

Standards Committee – 8th March, 2012

Report of the Monitoring Officer

Localism Act 2011 – The Amended Standards Regime

Purpose of Report

1. To update the Committee on changes to the standards regime as contained in the Localism Act 2011.

Background

2. At the meeting held on 16th January, 2012, I reported on the fundamental changes to the existing standards regime as contained in the Localism Act, 2011. Many of the provisions relating to the standards elements of the Act, such as the removal of powers from existing local Standards Committees, the requirement to adopt a local Code of Conduct and to appoint Independent Person(s) will now come into force with effect from 1st July, 2012. The Committee asked that I submit a further report concerning proposals to implement the amended standards regime taking account of further Regulations and Guidance issued by the Government and identifying proposals to undertake training for members at the appropriate time.
3. At the time of writing, detailed Regulations and Guidance are still awaited on key aspects of the new regime. There are also areas where clarification has been sought, such as the disqualification of existing Standards Committee Members from becoming “Independent Persons” under the new regime and the sanctions that might be available to local authorities in the event that Members breach the future local Code of Conduct. I will update the Committee verbally on any developments.
4. The Council remains under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members but there will no longer be a statutory obligation to establish a Standards Committee. The Council may decide as to whether the standards functions should be allocated to one of its ‘ordinary’ committees established under the provisions of the Local Government Act 1972 (including the process for dealing with complaints). There will no longer be a requirement for Independent Members (or Persons) to serve on Standards Committees. I will update the Committee verbally on the initial consideration of the future local standards arrangements.

5. With regard to the new category of 'Independent Person(s)', the most recent advice from the Department for Communities and Local Government is that Ministers are minded to make transitional provisions for a council to appoint a person as an 'Independent Person' who, although not a chairman or member of a standards committee at the time of appointment or thereafter, has held such a post within the last 5 years. This implies that the appointments should not overlap and as such, the existing Independent Members of the Standards Committee will not be eligible for appointment as the Independent Persons after 1st July, 2012. The appointment of the current three independent members will therefore cease at 30th June, 2012. The Council will need to comply with the requirements of the Localism Act 2011 concerning advertising for the independent person(s), by inviting applications and gaining approval from Full the Council to the new appointment(s).
6. The Council will be required to adopt a new local Code of Conduct governing elected and co-opted members conduct when acting in that capacity. The Council's local Code of Conduct must be consistent with seven principles (Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership). Regulations and Guidance are still awaited on the registration and disclosure of "Disclosable Pecuniary Interests" and other Pecuniary and Non-Pecuniary interests before the new Code can be drafted. Indications at national level are that a draft Code will be available shortly and I will update the Committee if that is to hand at the time of the meeting.
7. In view of the significant areas where further Regulations and Guidance are awaited, no fixed arrangements have yet been made for the future training of elected Members, Co-opted Members or the new Independent Person(s). Arrangements will be made following the municipal elections in May, 2012, when hopefully there will be greater certainty on the future standards regime moving forward. The training will also cover changes to the rules on "Predetermination", affecting councillors' rights to express opinions on local issues.

Finance

8. The implementation of the amended standards regime will be undertaken within existing resources.

Law

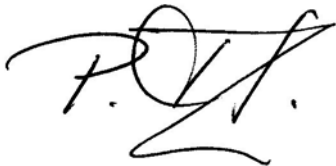
9. The existing standards regime is set out in the Local Government Act 2000 and the Standards Committee (England) Regulations 2008. The Localism Act 2011 repeals these provisions and introduces the amended standards regime. Further detailed Guidance and Regulations are still awaited concerning the practical application of the new arrangements, which will be introduced during the 2012/13 municipal year.

Equality Impact

10. It is a significant requirement of the existing Code of Conduct that Members do not discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age. The future Code of Conduct will need to take account of the principles set out in paragraph 6. The Council will also need to be mindful of its obligations under the Equality Act 2010 in the adoption of future arrangements.

Recommendations

11. That the report together with a verbal update be noted.
12. That subject to the receipt of further Regulations and Guidance, the Monitoring Officer be authorised to make all necessary arrangements to implement the provisions of the new standards regime as required by the Localism Act 2011.



.....
Philip Tart
Monitoring Officer

Contact Officers:

Philip Tart
Telephone: 01384 (81)5300
Email: philip.tart@dudley.gov.uk

Steve Griffiths
Telephone: 01384 (81)5235
Email: steve.griffiths@dudley.gov.uk

List of Background Papers

Report to the Standards Committee dated 16th January, 2012