

Committee:	Standards Committee	Agenda Item No.:	9.
Date:	11 th January 2011	Category	*
Subject:	Localism Bill	Status	Open
Report by:	Solicitor to the Council		
Other Officers involved:	Legal and Standards Officer		
Director	Chief Executive Officer		
Relevant Portfolio Holder	This relates to the ethical framework and is therefore relevant to all Members.		

RELEVANT CORPORATE AIMS

COMMUNITY SAFETY – Ensuring that communities are safe and secure
CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services
ENVIRONMENT – Promoting and enhancing a clean and sustainable environment
REGENERATION – Developing healthy, prosperous and sustainable communities
SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.
STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

This report relates to proposed changes to the ethical framework contained in the Localism Bill and therefore relates to all the corporate aims.

TARGETS

Not applicable

VALUE FOR MONEY

These are Government proposals at present and do not have monetary consequences.

THE REPORT

The Localism Bill was published on Monday the 13th December 2010 at the same time as the figures for the financial settlement were given. There are a large number of areas covered in the Bill - it is seen as the biggest local government bill in a very long time.

The areas covered include introducing a general power of competence, Housing, Planning, local authority governance arrangements including the Constitution, Referendums, Senior Pay Policy Statement and the ethical framework.

The changes proposed to the ethical framework include the abolition of Standards for England and the mandatory code of conduct and the system

which goes with it. The system which is proposed to replace it includes the following elements:-

- ✓ There will be a duty on local authorities to promote high standards of ethical behaviour by its councillors.
- ✓ There will be power to adopt a voluntary code of conduct for members.
- ✓ There will be power to choose to have a Standards Committee.
- ✓ If allegations are made, these are still to be investigated by the local authority.
- ✓ There will still be a requirement for a councillors register of interests to be kept by the Monitoring officer. Regulations will specify the interests to be declared in the Register and where these will prevent participation by a councillor. There will be a requirement for the register to be made public.
- ✓ There will be power to grant dispensations.
- ✓ There will be power to sanction a failure by a councillor in relation to the ethical framework, but this will not include suspension or disqualification. In essence there will be power to censure, require training to be undertaken, prohibit from non public areas of the Council and the general “softer” sanctions to be applied.
- ✓ The Monitoring Officer role for parish councils will be specified in regulations as to who will carry it out.
- ✓ It will be a criminal offence to fail to declare or register an interest. The maximum fine will be level 5 (£5000) on the standard scale, disqualification for up to 5 years. Prosecution by DPP only

In addition the Bill includes the following:-

- ✓ Changes to governance arrangements to allow Councils to return to the Committee system. This will be possible following the elections in 2015.
- ✓ Reduction in the number of parts of the Constitution which Councils are required to keep. There will still be a requirement for the Constitution to include the Delegation Scheme, Contracts Standing Orders and Financial Regulations and procedure rules.
- ✓ Provisions to allow the electors to ask for a referendum on the level of Council Tax.
- ✓ There are provisions on predetermination, though the effect of these is not yet clear. It is believed these provisions state the current position in case law.

ISSUES FOR CONSIDERATION

The contents of the Localism Bill.

IMPLICATIONS

Financial: None
Legal: None until enacted
Human Resources: None

RECOMMENDATION(S) that

Members consider the contents of the Localism Bill relating to the ethical framework and the Constitution.

ATTACHMENT: **N**
FILE REFERENCE: None
SOURCE DOCUMENT: ***Localism Bill***