

STANDARDS COMMITTEE AGENDA



Tuesday 12 April 2011

at 4.00 p.m.

**in Committee Room C,
Civic Centre, Hartlepool.**

MEMBERS: STANDARDS COMMITTEE:

Councillors Fleet, Griffin, Dr Morris, Preece, Shaw, Simmons and Sutheran.

Co-opted Members: B Footitt, B Gray and T Jackson.

Parish Councillors: A Bell, Hart Parish Council and 2 vacancies.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 14 December 2010

4. ITEMS FOR DECISION / INFORMATION

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4.1 Business Paper – *Chief Solicitor*

STANDARDS COMMITTEE

MINUTES AND DECISION RECORD

14 December 2010

The meeting commenced at 4.00 pm in the Civic Centre, Hartlepool

Present:

Barry Gray, Independent Member (In the Chair)

Councillors Mary Fleet, Sheila Griffin, Dr Morris, Arthur Preece, Jane Shaw
and Chris Simmons

Ted Jackson, Independent Member

Also Present:

Richard Corney, Assistant Ombudsman, Local Government
Ombudsman's Office

Officers: Alyson Caman, Solicitor and Deputy Monitoring Officer
Peter Turner, Performance and Consultation Manager
Denise Wimpenny, Principal Democratic Services Officer

30. Apologies for Absence

Apologies for absence were submitted on behalf Parish Council Representative, Alan Bell.

31. Declarations of interest by members

None

32. Confirmation of the minutes of the meeting held on 5 October 2010

Confirmed.

33. The Local Government Ombudsman's Annual Review 2009/10 and Visit to Hartlepool Borough Council *(Chief Solicitor)*

The report included background information to the establishment of the Local Government Ombudsman and the role of the Ombudsman. Attached to the report was the Local Government Ombudsman's Annual Review for

the year ended 31 March 2010 which summarised the complaints relating to Hartlepool Borough Council which had been dealt with by the Ombudsman's Office over the period in question.

It was noted that for the period ending 31 March 2010, the Ombudsman's Office received a total of 17 enquiries and complaints. Three matters were judged to be premature with 11 complaints being referred for consideration. In total, 10 complaints were determined during the year as outlined in the Annual Review. Of those complaints, one was "closed" as it was not considered to be within the jurisdiction of the Ombudsman's Office whilst 5 further complaints were not taken further as part of the general discretion available to the Ombudsman not to pursue such matters. In 2 of the remaining cases, there was no evidence of maladministration and the Council agreed to settle 2 remaining complaints in that it was appropriate to offer some form of remedy to the complainant's satisfaction.

The Chair welcomed the representative from the Ombudsman's Office who had been invited to the meeting to comment on the authority's performance together with the current and future role of the Ombudsman.

The representative commented that the level of complaints from this authority was low, response times for complaints were very good and wished to see the excellent standards of performance maintained.

Members were advised on the current role of the Ombudsman, the possible changes to their role as a result of the Government's decision to abolish the Standards Board Regime and the recent reduction in funding to public bodies, the implications of this decision as well as the benefits of the current arrangements. Reference was made to the recent publication of the localism bill and the potential outcomes as a result of this change in legislation.

Following a brief adjournment as a result of power failure in the Civic Centre, the Chair closed the meeting due to limited facilities available to continue the meeting.

Decision

That the contents of the report and the comments of the representative from the Ombudsman's Office, be noted.

The meeting concluded at 4.50 pm.

CHAIR

STANDARDS COMMITTEE

14 April 2011



Report of: Chief Solicitor

Subject: BUSINESS PAPER

1. STANDARDS FOR ENGLAND – CASE REVIEW 2010

1. BACKGROUND

- 1.1 Over the last couple of years Standards for England have produced a case study with an analysis of the Code of Conduct, paragraph by paragraph. The Case Review 2010 is the third publication of its type, published December 2010. The new version is at the request of Monitoring Officers to enable them to have an up to date on line resource. Each paragraph of the revised Code (2007) is explored through a series of questions and answers, followed by tribunal and court case examples wherever possible. It supersedes *The Case Review 2007* and *The Case Review 2008 Digest* which were sent out in hard copy to all principal authorities. In addition there is a new section which deals with important cases concerning procedural issues.
- 1.2 The new version takes into account legislation and case law and the ever evolving interpretation of the Code of Conduct which resulted in the updated version, which covers cases up to the end of October 2010. It is the intention of the Standards Board to keep the Review up to date and under constant review to reflect the developing understanding of the Code.

