

Internal Memo

Legal & Governance Services Department

To: All Members of Standards Committee
Independent Members:
Cllr Bill Stephenson, Leader of the Council
Cllr Susan Hall, Leader of the Opposition

Your Ref:

From: Jessica Farmer

Our Ref: sup JFARMER

FAO:

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ADVICE NOTE TO COUNCILLORS REGARDING THE LOCALISM BILL 2010

The Localism Bill has now been introduced into Parliament. The reforms cover four broad areas strengthening local democracy, community empowerment, reform of the planning system and social housing reform.

As far as Standard Committee matters are concerned the Bill gives local authorities new flexibilities. This includes the revocation of the members Code of Conduct, the abolition of Standards Boards for England and the requirement for local authorities to have a Standards Committee. Instead it will be a criminal offence for Councillors to fail to register or withdraw for a personal interest (the scope of this awaits regulations).

Local authorities may still adopt a non-statutory code and will have a duty to consider allegations of breaches of the code. Breaches of the code can still be investigated and there is still a general duty to promote and maintain high standards of conduct. However there are no statutory sanctions against a member who offends the Code of Conduct unless it is in relation to an interest. So as the Bill is currently drafted there will no longer be a power to suspend or disqualify councillors who bully, are rude, disclose confidential information or bring their authorities and local government generally into disrepute provided that they do not commit a criminal offence. A member will remain in office until the electorate have a chance to remove them at the next election. Proposals for electoral recall to allow the removal of councillors mid-term on evidence of serious mis-conduct have not been included in the Bill.

At the last meeting of the Standards Committee, the Committee asked if I would draft a note and circulate it to Members of the Standards Committee, group leaders and independent members outlining what was in the Localism Bill in relation to Standards. Members could then discuss the matter in their party groups with a view to decisions being made at Council. The decisions to be made are: whether the authority wishes to adopt a Code of Conduct, what any such Code of Conduct may contain and what if any system of procedure the Council may wish to see with regard to breaches of such a code.



The issues, including the possibility of setting up a working group, can be discussed at Standards Committee in March with a view to officers preparing reports for Council in due course.