

Report to	Standards Committee
Date	4 July 2011
By	Monitoring Officer
Title of Report	Localism Bill Update
Purpose of Report	To further consider the impact of the Government's proposals

Recommendation: That the current position with regard to the proposed changes to the standards regime is noted

1. Introduction

- 1.1 This report provides members of the Standards Committee with an update on the Government's proposals for changes to the standards regime.

2. Localism Bill

- 2.1 The report to the previous meeting of the Standards Committee in February 2011 summarised the Government's intentions to abolish, through the Localism Bill, the standards regime originally established by the Local Government Act 2000.
- 2.2 Since then, further information has been received from the Local Government Association, and this is attached as **Appendix 1**. This information includes a paper prepared in consultation with the Association of Council Secretaries and Solicitors. This sets out the existing provisions in legislation which will be relied upon to regulate ethical standards in local government, in the absence of the standards regime.
- 2.3 The paper is helpful in that it enables consideration to be given to whether, in practice, such legislation provides a sufficient and effective basis for the maintenance of high ethical standards, or whether there remains a need for a supplementary code of a voluntary nature, to address areas that are not covered by legislation e.g. bullying. This is a matter on which the Committee will need to advise the Authority in due course.

3 Resources

- 3.1 The impact of the changes to be brought about by the Localism Bill will involve consideration of what successor arrangements, if any, the Authority will wish to put in place. This will require further advice upon the options available and commitment of resources in putting those arrangements into effect, once the Bill becomes law.

4. Risk Management

- 4.1 The Member's Code of Conduct and arrangements for assessing and determining allegations of breach of the Code, form part of the Authority's arrangements for ensuring sound governance and the management of risk. The impact of abolition of the regime will prompt consideration to be given as to whether replacement arrangements need to be put into effect.

6. Human Rights, Equalities, Health and Safety

- 6.1 The current Code of Conduct has provisions relating to compliance with equality legislation and the avoidance of unfair discrimination. The Authority will remain subject to relevant legal requirements even if the Code is abolished in its current form.

7. External Consultees

7.1 None.

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Appendices LGA/ACSeS Paper on Maintaining High Ethical Standards in Local Government

SDNPA Consultees Chief Executive Officer, Director of Corporate Services, Head of Planning, Director of Strategy and Partnerships, Head of Operations, Chief Finance Officer, Deputy Chief Finance Officer, Senior Solicitor.

Background Papers None

Appendix 1a



16 February 2011

Dear Chief Executive,

Local Government Standards

The Localism Bill published on 13th December formalises the government's proposals for the abolition of significant elements of the current local government standards regime. Among the proposals are the abolition of Standards for England, the national Code of Conduct for elected members being dispensed with and councils no longer being required to have a Standards Committee.

My many discussions on this issue in recent months have served to highlight that local government is generally supportive of the abolition of the current regime, seeing it as over-bureaucratic, burdensome and too prescriptive. When the LGA Leadership Board met in October and considered the emerging proposals, it agreed that the sector should not seek to establish a replacement framework within which councillors should operate. It did, however, emphasise the importance of maintaining high ethical standards and accountability within the sector. Standards of conduct and behaviour within local government are generally very high, with serious failures being in a tiny minority, and compare favourably with most, if not all, other sectors.

The Leadership Board agreed that the Local Government Group should continue actively to support authorities who are experiencing difficulties with their corporate governance and we will ensure we do so. The Board also agreed to communicate to all councils the legal and other provisions already in place or emerging which the government feels can be used for dealing with serious failures of conduct and behaviour within local government. In line with this, please find **attached** a paper produced jointly by the Local Government Group and the Association of Council Secretaries and Solicitors (ACSeS) entitled 'Maintaining High Ethical Standards in Local Government' and which covers the following:

- The position of the Nolan Principles
- Registering interests
- Fiduciary duty of councillors
- Criminal and civil law including discrimination and electoral offences
- Local Government Ombudsman
- Audit Commission powers
- The common law position of bias, predisposition and predetermination

I am confident that local government will successfully adapt to the forthcoming changes to the standards regime, benefit from the reduced bureaucracy and prescription and continue to demonstrate the highest of ethical standards – with the latter being integral to promoting citizens' trust in local councils and the democratic process.

A handwritten signature in black ink, appearing to read "John Ransford".

John Ransford
Chief Executive
Local Government Association