2. HOW TO USE THE CASE REVIEW

- 2.1 Each of the 14 Paragraphs of the Code has introductory information plus Q & As and case examples, in most cases. The final 'Procedural Issues' section has four subsections containing categories of case examples: Investigations, Hearings, Determinations and Sanctions and Rules and Procedures. There is a decision link below each case examples which takes you to the Final Full Decision published on the First Tier Tribunal website.

3. ACCESSIBILITY

The Case Review 2010 is a large 142 page document and is available on the Standards for England website:-

[http://www.standardsforengland.gov.uk/CaseinformationReporting/OnlineCase Review 2010/](http://www.standardsforengland.gov.uk/CaseinformationReporting/OnlineCaseReview2010/)

Hartlepool Borough Council Standard Committee members were sent a letter on 23 December 2010, informing them of the Case Review 2010. Members were guided to the link on the internet and advised that a hard copy was available on request.

RECOMMENDATION

To note and discuss.

2. THE LOCALISM BILL

2.1 BACKGROUND

2.2 As previously reported to members The Localism Bill was included in the Queen's Speech on 25th May, 2010. The government set out its intention to abolish the 'Standards Board Regime' in its entirety through the Localism Bill. Subject to the Bill's approval the changes will:

- Revoke the Relevant Authorities (General Principles) Order 2001 (SI 2001/1401) and the Local Authorities (Model Code of Conduct) Order 2007 (SI 2007/1159)
- Abolish Standards for England and the requirement for local authorities to have standards committees.
- Remove the jurisdiction of the First tier Tribunal (Local Government Standards in England) to hear and determine references and appeals relating to the conduct of local authority members.

2.3 Following the abolition of the Standards Board regime, local authority members will be required to continue to register and declare personal interests. However, there will be no requirement for local authorities to adopt a model code of members' code of conduct or maintain a standards committee. They may however establish voluntary standards committees, which will consider complaints about the conduct of elected and co-opted members and it will become a criminal offence if a member fails to register or declare an interest or deliberately misleads the public about an interest.

2.4 It is likely that Standards for England will cease to investigate complaints in late 2011 and will be formally abolished in early 2012.

2.5 STANDARDS FOR ENGLAND RESPONSE TO CHANGES

2.6 The Standards for England have responded by publishing information on the effect of the provisions of the Localism Bill relating to standards on their website and this will be updated as the Bill makes its passage through Parliament.

2.7 Prior to the legislation, Standards for England received a letter from Local Government Minister Bob Neill setting out the Government's proposition in detail. This is attached at **Appendix A**.

2.8 The Standards for England Chair Dr Robert Chilton has written to standards committee chairs to inform them of the content of the minister's letter. The letter is attached at **Appendix B**.

2.9 The Standards for England website www.standardsforengland.gov.uk has produced a summary of the effect of the provisions in the Localism Bill attached at **Appendix C**.

2.10 Responses to Parliament on the Bill in relation to the abolishment of Standards for England and local standard committees

2.11 Attached at **Appendix D** is a memorandum submitted by Taunton Deane Borough Council to Parliament for consideration. Links to this and other commentary on the bill can be found at <http://www.publications.parliament.uk/pa/cm201011/cmpublic/localism/memo/loc153.htm>.

2.12 RECOMMENDATION

To note and make comment upon the Appended documents.

