

EXPLANATORY MEMORANDUM TO THE
THE STANDARDS BOARD FOR ENGLAND (FUNCTIONS) ORDER 2004
2004 No.2618

1. This explanatory memorandum has been prepared by the Office of the Deputy Prime Minister and is laid before Parliament by Command of Her Majesty.

2. **Description**

This Order confers on the Standards Board for England certain functions in addition to those already conferred on it by Part III of the Local Government Act 2000.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None

4. **Legislative Background**

4.1 Part III of the Local Government Act 2000 (“the Act”) introduced a new regime to govern the standards of conduct expected of members of relevant authorities. Section 83(1) of the Act defines “relevant authority” by reference to section 49(6). A police authority is a relevant authority (section 49(6)(m), and is defined for the purposes of Part III in section 83(1) of the Act.

4.2 The Standards Board for England (“SBE”) was established under section 57 of the Act. Section 57(3) of the Act provides for the SBE to have such functions, in addition to those conferred by Part III of the Act, as may be conferred by order made by the Secretary of State.

4.3 The Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (SI 2003/1483) prescribe the procedures that standards committees of relevant authorities in England and police authorities in Wales must follow in dealing with completed reports referred to them by ethical standards officers or, in Wales, Local Commissioners.

4.4 The Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 (SI 2004/2617), which have been laid at the same time as this Order, amend those 2003 Regulations. The effect of the amendments is to prescribe the procedures that monitoring officers must follow in dealing with allegations referred to them for investigation, and those that standards committees must follow in dealing with reports referred to them by monitoring officers.

These amending Regulations complete the scheme for the local determination of alleged breaches of an authority's code of conduct.

- 4.5 This Order confers on the SBE the additional function of issuing guidance to monitoring officers and standards committees of relevant authorities in England and police authorities in Wales.

5. Extent

This instrument applies in relation to relevant authorities in England and to police authorities in Wales.

6. European Convention on Human Rights

None.

7. Policy background

- 7.1 The policy objective of the Order is to ensure that the SBE is able to issue guidance to monitoring officers and standards committees.
- 7.2 The Order will enable the SBE to issue guidance to assist monitoring officers in carrying out their role, including implementing provisions relating to local investigation of allegations of misconduct against members. The Order will also enable the SBE to issue guidance to assist local authority standards committees in carrying out their role, including the implementation of provisions relating to the consideration of reports issued by monitoring officers following their investigations.
- 7.3 A three month consultation exercise, ending in May 2004, was undertaken on draft proposals to implement local investigation of allegations of misconduct by members. The consultation, which included proposals for a Standards Board for England (Functions) Order, attracted 356 responses. None of the respondents to the consultation raised any concerns about the provisions of the proposed Order.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies
- 8.2 Any impact on the public sector is likely to be minimal.

9. Contact

Michael Davis at the Office of the Deputy Prime Minister Tel: 020 7944 4277
or e-mail: michael.davis@odpm.gsi.gov.uk can answer any queries regarding
the instrument.