

# AGENDA SUPPLEMENT (1)

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**Meeting:** Standards Committee  
**Place:** Council Chamber - Council Offices, Browfort, Devizes  
**Date:** Wednesday 25 January 2012  
**Time:** 2.30 pm

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The Agenda for the above meeting was published on 17 January 2012 and indicated that the reports detailed below would be to follow. These are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718371 or email [pam.denton@wiltshire.gov.uk](mailto:pam.denton@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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7. **Framework for the new Code of Conduct** (Pages 1 - 22)

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DATE OF PUBLICATION: 20 January 2012
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**Wiltshire Council**

**Standards Committee**

**25 January 2012**

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## **NEW STANDARDS FRAMEWORK - ISSUES FOR CONSIDERATION**

### **Purpose of Report**

1. This report:
  - a. identifies the key issues which the Standards Committee needs to consider in preparing to meet the requirements of the new standards framework introduced under the Localism Act 2011.
  - b. updates members on the outcome of discussions so far with the Standards Task and Finish Group on the new standards framework, Group Leaders and the Constitution Focus Group.

### **Background**

2. The Localism Act 2011 introduces fundamental changes to the regulatory framework for standards of conduct of elected and co-opted members of relevant authorities.
3. The key changes are summarised in a briefing note which has been circulated to Wiltshire Councillors and clerks to parish and town councils. A copy of the briefing note and covering letter is attached at Appendix A.
4. Apart from the new rules on predetermination, which came into effect on 15 January 2012, the main provisions on standards are now due to be implemented on 1 July 2012. It is not yet known when the regulations on interests will be issued.

### **Main Considerations**

#### **Predetermination**

5. The briefing note summarises the effect of the changes to the law on predetermination. These provisions are now in force.

6. The Council's Planning Code of Good Practice for Members of Wiltshire Council is being revised to reflect the new provisions and will be considered by the Constitution Focus Group at its next meeting.

7. Members are invited to consider the following issues:

- **whether to have a standards committee;**
- **what code of conduct should be adopted;**
- **what arrangements should be adopted for dealing with misconduct complaints?**
- **What arrangements should be made for the appointment of Independent Persons?**
- **What arrangements should be adopted for granting dispensations?**
- **What support is to be provided to parish councils in implementing the new arrangements?**

#### **Does the Council wish to have a standards committee?**

8. Under the new provisions there is no longer a statutory requirement to have a standards committee. It will be for the council to decide whether it wishes to have one. In reaching a view on this issue the council should bear in mind the following:

- the duty to promote high standards of member conduct;
- the need to have in place arrangements for investigating and determining complaints against unitary and parish councillors, and for deciding what action should be taken if a breach of the code is found to have occurred (or recommending action to the relevant parish council in the case of parish councillors);
- the size and membership of a standards committee:
  - ordinary committee subject to the rules on political proportionality;
  - existing independent and parish council voting co-opted members will cease to hold office;
  - power to co-opt members e.g. parish council representatives, but these would be non-voting;
- role of a standards committee:
  - duty to promote high standards of member conduct;
  - dealing with complaints of member misconduct;
  - wider role?

[the terms of reference of the current standards committee include oversight of the constitution, corporate complaints handling, and whistleblowing policy]

9. In my view it would be appropriate for the council to establish a standards committee to discharge the council's functions under the new standards regime. The wider role undertaken by the existing standards committee has worked well, particularly in relation to oversight of the constitution, and members may wish to see this continue.
10. Members are invited to consider the appropriate size for a standards committee. This will need to have a sufficient number of members to enable sub-committees to be established to deal with any delegated functions, such as hearings and requests for dispensation. Members may also wish to consider co-opting non-voting members, including parish council representatives, given the requirement to deal with complaints against parish councillors.
11. It is suggested that a membership of around 12 elected members, and perhaps 2-4 non-voting co-opted members might be an appropriate size.