3. BULLETIN 48

3.1 Members have previously been provided with Bulletins relating to the Standards for England's schedule of activities for the coming year. The latest bulletin is attached, published in August 2010 and is attached at **Appendix E**

RECOMMENDATION

To note and discuss

4. CONVENING OF ASSESSMENT SUB-COMMITTEE OF THE STANDARDS COMMITTEE

4.1 The Deputy Monitoring Officer is in receipt of a number of complaints against members and these are currently being heard by Assessment Sub-Committees, between March and April 2011. Members are reminded that on receipt of a formal complaint a Assessment Sub-Committee is not required to decide if the Code of Conduct has been breached. It is only

considering if there is enough information which demonstrates a potential breach of the Code of Conduct that warrants referral for investigation or other action. The Assessment Sub-Committee can decide that no action needs to be taken or that the matter should be referred to the monitoring officer of the authority for an investigation or other action or referred to the Standards Board for England. The allegation will be considered based solely on the information provided by the complainant along with any relevant information readily available such as minutes of council meeting. The Assessment sub-committees will not meet in public and only committee members and officers advising them will be present.

RECOMMENDATION

1. To note and that the Standards Committee be kept updated on the outcome of the Assessment Sub-Committees at its next meeting.

5. CONTACT OFFICER

ALYSON CARMAN
LEGAL SERVICES MANAGER



Dr. Robert Chilton

461 App A.
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A handwritten signature in dark ink, appearing to read "Bob Neill".

15 OCT 2010

Conduct of local authority members

Recently Andrew Stunell announced the broad package of changes that we intend to put in place to abolish the Standards Board regime. A press notice relating to this announcement is available on the Department's web-site at:

<http://www.communities.gov.uk/news/corporate/157558411>

When we met on Wednesday 15 September, I undertook to let you have the details of what we are proposing once the package of changes was announced, and accordingly I enclose a short paper setting out the changes we intend to make.

I would of course be very happy to discuss these with you and your Committee. If you would like a meeting, please don't hesitate to get in touch with my office.

A handwritten signature in dark ink, appearing to read "Bob Neill".

A handwritten signature in dark ink, appearing to read "Bob Neill".
BOB NEILL MP



Abolition of the Standards Board regime

The Standards Board regime

The Coalition Agreement *Our Programme for Government* included the commitment to "abolish the Standards Board regime".

The Government considers that the Standards Board regime, consisting of a centrally prescribed model code of conduct, standards committees with the power to suspend a local authority member and regulated by a central quango was inconsistent with the principles of localism. In addition there is a concern that the regime is a vehicle for vexatious or politically motivated complaints.

The Government considers that it is the right and the responsibility of the electorate to determine who represents them and that the abolition of the regime will restore power to local people.

Accordingly, given the interdependencies of the bodies, requirements and guidance that constitute the Standards Board regime, the Government is proposing to abolish the regime in its entirety.

Subject to Parliament approving the necessary legislation, the changes are as follows:

- The Relevant Authorities (General Principles) Order 2001, which sets out the principles which govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales, will be revoked.
- The Local Authorities (Model Code of Conduct) Order 2007 (S.I 2007/1159) which prescribes the model code of conduct to apply to members of relevant authorities, will be revoked.
- The requirement for local authorities to have standards committees will be abolished.
- Standards for England (formally known as the Standards Board for England) will be abolished. Established by the Local Government Act 2000 and the regulator for local authority standards committees, the Standards Board requires primary legislation to abolish it and its legislative functions. None of the Standards Boards functions will be transferred to other bodies.

- The First-tier Tribunal (Local Government Standards in England), the independent judicial tribunal established as a disciplinary body to hear and determine references and appeals concerning the conduct of local authority councillors, will lose its jurisdiction over the conduct of local authority members.

It is intended to effect the abolition of the Standards Board regime through the Localism Bill. It is anticipated that the Bill will be laid before Parliament in December and will receive Royal Assent late-2011.

The present conduct regime (a model code governing local authority members' conduct and enforced through local authority standards committees, regulated in turn by the Standards Board for England), will continue to function in a normal manner, considering, investigating and determining allegations of misconduct, until a fixed date ("the appointed day"), probably two months after the Bill receives Royal Assent.

This means that until the appointed day, an allegation of misconduct can be made; after the appointed day, no further allegations of misconduct can be made under the standards board regime. It also means that at the appointed day, allegations will be in the process of investigation and, further, that appeals against sanctions will be pending. Transitional measures will be put in place to address this.

Proposed transitional measures

Any cases in the system at the appointed day will make their way through a transitional regime. This would meet the expectation of those who had made allegations that their allegations would be properly dealt with. It also enables that if a member has an allegation made against them, they should have the opportunity to clear their name.

