

ITEM NO: 5

REPORT TO:	STANDARDS COMMITTEE
DATE:	13 December 2011
REPORT OF:	Sandra Stewart - Borough Solicitor (Monitoring Officer)
SUBJECT MATTER:	ARRANGEMENTS RELATING TO THE ABOLITION OF STANDARDS FOR ENGLAND
REPORT SUMMARY:	<p>On the 16 November 2011 Standards for England updated their website to state that:</p> <p><i>“The government’s Localism Bill received Royal Assent on 15 November, meaning the Localism Act has now become law.</i></p> <p><i>Under the standards provisions of the Act, Standards for England’s regulatory functions will shortly cease. The date will be confirmed in commencement orders but we anticipate this will occur on 31 January, 2012.</i></p> <p><i>We expect further detail on transitional arrangements to be set out in regulations before the end of January.</i></p> <p><i>In the meantime, any questions about the standards arrangements to be introduced, as set out in the Localism Act, should be referred to the Local Government Standards team in the ‘Conduct and Council Constitutions Division’ at the Department for Communities and Local Government on switchboard number 0303 444 0000.”</i></p> <p>On the 7 December 2011, the attached email Appendix 5A was received by the Council advising of the Standards for England position.</p>
RECOMMENDATION(S)	To note.
FINANCIAL IMPLICATIONS: (Authorised by Borough Treasurer)	There are no significant financial issues arising from this Report.
LEGAL IMPLICATIONS: (Authorised by Borough Solicitor)	These are set out in the report.
RISK MANAGEMENT:	Standards Committees should be aware of the National position in order that consistency of approach is taken in respect of setting and advising on local ethical and standard issues.
LINKS TO COMMUNITY PLAN:	Support the current arrangements for ethical and corporate governance of the Authority to ensure that the public can have confidence in accountability of elected Members and the maintenance of high ethical standards.
ACCESS TO INFORMATION:	NON-CONFIDENTIAL This report does not contain information which warrants its consideration in the absence of the Press or members of the public

REFERENCE DOCUMENTS:

Standards Board for England Events which can be obtained from the public website:

Any background papers or further information can be obtained from the Council's Borough Solicitor and statutory Monitoring Officer by contacting 0161-342-3028 or by e-mail Sandra.Stewart@tameside.gov.uk

APPENDIX 5A

From: James Cessford [mailto:James.Cessford@standardsboard.gov.uk]

Sent: 06 December 2011 16:36

To: Sandra Stewart

Subject: Arrangements relating to the abolition of Standards for England CRM:00871989

ARRANGEMENTS RELATING TO THE ABOLITION OF STANDARDS FOR ENGLAND

As you will already no doubt be aware, it is the government's intention to effect the abolition of the "Standards Board Regime" through the Localism Act 2011. This means that, under the standards provisions of the Act, Standards for England is to be abolished.

The government has now clarified the timetable for our abolition in response to a parliamentary question from Lord Greaves, although this is still subject to formal confirmation through regulations. It is the government's intention that our abolition will take effect on 31 March 2012.

Prior to this, our regulatory role in handling cases on your behalf and issuing guidance will stop from a date that will be set out in regulations but, as noted in the government's response to Lord Greaves, is anticipated to be 31 January 2012.

From this date, Standards for England will no longer have powers to accept new referrals from local standards committees or conduct investigations into complaints against members. Any existing referrals or investigations we have at that time will be transferred back to the relevant authority for completion. However, any complaints which are being handled locally on that date will need to continue through to a conclusion; and similarly any matters relating to completed investigations or appeals which have been referred to the First Tier Tribunal will continue to conclusion.

As stated, this means we will be returning, to local authorities, any existing referrals or open investigations which we have been unable to complete by 31 January. We currently have a number of cases which we expect will not be completed by this date, and we have already contacted the monitoring officers in question to agree handover arrangements.

You may also wish to note that - while we can continue to receive referrals of new cases up to 31 January, and we will continue to assess whether it is in the public interest to take them on or not for the short time remaining - it will become increasingly unlikely that we will feel in a position to take a case where the investigation is likely to go beyond the end of January.

Standards for England staff will, of course, continue to be on-hand between now and the end of January to facilitate the transfer of existing referrals and open cases back to local standards committees, as well as to provide advice and guidance on the current framework.

Please note that these arrangements relate only to the role of Standards for England in the current standards framework. It is for DCLG to confirm when the other standards elements of the Localism Act 2011, such as the removal of powers from existing local standards committees, the requirement to adopt a local Code and to appoint an independent member, will come into force.

Any questions about future standards arrangements should therefore be referred to the Local Government Standards team in the Conduct and Council Constitutions Division at the Department for Communities and Local Government (DCLG). They can be contacted via the DCLG switchboard on 0303 444 0000. We will be working closely with DCLG to ensure an orderly handover and closure of our organisation. We take this opportunity to thank you for your support and co-operation in recent months. Please do not hesitate to contact us if you require further details about any of the above information. Our enquiries line is 0845 078 8181.

Yours sincerely,

Tim Leslie

Interim Chief Executive