#### **What should the Council include in its Code of Conduct?**

12. The council's new code of conduct must, when viewed as a whole, be consistent with the following principles:
  - selflessness;
  - integrity;
  - objectivity;
  - accountability;
  - openness;
  - honesty;
  - leadership
13. Regulations to be issued (date as yet unknown) will set out what pecuniary interests must be registered and disclosed. The council's code may include such other pecuniary and non-pecuniary interests as the council considers appropriate for registration and disclosure.
14. Part 1 of the existing code of conduct contains rules of conduct which broadly reflect the above principles. They have become familiar to members and are supported by guidance issued by Standards for England, and some case law to assist with interpretation. It is proposed that these provisions are adopted in the new code in the first instance as a holding position. The content may be reviewed and amended subsequently as necessary.
15. As for the registration and disclosure of interests it is difficult to draft this part of the code until the regulations defining disclosable pecuniary interests are available. It is, therefore, proposed that the provisions on personal and prejudicial interests in Part 2 of the current code are adopted to the extent that they are consistent with the 2011

Act. This part may be reviewed in the light of the new regulations when these are issued.

16. This would mean that the current requirement to withdraw when a prejudicial interest is declared (after exercising the right to speak for up to 3 minutes) will no longer apply. The requirement to withdraw may only be imposed under standing orders in relation to disclosable pecuniary interests, which are to be defined in the regulations.

17. This approach has the following advantages:

- requires minimum change and member training;
- enables the council to adopt a tried and tested code at this stage with guidance and case law;
- allows for review and amendment when the statutory requirements on interests are clear.
- parish councils are more likely to adopt a code that is familiar to them.

18. Regard will be had to any national or regional code that is developed e.g. by the LGA or the Association of Council Secretaries and Solicitors (ACSeS)> There is significant merit in authorities within the same area adopting the same code.

### **What arrangements should be adopted for dealing with misconduct complaints?**

19. Relevant authorities, other than parish councils, must put in place arrangements for investigating and determining complaints under the code of conduct and deciding the actions that may be taken if there is found to be a breach of the code.

20. Complaints against members of parish councils are to be dealt with under the arrangements adopted by their principal council. However, any consequential action in the event of a breach of the code will rest with the parish council.

21. Any procedure adopted should be:

- fair
- quick and simple
- proportionate
- cost effective
- serve to improve standards of conduct

22. Key elements of the process might include:

- informal resolution by Monitoring Officer before formal complaint;
- where a formal complaint is made, subject member is invited to provide an initial written response to the complaint;

- Monitoring Officer to determine whether the complaint merits formal investigation on the basis of the written information from the complainant and subject member, after consultation with the Independent Person.
- Monitoring Officer may decide to:
  - take no further action;
  - refer for other action e.g. mediation or other informal resolution; or
  - refer for investigation.
- investigation of complaint by officer appointed by the Monitoring Officer.
- where no breach of the code is found the Monitoring Officer reports to the parties, Independent Person and to standards committee;
- where a breach of the code is found the Monitoring Officer consults the Independent Person and either:
  - seeks an informal resolution, if appropriate;
  - refers the matter to a hearing sub-committee of the standards committee for determination.
- procedure for hearing - adopt current approach.
- limited sanctions available - censure;  
In the case of a parish councillor recommend action to parish council.

23. A draft process for dealing with code of conduct complaints under the new regime is attached at Appendix B for consideration.

### **What arrangements should be made for the appointment of Independent Persons?**

24. The council must appoint at least one independent person whose views must be sought and taken into account before the council makes a decision on an allegation it has decided to investigate. The views of the independent person may also be sought on other allegations, and by a member who is the subject of an allegation.

25. Issues to consider:

- how many Independent Persons to appoint?
- remuneration of Independent Persons (outside members' allowance scheme)

- arrangements for advertisement of position, person specification and appointments process; it is suggested that these are delegated to the Monitoring Officer in consultation with the chairman of the current standards committee or new standards committee, as the case may be.

### **What arrangements should be adopted for granting dispensations?**

26. Relevant authorities may, on receipt of a written request, grant dispensations for up to 4 years for a member to be able to participate in or vote at meetings where they have a disclosable pecuniary interest.
27. It is proposed that this function is delegated to a sub-committee of the standards committee.
28. Parish councils will need to make their own arrangements for granting dispensations.

### **What support is to be provided to parish councils in implementing the new arrangements?**

29. Members are invited to consider how the council can best support parish councils in implementing the new standards framework.

### **Standards Task and Finish Group**

30. This group was set up by the Standards Committee to assist with the implementation of the new legislation. It has the following membership:

Mr Gerry Robson OBE, Vice Chairman of Standards Committee  
Mr Michael Cronin  
Mr Philip Gill MBE JP  
Mr John Scragg  
Miss Pam Turner  
Cllr Julian Johnson

Mrs Isabel McCord attended as Chairman of the Constitution Focus Group.

