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Our ref: PU/IW/MC/5/8/1

Your ref:

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Dear Doctor Chiltern

Standards for England – The Future

I refer to your letter dated 1 June 2010 which has now been considered by the Epping Forest District Standards Committee at its recent meeting.

The Committee noted that you are inviting Monitoring Officers and Standards Committee members to comment on the current situation concerning Standards for England, and the Government's intention to wind up the organisation.

The Committee has asked me to raise the following issues:

(a) Advice and Support

The Committee values the advice and support network provided by Standards for England and in particular the material contained on its website. Members placed great significance on this information in that it helps to ensure that across the country Standards Committees and Monitoring Officers deal with the ethical framework on a sound basis of advice. This avoids the possibility that, with a looser framework, differing standards of applying the ethical framework might begin to develop. The situation would be similar to Magistrates' Courts working without the framework provided by Crown/County Courts. Disbanding a national standard would be counter-productive in that each local authority would have to produce its own standards with the attendant increased demands on resources and time. Inevitably, inconsistencies would emerge as time goes by.

(b) Referral of Local Complaints

The Epping Forest District Standards Committee has not always been able to conduct a local investigation or adjudication into complaints against Councillors. In those circumstances, it has been useful to be able to refer such complaints for investigation by Standards for England. The Committee are concerned about what will replace the current arrangements once Standards for England ceases to operate. They feel that the ability of a local Standards Committee to refer a complaint to another Agency where circumstances require this must be retained, albeit in a different form.

The Committee discussed the idea of whether complaints could be referred to another Monitoring Officer/Standards Committee. The difficulty with this approach up to now has been that it has always been on a reciprocal basis without any degree of compulsion. Many Monitoring Officers and Standards Committees have their own ethical framework issues to deal with and it is understandable that it is sometimes difficult to conclude such arrangements.

Standards Committees can, of course, be combined for two or more local authority areas. This has never been an approach which the Standards Committee here has been able to support. Members consider that wherever possible local issues should be dealt with locally. One potential problem with referring complaints to other Monitoring Officers/Standards Committees in areas like this is that many of the neighbouring authorities are London Boroughs. Those Authorities may not always be familiar with the unique problems in Parish Councils.

(c) Directions by SFE (Standards for England)

The Committee also feel that some attention needs to be given to the status of Directions issued by Standards for England and which might still be current, even when Standards for England is disbanded. I have already heard it said locally that, with the future of Standards for England uncertain, Directions may not matter any more. I think this is something which the Government needs to address.

(d) Standards for England

It is presumed that Standards for England remains in being until such time as the relevant statutes are changed to facilitate abolition. The timescale for this and what is intended to replace Standards for England will be a matter of concern to all Monitoring Officers and Standards Committees, as indeed is the future of the ethical framework itself.

The Committee has asked me to send a copy of this letter to Grant Shapps MP, the Minister for Housing and Local Government. Mr Shapps has already written to Epping Forest District Council seeking ideas on the ways in which the burdens on Local Government can be reduced. The Council has raised the future of the ethical framework if Standards for England is disbanded and the Standards Committee wishes to support this stance.

Yours sincerely

Ian Willett
Deputy Monitoring Officer
On behalf of Epping Forest District Standards Committee