The Government propose that any investigations being undertaken by Standards for England transfer, on the appointed day, to the local authority that referred the investigation. It will be for that local authority to arrange for the conclusion of the investigation. The local authority's standards committee will remain established until the last complaint it is considering, referred either internally or from Standards for England, has been dealt with.

Any cases with which the First-tier Tribunal (Local Government Standards in England) is dealing on the appointed day will be concluded by that tribunal. It will not receive any appeals against standards committee rulings after that date.

The right of appeal will not exist for those cases standards committees deal with as they work their way through the transitional system. The Government considers that the risk of protracted proceedings justifies this approach. The sanctions available to standards committees are significantly less severe than the sanctions available to the First-tier Tribunal (Local Government Standards in England).

Further, the Government propose that the suspension sanction is removed from standards committees for the transitional period. Hence the most a standards

committee could do is, for instance, to issue a councillor with a censure or a request that they undergo training.

The conduct regime in a post-Standards Board world

The Government is committed to maintaining high standards of conduct in office and will ensure that, in the absence of a statutory code of conduct, councillors do not abuse their office for personal gain by putting their personal interests before those of the general community or local area that they represent. Members will be required to continue to register and declare personal interests and will not be allowed to use their position improperly for personal gain. The Government intend that wilful failure to comply with these requirements will constitute a criminal offence.

The requirement for local authorities to adopt a model code of conduct and for local authority members to abide by that code will be abolished. However, local authorities will be free to adopt their own, voluntary code of conduct should they so wish.

The requirement to maintain a standards committee will be abolished. However, local authorities will be free, should they choose, to establish voluntary standards committees to consider complaints about the conduct of elected and co-opted members. Such committees will, according to councils' local constitutions, be able to censure but will not be able to suspend or disqualify members from council membership.

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4.1 App B



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To: Standards Committee Chairs

30 November 2010

Dear colleagues

I would like to draw your attention to a letter sent to me from the Local Government Minister, Bob Neill MP about the Government proposals for the future of standards in local government. This letter has now been published on both our and CLG's website.

As you will know, since the Coalition Government announced its intention 'to abolish the Standards Board regime', there has been little detail available about what this would mean in practice. The letter from the Minister now sets out the proposition in greater detail.

In brief, you will see that the proposal is that, alongside the abolition of Standards for England, the First Tier Tribunal (Local Government Standards in England) would lose jurisdiction over member conduct. The Government also intends to remove the national Code of Conduct for councillors and the requirement to have a standards committee. Instead it would be for councils themselves to choose whether or not they wish to have a local code or a standards committee (which would be an 'ordinary committee' of the authority and therefore not need to have independent representation). Any standards committee would no longer have the power to suspend a member. There would also be a new criminal offence created relating to failure to register or declare interests.

In the meantime, you will see that these proposals will need primary legislation. Our understanding is that the Decentralisation and Localism Bill, which would contain such provisions, will be introduced to Parliament by the end of the year. The current framework will continue in place until such time as the bill receives Royal Assent and the relevant provisions are enacted. Our understanding is that

4.1 App B

this is likely to be some time in the summer or autumn next year, although exact timing will obviously depend upon Parliamentary progress of the bill as a whole. Consequently, in the meantime, as the Minister recognises, standards committees will continue to have a legal requirement to operate as now and, in particular, to continue to consider any allegations.

You will see that the Minister's letter sets out, in some detail, the transition arrangements that they intend to apply to any cases which will be in the pipeline at the end of the framework. While these proposals obviously depend on Parliamentary approval, in brief, Standards for England would cease to handle cases from an Appointed Day (likely to be two months after the coming into force of the provisions). At that stage, all cases still open would be passed back to the relevant local authority to complete. Any cases with the Tribunal at that stage would be completed but no further references could be made to it. Any cases being handled locally would need to be completed locally after that date by the standards committee, with no power to pass them to Standards for England or the Tribunal, but no new allegations could be made after the Appointed Day.

I hope that you find this helpful.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'R Chilton', with a stylized flourish at the end.