31. The Task and Finish Group met on 11 January 2012 to consider the above issues. Their preliminary views may be summarised as follows:

### **Standards Committee**

- The council should establish a standards committee to discharge its functions under the new legislation;



- It will be for the council to decide whether the committee is politically balanced;
- It would be desirable to co-opt both independent and parish council non-voting members from the existing pool of membership for a fixed period, say one year, to support the transition to the new arrangements, drawing on the experience they have gained from their work on the current standards committee. There should initially be two independent and two parish council co-opted members. The position would be reviewed subsequently
- A membership of around 12 elected members would be appropriate;
- the new standards committee should continue with the wider role undertaken by the present standards committee e.g. oversight of the constitution;
- it will be for parish councils to decide whether they should have a standards committee;

### **Code of Conduct**

- the council should initially adopt the existing code of conduct, as far as this is consistent with the new legislation, and review when the regulations on disclosable pecuniary interests are available.
- regard should be had to any national code of conduct that emerges;
- parish councils should be encouraged to adopt the same code;

### **Arrangements for dealing with misconduct complaints**

- the group agreed the principles and outline procedure set out in paragraphs 21-22 above:
- there should be a strong emphasis on informal resolution where possible;
- details of a complaint should generally be confidential to the parties until such time as it is decided otherwise;
- the complainant should be recognised as a formal party to the process - unlike the present statutory system;
- arrangements should be put in place to support members who are the subject of complaints;

### **Appointment of Independent Persons**

- 2 -3 independent persons should be appointed in accordance with the arrangements set out in the report;
- the council will need to determine the level of remuneration for this office;
- the council could consider using independent members from neighbouring authorities;

### **Dispensations**

- the task and finish group felt that the current arrangement involving a dedicated dispensations sub-committee has worked well and should be continued;
- parish councils will need to establish their own arrangements for dispensations;

### **Group Leaders**

32. Group leaders considered the report on the main issues for consideration and were advised of the views of the task and finish group that had met just before them.
33. The consensus amongst Group Leaders was that there should be a minimalist approach to the Code of Conduct and that a standards committee should be appointed. However caution was advised that we should not try and move too quickly. Given that the timescale for implementation of the new arrangements is now 1 July 2012 Group Leaders agreed that this should not go to the February meeting of Council and that further work was needed on the detail and soundings needed to be taken from a wider group of councillors. The matter could then be brought back to Council in time for implementation by July.
34. The Leader of the Council reported that it may be necessary to hold a special council meeting sometime in June to consider the Core Strategy and this timeframe would enable the Council to approve the proposed new standards framework.
35. The following actions were agreed:
  - a. To ask the Constitution Focus Group to look at the details and the key issues that need to be resolved in relation to the new standards framework and to make recommendations via the current standards committee for consideration by Group Leaders and the Council.

- b. To ask Group Leaders to consult their groups on the key issues that require consideration in the Framework.
  - c. To ask officers to put in place arrangements to enable all councillors to discuss the key issues within the new framework, possibly at a seminar, prior to formal consideration by Council.
  - d. To note that in the meantime the current Standards provisions remain in place.
36. The Constitution Focus Group considered these issues at its meeting on 16 January 2012. They agreed with Group Leaders that as the date for implementation of the new legislation has been put back to 1 July 2012 more time should be allowed to work on the new arrangements in consultation with the wider group of members. The Focus Group will, therefore, meet again to consider these matters in more depth with a view to a report going via the Standards Committee to the meeting of Council in May.
37. A note of the Focus Group's discussion will be circulated.

**Recommendation:**

38. The Committee is asked to consider the above issues having regard to the views of the Task and Finish Group, Group Leaders and the Constitution Focus Group.

**IAN GIBBONS**

**SOLICITOR TO THE COUNCIL AND MONITORING OFFICER**

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Report Author: Ian Gibbons

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30 December 2011

County Hall, Bythesea Road  
Trowbridge  
Wiltshire BA14 8JN  
DX 116892 Trowbridge 3

## Wiltshire Parish, Town and City Council Clerks

Dear Colleagues,

### The Localism Act 2011 - New Standards Regime

I am writing to provide you with information about the new standards framework that is to be introduced under the Localism Act 2011. I would be grateful if you would draw this to the attention of your members.

