

5. THE STANDARDS COMMITTEE AND THE PROVISIONS IN THE LOCALISM BILL

REPORT OF: Tom Clark, Solicitor to the Council
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Wards Affected: all
Key Decision No

1. Purpose Of Report

To consider the provisions of the Localism Bill 2010 as they apply to the Standards regime. The relevant provisions are clauses 14 to 20 inclusive and Schedule 4.

2. Summary

The Localism Bill will abolish Standards for England and the Standards regime found in the Local Government Act 2000 and subsequent statutory instruments. Councils will be free to have a local Code of Conduct and a local enforcement mechanism. Councils will still have a duty to promote and maintain high standards of conduct under clause 15 of the Bill but the District Council will no longer have such responsibility for town and parish Councils in its area. The Bill is likely to be subject to amendment and therefore views must be preliminary at this stage.

3. Recommendations

To consider the provisions of the Bill and to give preliminary advice to Council on whether a Local Standards Committee and Standards Regime should be retained post the abolition of the provisions in the Local Government Act 2000 relating to Standards in the next 12 months.

4. Background

- 4.1 The Localism Bill was published on the 13th December 2010. It proposes the abolition of Standards for England and all national standards policies. It will however be up to each local authority to determine whether it wishes to retain a Local Code of Conduct and Local Standards Committee to enforce that local code as part of its duty to promote and maintain high standards of conduct (clauses 15 and 16 of the Bill).
- 4.2 Prior to the provisions in the Local Government Act 2000 relating to Standards, Mid Sussex District Council did have its own Local Standards regime. The details of that regime are not known to the author of this report but the Bill allows Councils to adopt any format for such a committee and therefore co-opted members are possible. Such a committee would be able to give advice to the Council on standards/probity issues and may have a role dealing with the behaviour of individual members.
- 4.3 Members of the Standards Committee are asked to consider the benefits or otherwise of retaining a Standards Committee and Local Standards Regime post the abolition of the provisions in the Local Government Act 2000 which is likely to happen in the Autumn of 2011. Any local regime will not have the power to suspend or disqualify an elected Member.
- 4.4 Until that primary legislation comes into force the existing provisions apply and the Standards Committee will need to consider any complaints received either at District

or Town/Parish level. Members may wish to consider asking Council to retain the present independent membership of the Standards Committee while the existing statutory regime remains in place. There are no pending complaints.

- 4.5 Members are required to make declarations of their interests as they do already and a failure to do so without reasonable excuse will be a criminal offence (clauses 17 and 18 of the Bill)

5. Financial Implications

There are costs involved in establishing and holding a Standards Committee and investigating any complaints received. There would be a saving in not having a Standards Committee and relying entirely on the criminal provisions put forward in the Localism Bill to ensure probity within the District Council and the parishes/towns within Mid Sussex.

Background Papers

The Localism Bill 2010.