Robert Chilton
Chair

Localism Bill A brief summary of Chapter 5: Standards

1. The main provisions for the abolition of the standards regime are contained in Chapter 5 of the Localism Bill introduced into Parliament on 14 December 2010. Further provisions are set out in Schedules 4 and 24.
2. The Bill abolishes the standards regime overseen by the Standards Board for England, including the Model Code of Conduct for members of relevant local authorities in England and their standards committees. The abolition arrangements also affect the First-tier Tribunal (Local Government Standards in England) under the jurisdiction of the Ministry of Justice because the Tribunal will receive no further cases after those that it is already dealing with on the abolition date have been determined.
3. Authorities will be under a duty to promote high standards of conduct. The new arrangements for standards to help them comply with this duty will in part be voluntary, and in part mandatory, with criminal sanctions where certain interests are concerned. The Bill also makes provision for transitional arrangements regarding the Standards Board and ongoing cases.
4. The Standards Board for England will no longer exist and none of its functions will transfer to any other body. There will no longer be a requirement for relevant authorities to adopt a code of conduct for their members or to appoint standards committees, and there will be no mandatory enforceable code of conduct for members that they have to undertake to follow when they take up office (i.e. elected or appointed).
5. The relevant authorities that will be affected by the abolition of the current regime and the new arrangements cover 'relevant authorities'. These include authorities other than local councils - for example, police authorities in England and Wales until they are abolished (subject to the current Police Reform and Social Responsibility Bill being passed by Parliament). Relevant authorities will continue to include Parish Councils, but they will be responsible for their own standards instead of the relevant district or county authority.
6. Matters relating to standards will be the function, i.e. responsibility, of the relevant authorities but no function can be delegated to an executive (sometimes referred to locally as a cabinet), and the adoption of a voluntary code must be done by the authority as a whole.
7. There will still be a requirement, expressed as a duty, to promote high standards of conduct, but this will now be the function of the authority and not standards committees.
8. The duty and any voluntary arrangements adopted by an authority still only apply to members of authorities who can vote. This means that voting co-opted members will be covered by any new arrangements, but non-voting co-opted members will not.
9. Relevant authorities can create a voluntary code either by revising an existing code or adopting a code to replace an existing one. Because the code is voluntary, an authority can also withdraw an existing code without replacement. The authority can publicise what it has done about the code as it sees fit.

10. Where an authority has adopted a code, it can put in place any procedure it wishes to deal with complaints and take any action it sees fit, although this may exclude suspension or disqualification as these sanctions are expressly forbidden by provisions relating to how the council deals with failure to register or declare interests.
11. The arrangements regarding interests and criminal sanctions will be dealt with by way of Regulations issued by the Secretary of State, and the main requirement to maintain a register will remain with the monitoring officer for authorities which have monitoring officers. Although the Bill allows a specified person in parish councils to be responsible for maintaining a register, it may be that the regulations could specify that this responsibility will remain with monitoring officers for parish councils in their area.
12. The Regulations will be able to specify –
 - The interests to be registered
 - The requirements for disclosure
 - Participation in decision-making
 - Dispensations
 - Sanctions (but these cannot include suspension or disqualification) and
 - Access and publicity arrangements for a register.
13. Prosecutions in relation to interests can only be brought with the consent of the DPP. Offences can only be dealt with in the Magistrates Court, and will relate to:
 - a failure to register without reasonable excuse;
 - a failure to disclose without reasonable excuse; and
 - taking part in relevant authority business (which could be wider than taking part in formal meetings).
13. Sanctions available to the court on conviction are
 - A fine, the current maximum for which is £5,000
 - Disqualification for up to 5 years from any relevant authority or from standing or becoming a member.
 - The time limit for prosecutions is 12 months from when the prosecutor decides there is sufficient evidence to support a case, but no later than 3 years from when the offence occurred.
14. The transitional provisions will be made by secondary legislation and are referred to mainly in Part 2 of Schedule 4. Part 1 consists of amendments of specific legislation which mentions the Standards Board. Transitional provisions refer to property and assets of the Standards Board and arrangements for cases.
15. There is still much to be made clear on how some of these matters are to be dealt with in practice and how they link with existing legislation and the general law, particularly in relation to misconduct cases decided before the LGA 2000 came into force.

