

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

24 January 2011

Developments, Complaints and findings/guidance from Standards for England

1.0 PURPOSE OF REPORT

- 1.1 To update Members on the development of the ethical agenda and any complaints received about Members of the Authority.

2.0 BACKGROUND

- 2.1 Members of the Standards Committee previously agreed it would be helpful to have a standing item on each agenda setting out developments in relation to the national standards regime and any complaints received or pending against Members of the Authority. This is to ensure that Members are up to date with developments and aware of the type of issues that are being raised.

3.0 DEVELOPMENTS

Decentralisation and Localism Bill

- 3.1 The Decentralisation and Localism Bill was published in December 2010 and brings with it the Government's proposals to change the national standards regime. This is the subject of a separate report to the Committee. However, until such time as the relevant legislation is passed, the current statutory standards regime remains operative.

- 3.2 Prior to the publication of the Bill, Standards for England received a letter from Local Government Minister Bob Neill MP setting out the Government's proposition in detail. The letter was also sent to all Monitoring Officers, by the SFE, with a request that it be brought to the attention of the Chair and other Standards Committee members and to senior Officers. A copy of the letter is attached at Appendix 1 and can also be downloaded from the SFE website using the following link:

<http://www.standardsforengland.gov.uk/media/letter%20from%20bob%20neill.pdf>

- 3.3 Members will be kept informed of developments.

Online Case Review 2010

- 3.4 The Standards for England Case Review 2010 is now available to download from the SFE website at:

<http://www.standardsforengland.gov.uk/CaseinformationReporting/OnlineCaseReview2010/>

It supersedes The Case Review 2007 and The Case Review: 2008 Digest previously published and provides an up to date, paragraph by paragraph, analysis

of the Code of Conduct. The SFE intends to keep The Case Review under 'constant review' and will inform Monitoring Officers of changes as they are made.

3.5 Members will, of course, be kept informed of developments.

4.0 COMPLAINTS RECEIVED

New complaints

4.1 During the period since the last meeting of the Committee (13 September 2010), the Monitoring Officer has received one new complaint that an Authority Member may have breached the Code. The complaint was received on 16 September 2010 and was considered by the Committee's Complaints Assessment Sub-Committee on 6 October 2010 when it was referred to the Monitoring Officer for investigation. The Council's Principal Lawyer (Children) is currently undertaking the investigation on the Monitoring Officer's behalf.

Previous complaints

4.2 The investigation into the complaint received on 16 July 2010 and assessed by the Assessment Sub-Committee on 6 August 2010 is ongoing.

4.3 The investigation into the complaint received on 23 July 2010 and assessed by the Assessment Sub-Committee on 6 August 2010 has been completed and the Investigator's report finalised. The report will now be considered at a consideration meeting of the Committee's Complaints Determination Sub-Committee which is currently being convened.

4.4 Members will be kept informed of developments.

5.0 RECOMMENDATIONS

5.1 That Members note the contents of this report.

CAROLE DUNN
Monitoring Officer

Background Documents:

Standards for England website at www.standardsforengland.gov.uk

County Hall
NORTHALLERTON

13 January 2011



Dr. Robert Chilton

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A handwritten signature in black ink, appearing to read "Dr. Robert Chilton".

15 OCT 2010

Conduct of local authority members

Recently Andrew Stunell announced the broad package of changes that we intend to put in place to abolish the Standards Board regime. A press notice relating to this announcement is available on the Department's web-site at:

<http://www.communities.gov.uk/news/corporate/157558411>

When we met on Wednesday 15 September, I undertook to let you have the details of what we are proposing once the package of changes was announced, and accordingly I enclose a short paper setting out the changes we intend to make.

I would of course be very happy to discuss these with you and your Committee. If you would like a meeting, please don't hesitate to get in touch with my office.

A handwritten signature in black ink, appearing to read "Bob Neill".

A printed signature in black ink, appearing to read "Bob Neill".

BOB NEILL MP



Abolition of the Standards Board regime

The Standards Board regime

The Coalition Agreement *Our Programme for Government* included the commitment to “abolish the Standards Board regime”.