The Localism Act 2011 received Royal Assent on 15 November 2011. The Act makes provision for a new standards regime, which will apply to principal authorities and city, town and parish councils ('parish councils').

The Government has recently indicated that the main provisions of the new standards framework will come into effect on **1 July 2012**. I thought it would, therefore, be helpful to write and advise you at this early stage of the likely impact of these statutory changes to ensure that the necessary arrangements are put in place within this timescale. I have set out below the principal changes as I think they will affect parish councillors. I also attach a more detailed briefing note for your assistance.

#### **1 Codes of Conduct**

Relevant authorities, including parish councils, will be under a general duty to promote and maintain high standards of conduct by their members and voting co-opted members. As part of this duty they will be required to adopt a code of conduct for their members and must take steps to publicise their code.

The detail of these local codes will not be prescribed by statute, save that all local codes must be consistent with the following principles of standards in public life - selflessness; integrity; objectivity; accountability; openness; honesty and leadership.

Wiltshire Council will be drafting a code of conduct which will fulfil the statutory requirements. It will be recommended to full Council for adoption at their meeting on 28 February 2012.

**Parish councils are deemed to have satisfied this requirement if they adopt the code of their principal authority.**

## 2 Standards Committees

The current statutory standards committees and arrangements for dealing with complaints under the code of conduct will cease to apply. Parish councils and principal authorities may establish standards committees to promote high standards of conduct. However, these will be ordinary committees of the authority and as such will be subject to the normal provisions regarding composition and, in the case of principal authorities, the requirements concerning political balance.

If Wiltshire Council decides that it wishes to co-opt local or parish representatives to a new standards committee, these co-opted members will not have any voting rights.

## 3 Code of Conduct Complaints

It will still be possible to make a complaint that a member has breached the relevant code of conduct. These complaints will be determined by the relevant principal authority - so Wiltshire Council will remain the authority that has responsibility for considering complaints that parish councillors may have breached their local code. Any consequential action in respect of a member who is found to have breached the code will rest with the parish council.

Wiltshire Council will, therefore, have to make suitable arrangements for receiving, investigating and determining complaints. We intend to introduce a procedure that is fair, efficient and proportionate.

## 4 Registers of Interests

Councillors will continue to be required to complete a register of interests, **which must be publicised on the parish council's web-site if it has one**. Copies must also be provided to the Monitoring Officer of Wiltshire Council, who must maintain the register for all parish councils in its area and make copies of the registers available for inspection and publish them on its website.

The requirements for what must be included on the register have changed. Regulations to be issued by the Government will define the 'disclosable' pecuniary interests' that must be included on a member's register of interests. The authority's code of conduct may also include other pecuniary and non-pecuniary interests as it considers appropriate.

I will send you a further briefing on the new requirements when the draft regulations are available.

## 5 Disclosure of Interests at Meetings

Where a member is aware that they have a disclosable pecuniary interest in any matter that is to be considered at a meeting they must disclose the interest to the meeting unless it is already in their register of interests or has been notified to the monitoring officer for registration. They must not participate in any discussion of the matter at the meeting or vote on it, unless they have obtained a dispensation.

The monitoring officer must then be notified of the unregistered interest within 28 days of the disclosure.

Failure to comply with the requirements for registration and disclosure of

disclosable pecuniary interests without reasonable excuse will become a criminal offence.

## 6 Dispositions

Parish councils will be able to grant dispensations for up to 4 years to enable a member to participate in or vote at meetings where they have a disclosable pecuniary interest. The grounds on which a dispensation may be granted are wider than at present.

## 7 Predetermination

Parish councillors will be subject to the new statutory provisions on predetermination, which are summarised on page 1 of the attached the briefing note. Please note that these come into effect on **15 January 2012**.

The new provisions relating to standards of conduct and parish councils are more wide-reaching than we had anticipated. The effect on Wiltshire Council is significant in terms of our capacity to support parishes in implementing these local codes, and in particular in operating arrangements for dealing with complaints against parish councillors.

Each parish council could adopt a different local code under the new arrangements. If that happens, given the large number of parish councils in Wiltshire it will have a significant impact upon Wiltshire Council's ability to respond to complaints about parish councillors effectively and in a consistent manner.

As I said earlier, it is possible for parish councils to adopt the local code of their principal authority, and I would strongly recommend your council to do so. I understand that this is consistent with advice from NALC.