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- [MPs, Lords & offices](#)
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- [Get involved](#)
- [Visiting](#)
- [Education](#)

- [House of Commons](#)
- [House of Lords](#)
- [What's on](#)
- [Bills & legislation](#)
- [Committees](#)
- [Publications & records](#)
- [Parliament TV](#)
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Session 2010-11

Localism Bill

Memorandum submitted by Taunton Deane Borough Council (L 170)

1. Taunton Deane Borough Council is a district council based in Taunton, Somerset. The Council has had a Standards Committee since prior to the Local Government Act 2000 and the Council takes ethical governance in the authority very seriously.

2. Taunton Deane's Standards Committee has already sent a response to these proposals but the issue of the abolition of the standards regime has now also been considered by its Corporate Governance Committee who would like to make these additional comments.

3. The Corporate Governance Committee mirrors the concerns of its Standards Committee regarding the abolition of the mandatory code of conduct. It was extremely concerned about this and felt that the code has been helpful to members on the whole.

4. The Committee was also concerned that the proposals in the bill were to remove the current sanctions from the Standards Committee and felt that even if an authority did have a voluntary code that it would be seen to have 'no teeth' which was not helpful in satisfying the duty to ensure high ethical standards within the Council. The Committee were very much in favour of keeping the sanctions and allowing self regulation this is in line with the spirit of localism which is what this bill is meant to be about.

5. The Committee was also very concerned that the abolition of a mandatory code would allow parishes to not sign up to a voluntary code and this would do little for public confidence in the integrity of decision making at this level.

6. The Committee supported the views of the Standards Committee that this would create real inconsistencies in the processes and again was not helpful.

7. There were also concerns regarding the criminal sanctions being proposed for the failure to register interests and they felt that this was too draconian a measure when the reality was that councillors were generally very good about doing this and there was a concern that it may deter people off being a councillor.

8. The Corporate Governance Committee it would be grateful if the Parliamentary Scrutiny Committee would take its views into account and if further information is required it would be more than happy to assist.

March 2011

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Prepared 21st March 2011

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401 App E.

BULLETIN 48

This Bulletin comes at a time of big change for us following the Government's announcement of its intention 'to abolish the Standards Board regime'. Whilst we still await the detail of this policy, we will share with you what we know about what is proposed, and outline the timetable for our closure.

Although we have had to modify our work programme in light of this proposal, we remain 'open for business' and set out in this Bulletin our schedule of activities for the coming year. We are committed to continuing to work with you and support you in operating the standards framework successfully.

This is a sad month for us as we say goodbye to many valued staff leaving the organisation in our first wave of redundancies. We are losing people who have contributed much to this organisation, and many of whom have worked for us for some time. They will be much missed. We wish them all well in their future endeavours and thank them sincerely for their hard work.

Our Intention for Standards for England and the Standards Framework

The Government's 'Programme for Government' of 20 May 2010 contained the commitment to "abolish the Standards Board regime". Primary legislation is needed to abolish Standards for England, and we expect the provisions to be included in the planned Decentralisation and Localism Bill which is due to be presented in late 2010, with Royal Assent anticipated between July and October 2011. This is likely to lead to final closure of this organisation sometime between 31 December 2011 and 31 March 2012. We have not seen any transitional provisions at this stage but will provide an update in a later Bulletin, when we know more.

In the light of these circumstances we have reviewed our business plan for this year and next. Our current priorities are to fulfil our statutory duties, to support local authorities in maintaining high standards and to assist the government in developing and implementing any new arrangements they may choose to put in place.

In the meantime, the local standards framework still exists and standards committees and monitoring officers have an obligation to keep the system operating.

What we will be doing

- Continue to provide advice and information to those who phone or write to us with queries about the standards regime via our enquiries helpline, monitoring officer helpline or press helpline. We will respond immediately where we can by telephone or in writing by post or email.
- Update our guidance on the framework to make it easier to use.

There will be changes to the content of the guidance where sections may be out of date, inaccurate or incorrect. We have received several suggestions from stakeholders and will incorporate these in the guidance where appropriate.

The format of the guidance is changing to make it easier to use and more helpful. It will highlight all statutory requirements and provide a link to the relevant legislation.