The Government considers that the Standards Board regime, consisting of a centrally prescribed model code of conduct, standards committees with the power to suspend a local authority member and regulated by a central quango was inconsistent with the principles of localism. In addition there is a concern that the regime is a vehicle for vexatious or politically motivated complaints.

The Government considers that it is the right and the responsibility of the electorate to determine who represents them and that the abolition of the regime will restore power to local people.

Accordingly, given the interdependencies of the bodies, requirements and guidance that constitute the Standards Board regime, the Government is proposing to abolish the regime in its entirety.

Subject to Parliament approving the necessary legislation, the changes are as follows:

- The Relevant Authorities (General Principles) Order 2001, which sets out the principles which govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales, will be revoked.
- The Local Authorities (Model Code of Conduct) Order 2007 (S.I 2007/1159) which prescribes the model code of conduct to apply to members of relevant authorities, will be revoked.
- The requirement for local authorities to have standards committees will be abolished.
- Standards for England (formally known as the Standards Board for England) will be abolished. Established by the Local Government Act 2000 and the regulator for local authority standards committees, the Standards Board requires primary legislation to abolish it and its legislative functions. None of the Standards Boards functions will be transferred to other bodies.

- The First-tier Tribunal (Local Government Standards in England), the independent judicial tribunal established as a disciplinary body to hear and determine references and appeals concerning the conduct of local authority councillors, will lose its jurisdiction over the conduct of local authority members.

It is intended to effect the abolition of the Standards Board regime through the Localism Bill. It is anticipated that the Bill will be laid before Parliament in December and will receive Royal Assent late-2011.

The present conduct regime (a model code governing local authority members' conduct and enforced through local authority standards committees, regulated in turn by the Standards Board for England), will continue to function in a normal manner, considering, investigating and determining allegations of misconduct, until a fixed date ("the appointed day"), probably two months after the Bill receives Royal Assent,.

This means that until the appointed day, an allegation of misconduct can be made; after the appointed day, no further allegations of misconduct can be made under the standards board regime. It also means that at the appointed day, allegations will be in the process of investigation and, further, that appeals against sanctions will be pending. Transitional measures will be put in place to address this.

Proposed transitional measures

Any cases in the system at the appointed day will make their way through a transitional regime. This would meet the expectation of those who had made allegations that their allegations would be properly dealt with. It also enables that if a member has an allegation made against them, they should have the opportunity to clear their name.

The Government propose that any investigations being undertaken by Standards for England transfer, on the appointed day, to the local authority that referred the investigation. It will be for that local authority to arrange for the conclusion of the investigation. The local authority's standards committee will remain established until the last complaint it is considering, referred either internally or from Standards for England, has been dealt with.

Any cases with which the First-tier Tribunal (Local Government Standards in England) is dealing on the appointed day will be concluded by that tribunal. It will not receive any appeals against standards committee rulings after that date.

The right of appeal will not exist for those cases standards committees deal with as they work their way through the transitional system. The Government considers that the risk of protracted proceedings justifies this approach. The sanctions available to standards committees are significantly less severe than the sanctions available to the First-tier Tribunal (Local Government Standards in England).

Further, the Government propose that the suspension sanction is removed from standards committees for the transitional period. Hence the most a standards

committee could do is, for instance, to issue a councillor with a censure or a request that they undergo training.

The conduct regime in a post-Standards Board world

The Government is committed to maintaining high standards of conduct in office and will ensure that, in the absence of a statutory code of conduct, councillors do not abuse their office for personal gain by putting their personal interests before those of the general community or local area that they represent. Members will 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.

The requirement for local authorities to adopt a model code of conduct and for local authority members to abide by that code will be abolished. However, local authorities will be free to adopt their own, voluntary code of conduct should they so wish.

The requirement to maintain a standards committee will be abolished. However, local authorities will be free, should they choose, to establish voluntary standards committees to consider complaints about the conduct of elected and co-opted members. Such committees will, according to councils' local constitutions, be able to censure but will not be able to suspend or disqualify members from council membership.

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