

Standards Committee – 12th April, 2011

Report of the Monitoring Officer

Future of the Local Standards Framework

Purpose of Report

1. To update the Committee on issues concerning the future of the Local Standards Framework.

Background

2. As reported to the meeting of this Committee on 10th January, 2011, the Localism Bill currently before Parliament formalises the Government's proposals for the abolition of significant elements of the current Local Government standards regime. Among the proposals is the abolition of Standards for England, the national Code of Conduct for elected members being dispensed with and Councils no longer being required to have a statutory Standards Committee. As previously reported, it is likely that Standards for England will cease to investigate complaints in late 2011 and be formally abolished early in 2012. Transitional arrangements will be put into place to deal with any cases that have not been concluded when the framework ceases to operate.
3. The provisions in the Localism Bill, if enacted, will permit local authorities to adopt local Codes of Conduct and establish local Standards Committees on a discretionary basis. In Dudley, discussions are ongoing concerning the implications of the Bill for our existing governance structures. I have previously reported that this Committee will be kept fully informed and consulted on any future developments with a view to making any recommendations as appropriate.
4. Information received from the Local Government Association (LGA) has highlighted general support for the abolition of the current regime, seeing it as over-bureaucratic, burdensome and too prescriptive. The LGA's Leadership Board has previously agreed that the sector should not seek to establish a replacement framework within which Councillors should operate. It has, however, emphasised the importance of maintaining high ethical standards and accountability. Standards of conduct and behaviour within Local Government are generally very high, with serious failures being in a tiny minority, and compare favourably with most, if not all, other sectors.

5. The LGA has communicated with all Councils concerning the legal and other provisions already in place, or emerging, which the Government feels can be used for dealing with serious failures of conduct and behaviour within Local Government. Attached is a paper produced jointly by the Local Government Group and the Association of Council Secretaries and Solicitors (ACSeS) entitled 'Maintaining High Ethical Standards in Local Government' and which covers the following:
 - The position of the Nolan Principles
 - Registering interests
 - Fiduciary duty of Councillors
 - Criminal and civil law including discrimination and electoral offences
 - Local Government Ombudsman
 - Audit Commission powers
 - The common law position of bias, predisposition and predetermination
6. The challenge laid before Local Government is, therefore, to successfully adapt to the forthcoming changes to the standards regime, whilst continuing to demonstrate the highest of ethical standards. This is integral to promoting citizens' trust in local councils and the democratic process. Further reports will be submitted in due course on the future local arrangements for Dudley.

Finance

7. There are no immediate financial implications pending further consideration of the future governance arrangements in Dudley.

Law

8. The provisions of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008 will remain in force until such time as proposals in the Localism Bill are enacted.

Equality Impact

9. This report complies with the Council's policies on equality and diversity. It is a significant requirement of the existing Code that Members do not discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age.
10. There are no particular issues arising from this report with regard to children and young persons.

Recommendation

11. That the Committee notes the information and receives a further report on the progress of the Localism Bill at a future meeting.



.....
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

Attached