We are not proposing to produce any other new guidance products, unless a specific need is identified. All revised guidance will only be available via our website.

- Produce an updated case review.

As a result of a request from the Association of Council Secretaries and Solicitors, and to assist the standards community as a whole, we are updating the Case Review 2007 to reflect cases decided by the First Tier and Upper Tribunals since the Case Review was last updated in 2008.

- Continue to carry out investigations referred to us by standards committees.

See the article towards the end of this bulletin on the factors we take into account when deciding whether to accept cases for investigation

- Maintain existing relationships with key stakeholder organisations.

Standards for England will continue to provide support to those in the regulated and standards community who have requested our help with ethical issues.

- Meet requests for staff to give presentations or attend training events.

We will continue to provide staff and material for presentations and training events where we are requested to attend and where it fits in with our current business plan.

- Maintain our web site as a resource to support standards committees.

We will carry out routine maintenance of our website and the guidance we provide on it. We have published our Annual Report and Annual Accounts online but we will not be printing these publications.

An update on monitoring returns

In June 2010 we sent out an email to all monitoring officers explaining that we had decided to postpone the return for the April to June quarter. As part of the review of the Business Plan we considered our requests for local authorities to complete quarterly monitoring. There will be no further requests for the submission of quarterly or annual returns. We do not anticipate re-establishing these procedures, unless a specific monitoring need arises in which we have to play a part.

The online questionnaires have been removed from our website and are now inaccessible. However, the information submitted by local authorities is available on request. If any authority wishes to obtain a copy we can provide them with pdf versions of any of the following:

4.1 App E

- The standards committee composition details, correct as of the last date of monitoring (31 March 2010)
- Two years of case information, listed in chronological order by date received
- Annual Return 2008/09
- Annual Return 2009/10

Please email requests to authorityreturns@standardsforengland.gov.uk

Aggregated summary statistics of the quarterly return information are still available online at

<http://www.standardsforengland.gov.uk/CaseinformationReporting/Localstatistics/>

We will shortly be publishing an online report of the annual return information collected for 2009/10. This includes an introduction to the data, a key figures page, a summary of the findings and a full list of all the most common responses to each question.

Factors for Complaints by SfE

We have reviewed the factors we take into account when assessing if we will accept cases in the public interest, referred to us by local standards committees, for investigation. We reviewed the factors to see whether they were still appropriate taking into account the Government's stated policy, its localist approach to regulation of local government and our reduced budget.

We concluded that both the underlying criterion of public interest and the relating factors are consistent with our statutory purpose and continue to be valid while the current standards framework remains in place. Therefore we have not made any changes to the factors or criterion. However, when considering whether to accept cases we will have to have regard to the resources we have available and take account of the relative importance of cases.

Request to extend term of independent members

We have been asked if an authority has to follow our recommendation that independent members serve no more than two terms of four years after which new members should be recruited. Some authorities are concerned that, given the current uncertainty regarding the future of the standards regime, it may be preferable to retain those who have been trained and understand their role rather than to try to recruit and appoint new members. In light of the uncertain future of the standards framework we advise that, as long as the original appointment was carried out in accordance with all the correct legal requirements at the time (e.g. approved by full council, after being openly advertised and having assessed the suitability of all the applicants) an authority can extend that term for a further period. This can only be done during the term of office of an existing independent member and by approval from full council. Once the independent member's term has expired the full recruitment procedures must be followed again.

401 AppE

Tell us how it should be done

The Standards Forum now has more than 1,100 users and over 200 posts on almost 70 different topics. The subjects of vexatious complaints, informing the subject member about a complaint and promoting ethical behaviour continue to be popular. More recently posts about subject members resigning before an election and discussions about the future of the standards regime have been generating interest.

If you have anything to say about these issues or if you want to share good practice, seek advice from your peers or simply draw attention to something you think might be relevant to others, do it on the Forum. To have your say, visit:

www.standardsforengland.gov.uk/resources/TheStandardsForum/

The Forum is open to members of standards committees, monitoring officers and other relevant council officers. If you are not currently registered for the Forum and would like to have access, please email: forum@standardsforengland.gov.uk