

ROTHERHAM BOROUGH COUNCIL - REPORT TO MEMBERS

1. Meeting:	Standards Committee
2. Date:	8 th September 2011
3. Title:	Localism Bill and Future of Standards Committee
4. Directorate:	Chief Executive's Directorate

5. Summary

On 14th April the Committee considered a report on the future of the Standards Committee and made certain recommendations to the full Council, which were adopted by the full Council at its meeting on 27th July 2011. The recommendations were –

“That the Council adopt a Voluntary Code of Conduct and that a further report be submitted upon the contents of such a Code.

- (2) That a Standards Committee continue to be appointed by the Council.
- (3) That a further report be submitted upon the suggested composition of such a Committee and its Terms of Reference, once the likely final provisions of the Localism Bill and proposed regulations regarding Members' Interests become clearer”.

The Localism Bill was scheduled to receive its third reading in the Lords on the 5th September following which it will return to the Commons for consideration of any amendments made to the Bill by the Lords. The provisions of the Bill concerned with the standards regime (Chapter 5 (standards) and Schedule 4 (conduct of local government members) have so far remained unchanged. It is therefore likely that these provisions will become law in their current form.

Chapter 5 abolishes the Standards Board regime, which consists of interdependent elements: the Standards Board for England and local authority standards committees, guidance, and legislation such as the model code of conduct for local authority councillors.

In its place there will be a duty placed upon certain authorities (classed as “relevant authorities” in the Bill), including district councils (for example Rotherham Borough Council) and town and parish councils to promote and maintain high standards of conduct by members and co-opted members of the authority (clause 16 of the Bill).

For the purpose of discharging this duty, a relevant authority may adopt a voluntary code of conduct that applies to its members and co-opted members when they are acting in that capacity. Only a relevant authority may revise, replace or withdraw

without replacement a voluntary code that it has adopted in relation to its members and co-opted members. The authority must publicise its adoption of a voluntary code and any decision to revise or withdraw it. There are also provisions relating to the manner in which allegations alleging a breach of the voluntary code are dealt with and the action (if any) to be taken against the member concerned (clause 17 of the Bill).

The Secretary of State will be empowered to make regulations requiring the monitoring officer of a relevant authority to keep a register of interests of members and co-opted members of the authority and requiring the authority to make copies of the register available to the public and inform the public of the availability of the register. The regulations will prescribe the financial and other interests that members and co-opted members must register; the circumstances in which they may take part in the discussion of any business in which they have a registrable interest; and the sanctions that may be imposed by the authority for breach of the regulations, which will not extend to suspension or partial suspension or disqualification. The authority will have the ability to grant dispensations from the regulations in specified circumstances (clause 18 of the Bill).

A member who fails to comply with the regulations without reasonable excuse will commit an offence and on conviction at the magistrates' court face a maximum fine of £5000. The court will also have the discretion to disqualify the member from sitting as a member of the authority for up to five years or as a member of any other relevant authority. A prosecution will be instituted by or on behalf of the Director of Public Prosecutions. The proceedings will have to be brought within twelve months of the prosecutor considering there is sufficient evidence to prosecute with a long-stop date of three years after the commission of the offence or, in the case of a continuous breach, after the last date on which the offence was committed (clause 19 of the Bill).

The 14th April report identified a number of issues to be addressed were the Council minded to adopt a voluntary code of conduct overseen by a standards committee, namely the –

- composition of a voluntary standards committee;
- option of a combined audit and governance committee (CIPFA advice is that an audit committee should be independent and not combined with other council functions);
- option of a sub-regional shared standards committee (see below);
- terms of reference of the committee and the frequency of its meeting;
- form of a voluntary code of conduct for members and co-opted members;
- investigation of alleged breaches of a voluntary code and appropriate range of sanctions;
- support to the town and parish councils.

At the 14th April meeting, members of the committee were invited to submit their views on the future of the Standards Committee and attached at Appendix A are the responses of the vice-chair and Cllr Rowley.

The Director of Legal Services at Sheffield City Council recently circulated an e-mail to the monitoring officers of Barnsley and Doncaster Councils and the Council advocating a shared standards regime. Drafts of Sheffield's proposed Standards Protocol and draft procedure for dealing with allegations of breach of the Sheffield Code of Conduct are attached at Appendix B.

There might be the opportunity to make savings through economies of scale from a shared arrangement but this would very much depend upon the composition of the shared standards committee, the officer support it would require and where it habitually sat.

A shared arrangement would invariably result in the members and co-opted members of all four sub-regional authorities having to comply with a uniform standard of conduct but there could be a potential pitfall in that the committee might lack knowledge of particular local circumstances when drawing up policies and guidance and investigating alleged breaches of a common voluntary code.

It is suggested that each of these issues is explored over the next few months with a view to proposing to the Cabinet and the Council an appropriate standards regime and voluntary code of conduct once the Localism Bill has become law.

6. Recommendations

IT IS RECOMMENDED that members note this report and consider the proposed course of action.

7. Proposals and details

Please see paragraph 5.

8. Finance

There are no financial implications arising from this report.

9 Risks and Uncertainties

10 Policy and Performance Agenda Implications

The Council is committed to maintaining high standards of conduct by its members and co-opted members and will be under a duty to promote and maintain those standards when the Localism Bill becomes law.

11 Background Papers and Consultation

The Localism Bill

Report to the Standards Committee on 14th April 2011.

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