



STANDARDS COMMITTEE 29 OCTOBER 2010

ABOLITION OF STANDARDS REGIME

PURPOSE OF REPORT: To report on the Coalition Government's announcements in respect of the Standards regime.

Background:

- 1 The coalition's "Programme of Government" of 20 May 2010 contained a commitment to "abolish the Standards Board regime". More recently in an announcement made on 20 September 2010 Communities Minister Andrew Stunell expanded on the government's objections to the current scheme and outlined a future strategy. A copy of the press statement is attached as an appendix to this report.

Future of Standards

- 2 The government intends to legislate to make serious misconduct for personal gain by councillors an offence that will be tried in court. It is not clear whether the current Code of Conduct for Members, will be abolished in whole or part. Until more detail is available it is difficult to see what this will add to provisions of the Local Government Act 1972, under which a councillor receiving a custodial sentence of three months or more (even if it is a suspended sentence) is already automatically disqualified from serving as a councillor.
- 3 It has also promised to give the Local Government Ombudsman 'real teeth'. Local authorities will be legally obliged to implement the findings of the ombudsman, which investigates public complaints over the way they have been treated by their council. At present a council has a duty to consider an Ombudsman's report and to publish its response to it, however it is not required to implement the Ombudsman's recommendations. An Ombudsman's report may touch on councillor behaviour, but that is not usually the main focus of his investigations or reporting.
- 4 In the meantime, the local standards framework still exists, as does the legislation underpinning it. Standards for England plans to continue to fulfil its statutory duties and standards committees and monitoring officers have an obligation to keep the system operating. This will include a duty to deal with any complaints of misconduct arising from an alleged breach of the current Code of Conduct for Members. Primary legislation to effect the proposed abolition of the current regime is likely to be included in the Decentralisation and Localism Bill which is due to be presented to Parliament in late 2010, with Royal

Assent expected between July and October 2011. This is likely to result in the closure of the Standards Board between January and March 2012.

Recommendation:

The Committee is asked to consider this report and implications for the future work programme.

Report contact: Ann Charlton

Contact details: Tel: 020 8541 9001
email: ann.charlton@surreycc.gov.uk

Sources/background papers:
The Council's Constitution

Stunell - Corrupt councillors will go to court not Standards committees

20 September 2010

Serious misconduct for personal gain will be a criminal act, while petty local vendettas will no longer get a hearing as the unpopular standards board regime is axed, Communities Minister Andrew Stunell announced today.

Mr Stunell said the top-down regime set up by central government to monitor council conduct had become a vehicle for malicious and frivolous complaints. For example, one authority had to fork out £160,000 after receiving over 170 complaints from the same person. Each one had to be examined, but only three were considered worth investigating and after investigation all were dismissed.

Local Standards Committees investigated 6000 complaints in the first two years - of which over half were judged not worthy of any further action. The Government is axing the entire Standards regime including the central board, which costs over £6 million a year; with investigations of complaints costing thousands of pounds each.

Genuine corruption in local government needs to be rooted out and the new Government is legislating to make serious misconduct a criminal offence dealt with by the courts not committees. Councillors will have to register certain personal interests in a publicly available register.

Ministers believe these changes will give voters the confidence that councillors who misuse their office will be effectively dealt with. While councillors themselves will have the confidence to get on with their job knowing they won't be plagued by petty allegations.

Public will decide councillors' fates.

Under new plans the public will also have greater confidence to challenge poor local services. The Government intends to give the Local Government Ombudsman, the established body for investigating public complaints over the way they have been treated by their council, real teeth. For the first time local authorities will be legally compelled to implement the Ombudsman's findings.

Andrew Stunell said:

"The Standards Board regime ended up fuelling petty complaints and malicious vendettas. Nearly every council had investigations hanging over them - most of which would be dismissed but not before reputations were damaged and taxpayer money was wasted. Frivolous allegations undermined local democracy and discouraged people from running for public office.

"That's why we are axing the unpopular and unelected standards board regime. Instead we will legislate to ensure that if a councillor is corrupt and abuses their office for personal gain they will be dealt with in the criminal courts. If a councillor behaves ineffectively or irresponsibly then it's a matter for the electorate not an unelected quango.

"This Government is freeing councillors from central prescription and top down bureaucracy so they can get on with their job. In the future councillors must expect to be judged at the ballot box by an electorate with real access to their accounts and personal interests in a new transparent era."

Communities Secretary Eric Pickles added:

"The standards board regime became the problem, not the solution. Unsubstantiated and petty allegations, often a storm in a teacup, damaged the reputation and standing of local government, as well as wasting taxpayers' money.

"But by abolishing the failed standards committees we're not letting councillors off the hook. Failure to register or declare an interest, or deliberately seeking to mislead the public about

an interest, will become a criminal offence while a newly empowered Local Government Ombudsman will investigate incompetence on behalf local people."

The Government will also legislate to make it clear that councillors can campaign and vote freely on their issues. Councillors who have been prevented from speaking on the very issues they had been elected on, such as planning matters, will now have the freedom to express their views.

But councillors will have to register certain personal interests in a publicly available register; this could include anything that could reasonably be regarded as likely to influence or affect their actions, conduct when on business for the authority or voting.

The whole Standards Board regime consisting of a centrally prescribed code of conduct, standards committees with the power to suspend councillors and an unelected central body will be axed in the upcoming Localism Bill.

However councillors will have to conform to the highest standards of conduct. At present if a councillor abuses their position for personal gain it may result in a complaint to the local authority's standards committee with the councillor simply having to apologise. New legislation will make failing to register an interest, or deliberately seeking to mislead the public about an interest a criminal offence.