

Subject: Future of the Standards Committee **Status:** For Publication
Report to: Standards Committee **Date:** 31st January 2011
 Governance Working Group 10th February 2011
 Annual Council 20th May 2011

Report of: Director of Business

Portfolio

Holder: Finance and Resources

Key Decision: No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

- 1.1 To update members regarding the abolition of the Standards Board regime as identified in the Localism Bill and to outline proposed alternative arrangements.
- 1.2 To ask members to recommend alternative arrangements for replacing the Code of Conduct and the Standards Committee.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities:-
 - Delivering quality services to our customers
 - Encouraging healthy and respectful communities
 - Providing value for money services

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
 - Undermine public confidence if Councillors were not required to sign up to a code of conduct.
 - Ability to deal with minor conduct complaints at a local level.

4. BACKGROUND AND OPTIONS

- 4.1 The Government has proposed to abolish the Standards Board regime via the Localism Bill and it is anticipated that the Bill will receive Royal Assent in late 2011. A summary of this decision as outlined by the Department for Communities and Local Government is attached at Appendix A.
- 4.2 The abolition of the Standards Board will mean that the Code of Conduct for Councillors will no longer exist and the requirement for local authorities to have Standards Committees will be abolished. However, local authorities will be free to adopt their own voluntary Code of Conduct and establish voluntary

Standards Committees to consider complaints about the conduct of elected and co-opted members. These committees will be able to censure but will not be able to suspend or disqualify members from council membership.

- 4.3 As outlined in Appendix A, members will still 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 intend that wilful failure to comply with these requirements will constitute a criminal offence and will be dealt with through the justice system. The Crown Prosecution Service would prosecute any offences of failure to declare an interest (accordingly the police would investigate). This is provided for in section 18 of the Localism Bill.
- 4.4 It is essential that the Council has arrangements in place for when the Localism Bill gains Royal Assent. Therefore, it is proposed that a voluntary Code of Conduct be developed and a Standards Committee established, which would be similar to the Appointments and Appeals Committee. The Standards Committee would determine complaints against the Council's elected members and would have the power to censure and/or refer elected members for further training.
- 4.5 The Standards Committee would comprise of a pool of 12 Members made up of 3 Independent Members, 2 Elected Members from Whitworth Town Council and 7 Members of Rossendale Borough Council. It is proposed that a typical panel would consist of 3 Members, and where the complaint concerns a Whitworth Town Councillor, a Town Council representative would be required for the Panel.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 There are no material financial implications arising from the report.

6. MONITORING OFFICER

- 6.1 All council's will be required to 'promote and maintain high standards of conduct' by their members, but with the codes of conduct becoming voluntary (rather than mandatory as at present) and it will be for individual council's to decide whether it is appropriate to investigate any member misconduct allegations. It is suggested in the Bill that a breach 'without reasonable excuse' of proposed provisions concerning member interests will be a criminal offence.

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 No HR implications.

8. CONCLUSION

- 8.1 It is necessary that the Council has plans in place prior to the abolition of the Standards Board regime and that a local voluntary Code of Conduct and Standards Committee is established to help maintain public confidence by

providing a mechanism for dealing with minor complaints against elected members.

9. RECOMMENDATION(S)

9.1 That the Standards Committee recommends Council to adopt a voluntary Code of Conduct and establish a Standards Committee, which will have the power to investigate complaints against elected members with the following powers:-

- To censure elected members.
- To refer elected members for further training with the Monitoring Officer or other Senior Officer/s as appropriate.

9.2 That the Standards Committee recommends Governance Working Group to review any amendments and information in the Constitution prior to adoption by full Council. This will include the new voluntary Code of Conduct, details and terms of reference of the Standards Committee and new procedure for hearing complaints.

9.3 That the Standards Committee recommends to Council that all elected members and co-opted members sign up to the new Code of Conduct and the new arrangements are reviewed 12 months after implementation.

9.4 That the Standards Committee include the review of the Code of Conduct and the Procedure for Hearing Complaints in the work plan for the new municipal year.

10. CONSULTATION CARRIED OUT

10.1 Chair and Vice Chair of the Standards Committee, Monitoring Officer.

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required No
Is a Community Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No
Is a Biodiversity Impact Assessment attached No

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	Appendices
Appendix 1	Publication from the Department of Communities and Local Government