conduct
- to remove the national Code of Conduct for councillors and the requirement to have a standards committee
- to allow councils to choose whether or not they wish to have a local code or a standards committee
- to create a criminal offence relating to failure to register or declare interests

4.5 The Minister's letter also sets out the transition arrangements that the government intends to apply to any cases which have not been concluded when the framework ceases to operate. Standards for England Chair Dr Robert Chilton has written to Standards Committee Chairs to inform them of the content of the Minister's letter and a copy of his letter is attached at Annexe 'B'.

5.0 Financial Implications

5.1 None.

6.0 Corporate Implications

6.1 The future of the local standards framework will be subject to the provisions in the Localism Bill.

7.0 Community Implications

7.1 The Council's Standards Committee currently plays a vital role in promoting and maintaining the highest standards of conduct by Councillors of South Derbyshire District Council and all the Parishes in its area.

8.0 Background Papers

8.1 None