Wiltshire Council's Standards Committee will be considering a report on the new standards framework at its next meeting on 25 January 2012 with a view to making recommendations to Council on the arrangements to be adopted in Wiltshire for consideration at its meeting on 28 February 2012.

We will keep you informed as this work develops and as the secondary legislation emerges, and will seek to involve you as best we can in developing the Council's arrangements within the time that is available.

We will be pleased to respond to any queries your council may have on the new standards framework. Please direct these to Julie Adcock at [julie.adcock@wiltshire.gov.uk](mailto:julie.adcock@wiltshire.gov.uk) in the first instance.

I look forward to working with you in implementing the new arrangements.

With best wishes to you and the members of your council for the New Year.

Yours sincerely,



Ian Gibbons

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# WILTSHIRE COUNCIL

## BRIEFING NOTE

### LOCALISM ACT 2011 - THE NEW STANDARDS REGIME

#### Introduction

1. The Localism Act 2011 received Royal Assent on 15 November 2011. It makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted members of relevant authorities.
2. This note summarises the key changes to the standards regime introduced by the new Act.
3. References to legislation in this briefing note are to the Localism Act 2011 unless otherwise stated.
4. 'Relevant authorities' include principal councils, parish councils, fire and rescue authorities and police authorities.
5. 'Parish councils' includes parish, town and city councils.
6. 'Member' includes a voting co-opted member.

#### Predetermination (Section 25)

7. This section clarifies how the common law concept of predetermination applies to members. Predetermination occurs where someone has a closed mind so that they are unable to apply their judgment fully and properly to the issue requiring a decision. This can lead to legal challenges and decisions being set aside.
8. The section makes it clear that a member is not deemed to have had a closed mind on an issue just because they have indicated what view they have taken or may take before the issue is decided. A member is not, for example, prevented from participating in discussion of an issue or voting on it if they have campaigned on the issue or made public statements about their approach to it.
9. The general position, however, remains that, whatever their views, members must approach their decision-making with an open mind in the sense that they must have regard to all material considerations and must be prepared to change their views if persuaded that they should.

### **Duty to promote and maintain high standards of conduct (Section 27)**

10. This section imposes a general duty on relevant authorities to promote and maintain high standards of conduct by members of the authority.
11. As part of this duty relevant authorities are required to adopt a code of conduct dealing with the conduct that is expected of members of the authority when acting in that capacity.
12. Parish councils may meet this requirement by adopting the code adopted by their principal council, in this case Wiltshire Council.

### **Standards Committees**

13. The current requirements for principal councils to have a statutory standards committee comprising elected, independent and parish council members are removed. There will still be a need for these councils to deal with standards issues and case work and it is, therefore, likely to be appropriate for them to have a standards committee, which will be an ordinary committee of the council. This means that;
  - the membership of the committee would have to be politically balanced, unless the council votes otherwise with no member voting against;
  - the current independent members and parish council members will cease to hold office;
  - the council could appoint independent and parish co-opted members to the standards committee, but these members would not have any voting rights.
14. Parish councils may establish standards committees if they wish to do so.

### **The Code of Conduct (Section 28)**

15. Under the new Act there is no longer a national model code of conduct and no requirement for members to give an undertaking to comply with the code of conduct.
16. The council's new code of conduct must, when viewed as a whole, be consistent with the following principles:
  - selflessness;
  - integrity;

- objectivity;
- accountability;
- openness;
- honesty;
- leadership

17. The code of conduct must also make such provision as the authority considers appropriate for the registration and disclosure of pecuniary and non-pecuniary interests, other than 'disclosable pecuniary interests' which are to be defined in regulations (see further below).

### **Dealing with Misconduct Complaints (Section 28)**

18. Relevant authorities, other than parish councils, must put in place arrangements for investigating and determining complaints under the code of conduct and deciding the actions that may be taken if there is found to be a breach of the code.

19. Complaints against members of parish councils are to be dealt with under the arrangements adopted by their principal council. However, any consequential action in the event of a breach of the code will rest with the parish council.

20. The Act does not give the council any powers to impose sanctions on members, such as suspension or requirements for training or an apology. It is likely, therefore, that action in the event of a breach of the code will be limited to a censure.

### **Appointment of Independent Persons (Section 28)**

21. The arrangements must include the appointment of at least one independent person whose views must be sought and taken into account before the council makes a decision on an allegation it has decided to investigate. The views of the independent person may also be sought on other allegations, and by a member who is the subject of an allegation.

