

Report to Standards Committee

18 November 2011



Progress of the Localism Bill Provisions relating to Standards

Report of Colette Longbottom, Head of Legal and Democratic Services and Monitoring Officer

Purpose of the Report

1. To provide an update to Members on recent changes to the Bill made in the House of Lords

Summary of Latest Amendments

2. The Localism Bill has now concluded its third reading in the House of Lords and been referred back to the House of Commons. The latest advice from the Association of County Secretaries and Solicitors implies that it may now be reaching its final form. The effect of the amendments accepted by Government are as follows:-
 - (1) All Authorities will be required to have a Code of Conduct.
 - (2) The Code must be in accordance with the Nolan Principles.
 - (3) The Code must include a requirement for Members to register and disclose pecuniary and non-pecuniary interests.
 - (4) Local Authorities will have to put in place a system to deal with allegations that Members have breached the Code.
 - (5) A Local Authority must appoint an independent person through a transparent process and where a Local Authority has investigated an allegation it must seek the independent person's view before reaching a decision about the allegation. It must then have regard to that view.
 - (6) A person against whom a complaint is made may also seek the views of the independent person. This will ensure that if a Councillor feels victimised or pressured by a Member or Members of the Council or Authority he or she can have access to the independent person for review.

- (7) The Bill at present makes no reference to sanctions. This was explained in the debate in Lords on the basis that if a complaint was upheld the Council would have a number of options open to it under existing provisions. In relatively minor cases a formal letter may be appropriate. In a more serious case the Council might conclude that formal censure through a motion on the floor at Council was required. In other serious cases of misconduct the Council might go further and use its existing powers to remove the Member from the Committee or Committees for a time. It was the view of the Lords that this approach provided effective and robust sanctions ensuring that the high standards of conduct in public life can be maintained whilst avoiding the unnecessary bureaucracy of the Standards Board regime.
- (8) Parish Councils must have a code but may adopt their Principal Council's Code.
- (9) Principal Councils are to deal with allegations of breach in relation to Parish Councillors.

Implications

3. If the Bill becomes law in the form in which it left the House of Lords, the Council will have greater flexibility as to how to deal with complaints. A report will be submitted to the Council's Constitution Working Group outlining the options.

Recommendation

4. The Standards Committee is invited to note the content of this report.

Contact: David Taylor

Telephone: 0191 383 3509
