

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**STANDARDS COMMITTEE**

**7 NOVEMBER 2011**

**1. UPDATE ON THE PROPOSED ABOLITION OF THE STANDARDS BOARD REGIME - LOCALISM BILL**

Report of the Clerk to the Authority and Monitoring Officer

**RECOMMENDED**

That the Standards Committee note the provisions set out in the Localism Bill in relation to ethical standards.

That the Clerk to the Authority bring further reports to the Standards Committee as and when final details emerge on the Localism Bill.

**2. PURPOSE OF REPORT**

2.1 The purpose of this report is to provide a further update on the progress of the Localism Bill.

2.2 Following the Coalition Government's commitment in its Coalition Agreement, *Our Programme for Government* to abolishing the Standards Board regime, the Government published the Localism Bill on the 13 December 2010.

2.3 The Committee has received reports setting out the Bill's proposals to abolish the Standards Board regime. The Bill makes it clear that whilst authorities will be required to "promote and maintain high standards of conduct" by their members, the regime will be essentially permissive with codes of conduct becoming voluntary (rather than mandatory as at present). The Bill is progressing through Parliament. The Government envisages that the Bill will be enacted fully in late 2011.

**3. BACKGROUND**

3.1 On 6<sup>th</sup> September 2010 the Standards Committee received a report on the then recently published Decentralism and Localism Bill which included a commitment to abolish the Standards Board

regime.

- 3.2 The draft legislation to do this was contained in the Localism Bill which was published on 13<sup>th</sup> December 2010.
- 3.3 The Standards Committee received a further update on 6<sup>th</sup> June, 2011. The Bill is currently at report stage in the House of Lords, and contains numerous provisions in relation to Local Government. The key provisions in relation to ethical standards are as follows:

#### 3.3.1 Abolition of the Standards Board

- The Bill introduces proposals to abolish the Standards Board regime which consists of the Standards Board for England, Standards Committees of local authorities, the jurisdiction of the First Tier Tribunal in relation to local government standards and, a code of conduct for councillors.

#### 3.3.2 Duty to promote and maintain high standards of conduct

- The Bill places a duty on a relevant authority to ensure that members and co-opted members maintain high standards of conduct. It also defines what a “co-opted member” is and what a relevant authority is for the purposes of the Bill.

#### 3.3.3 Voluntary Codes of Conduct

- The Bill provides that a relevant authority may adopt a voluntary code of conduct. If an allegation of a breach of a code is made in writing, the authority must take a decision on whether or not to investigate the allegation and, if it considers that an investigation is warranted, investigate in any way the authority sees fit.

#### 3.3.4 Disclosure and Registration of Members' Interest

- The Bill provides for the establishment and maintenance by the local authority of a register of members' and co-opted members' interests, giving the Secretary of State power to make regulations to specify what interests must be recorded in that register. The regulations may make provisions for restrictions on taking part in the business of the council to be imposed on a member or co-opted member with a registered or declared interest. The regulations may require a register

to be available to the public and may make provision about exempting sensitive information from it.

### 3.3.5 Offence of breaching regulations in relation to disclosure and registration of members interests

- The Bill makes it a criminal offence to fail, without reasonable excuse, to comply with obligations imposed by regulations under the Bill to register or declare a personal interest, or to take part in council business when prevented from so doing by such regulations. The penalty that the Magistrates Court may impose upon conviction is a fine of up to £5,000.00 and, an order disqualifying the person from being a member of a relevant authority for up to five years. A prosecution for the offence may be brought within 12 months of the prosecuting authority having the evidence to warrant the prosecution, but only by or on behalf of the Director of Public Prosecutions.

3.4 Many concerns have been raised about the criminal sanctions in the draft legislation and the fact that there were “serious deficiencies” in the Bill. A cross party of peers indicated in the House of Lords that there would be a “free for all” if the Bill were to be implemented as drafted and put forward a series of amendments to the standards provisions.

3.5 On the 14 September 2011, Lord Taylor of Holbeach during debate in the House of Lords offered to set up a meeting between himself and fellow government ministers. In the debate, the Minister told the House of Lords that he did not want to pre-empt what would be said at the meeting. However, he did give a “steer,” saying that he was “sympathetic to the proposal that there should be an obligation on local authorities to have a code of conduct, and that any such code should have core mandatory elements to it”. The Bill currently only has a duty on councils to promote and maintain high standards of conduct. The Minister said he would not comment on the detailed points raised during the debate, as these would be better dealt with at the meeting when amendments to the Bill will be proposed. He added that he expected to come up “with something suitable” on the code of conduct issues ahead of the third reading of the Bill. The Bill is currently at the Third Reading stage in the House of Lords, further consideration of which is scheduled for 31st October 2011.

- 3.6 From the debate that has taken place in the House of Lords it appears that local authorities could still be obliged to have a code of conduct with ministers signalling that they would make concessions on the proposed local government standards regime in the Localism Bill. However, the picture will not become clearer until a later reading of the Bill when any amendments will be considered. The expectation is that the Bill will still become law at the end of November.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 The Government's proposals in relation to the abolition of the Standards Board regime are set out in chapter 5 of Part 1 of Schedule 4 to the Localism Bill.

6. **FINANCIAL IMPLICATIONS**

- 6.1 There are no resource implications arising from this report.

**N SHARMA  
CLERK TO THE AUTHORITY  
AND MONITORING OFFICER**