22. There are restrictions on who can be appointed as an independent person. The following are not eligible for appointment:

- current members, co-opted members and officers of the council or of any of the parish councils within its area, or their relatives or close friends;
- any person who has within the last 5 years been a member, co-opted member or officer of the council or of any of the parish councils in its area;

23. The appointment process must be publicised and transparent.

### **The Register of Interests (Section 29)**

24. The monitoring officer of a relevant authority is required to establish and maintain a register of members' interests, which must be available for inspection and published on the council's website.
25. The monitoring officer of a principal council is also required to maintain the register for each of the parish councils in its area. Their register of interests must be available for inspection at the principal council's offices, on its website, and on the parish council's website, if it has one.

### **Disclosure of Interests (Section 30)**

26. Members of relevant authorities are obliged within 28 days of being appointed as a member to notify the monitoring officer of any 'disclosable pecuniary interest' held at the time of notification. Regulations will determine what will count as a disclosable pecuniary interest. It will include the interests of members themselves, and (if the member is aware of the interest) those of their spouse, civil partner, or any person living with them as their spouse or civil partner.
27. The monitoring officer must enter any notified disclosable pecuniary interest in the council's register, as well as any other interest notified to them, whether pecuniary or non-pecuniary, as required by the council's code of conduct.
28. If a member is aware that they have a disclosable pecuniary interest in any matter to be considered or being considered at a meeting of the council they must disclose the interest to the meeting unless it has already been registered or a request to register it has been sent to the monitoring officer (a 'pending notification'). The member must then notify the monitoring officer of the interest within 28 days of the date of disclosure.

### **Participation (Section 31)**

29. If a member has a disclosable pecuniary interest they must not participate in any discussion of the matter at the meeting, or participate in any vote on the matter, unless they have obtained a dispensation. In the case of a single member of a principal council making a decision under delegated powers the member must not take any steps in relation to the matter.
30. A council may include in its standing orders a requirement for a member to leave the room when a matter in which they have a disclosable interest is discussed or voted upon.

### **Sensitive Interests (Section 32)**

31. Special rules apply where a member and monitoring officer agree that disclosure of details about a registered interest could lead to violence or intimidation of the

member or a person connected with them. In these circumstances details of the interest must be excluded from the register that is made available to the public or published. Such members need disclose only the fact that they have a pecuniary interest in the matter concerned at meetings. They do not have to disclose the details.

### **Dispensations (Section 33)**

32. Relevant authorities may, on receipt of a written request, grant dispensations for up to 4 years for a member to be able to participate in or vote at meetings where they have a disclosable pecuniary interest. Dispensations may be granted if the council considers that:

- without a dispensation the business of the council is likely to be impeded;
- the political balance of the body making the decision is so upset as to alter the outcome of the vote;
- granting the dispensation is in the interests of residents of the council's area;
- without a dispensation all members of the executive are unable to participate in executive business;
- it is otherwise appropriate to grant a dispensation.

33. Unlike the current arrangements parish councils will be able to grant dispensations.

### **Offences (Section 34)**

34. A member commits an offence if they fail, without reasonable excuse, to register or declare a disclosable pecuniary interest or take part in or vote on council business at meetings when prevented from doing so under paragraph 32 above.

35. A member also commits an offence if they provide false or misleading information relating to a disclosable pecuniary interest either deliberately or recklessly.

36. No offence arises in relation to other pecuniary or non-pecuniary interests that may be required to be registered under the code of conduct.

37. The magistrates' court may upon conviction of an offence under this section impose a fine of up to £ 5000 and an order disqualifying the person from being a member of a relevant authority for up to 5 years.

38. Any prosecution must be brought within 3 years of the commission of the offence and only by or on behalf of the Director of Public Prosecutions.

## **Transitional arrangements**

39. The Act gives the Secretary of State power to make transitional regulations. These will provide for:

- transfer of Standards for England cases to principal councils following the abolition of Standards for England;
- a transitional period for the determination of any outstanding complaints under the current Code of Conduct. The Government has indicated that it will allow 2 months for this purpose, but this period will be finalised in the regulations;
- removal of the power of suspension as a sanction from the start of the transitional period;
- removal of the right of appeal to the First Tier Tribunal from the start of the transitional period.

