

WYRE FOREST DISTRICT COUNCIL
ETHICS AND STANDARDS COMMITTEE

6TH APRIL 2011

The Localism Bill and its Implications for Ethics and Standards

OPEN	
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APPENDICES:	None

1. PURPOSE OF REPORT

- 1.1 To give Members feedback on the Localism Bill and its implications for ethics and standards.

2. RECOMMENDATION

The Committee is asked to DECIDE that:

- 2.1 The report be noted and the committee is invited to comment on the implications of the Localism Bill as set out in paragraph 4 below.**

3. BACKGROUND

- 3.1 At the Ethics and Standards Committee meeting held on 16th September 2010 the committee received a report from the Monitoring Officer regarding the future of Standards for England.
- 3.2 At the time of receiving the report the Localism Bill had not been published and the implications for standards committees were not entirely clear.

4. KEY ISSUES

- 4.1 The Localism Bill was published on 13th December 2010. However, it is not likely to be enacted until the end of 2011.
- 4.2 The Localism Bill will be subject to further debate in both houses of Parliament but information received from the Department of Communities and Local Government indicates that the following changes will be made:
- 4.3 The following legislation will be revoked:
- The Relevant Authorities (General Principles) Order 2001 – this outlines the principles which governs the conduct of members and co-opted members in local authorities in England and police authorities in Wales will be abolished.

- The Local Authorities (Model Code of Conduct) Order 2007 which prescribes the model Code of Conduct which applies to members of relevant authorities will be revoked.
- 4.4 Councils will no longer be required to have a standards committee but authorities will be allowed to choose to have a voluntary Standards Committee and a voluntary Code of Conduct. The voluntary Standards Committee would be able to consider complaints about the conduct of elected members but whilst they would be able to censure members they would no longer be able to disqualify or suspend members of its Council.
- 4.5 The Localism Bill proposes that Standards for England be abolished. None of its functions will be transferred to other bodies and the First Tier Tribunal (Local Government Standards in England) will no longer have jurisdiction over the conduct of members of a local authority.
- 4.6 Any complaints relating to Members will continue in the normal manner i.e. they will be considered, investigated and determined until a fixed day (possibly two months after the Bill receives Royal Assent).

Future Conduct Regime – Post Standards Board

- 4.7 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 they represent.
- 4.8 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.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from this report.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The statutory framework governing standards remains operative until such time as the Localism Bill is approved.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 This report was screened for impact on equalities. As a result of this screening it has been decided that a full equality impact assessment is not required.

8. RISK MANAGEMENT

- 8.1 It is necessary to ensure that until alternative arrangements are in place that the statutory framework for standards is adhered to.

9. CONCLUSION

- 9.1 The Localism Bill proposes radical changes to the current ethical standards arrangements. It will be necessary for the Council to implement the changes when enacted and consider the changes they wish to make in accordance with the legislation.,

10. CONSULTEES

- 10.1 Chairman and Vice-Chairman of Ethics and Standards Committee
10.2 Legal Services

11. BACKGROUND PAPERS

- 11.1 Localism Bill 2010
11.2 Abolition of the Standards Board Regime , DCLG December 2010
11.2 Report to Ethics and Standards Committee 16th September 2010