## **Implementation**

40. The new provisions on predetermination (Chapter 6: Section 25) come into effect on **15 January 2012**.

41. The Government intends to abolish Standards for England on 31 March 2012 and to provide for its regulatory role in handling cases and issuing guidance to cease on 31 January 2012.

42. The Government intends to bring the remaining provisions of the new standards regime (Chapter 7: Sections 26 - 37 and Schedule 4) into force on **1 July 2012**.

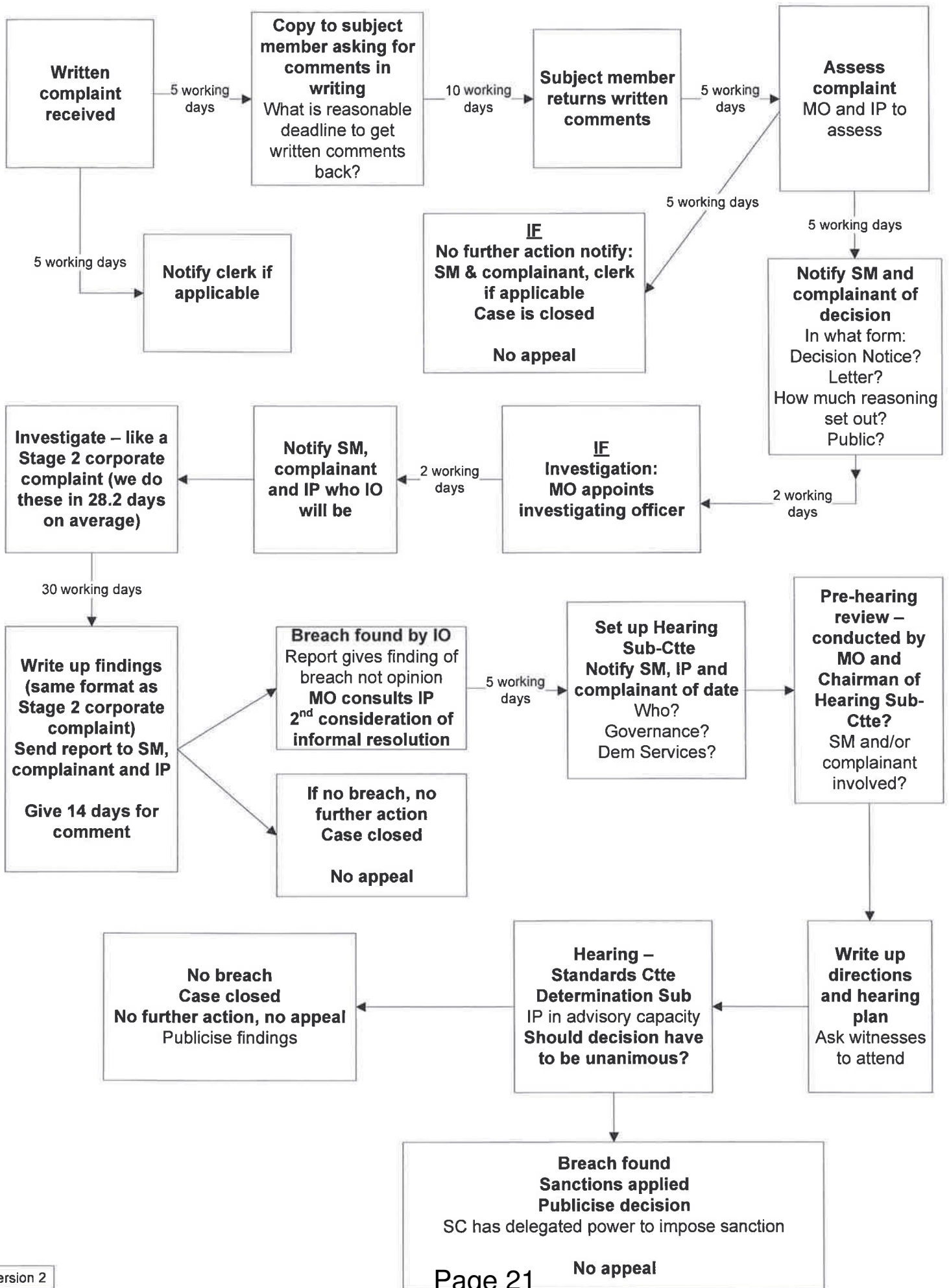
## **Next Steps**

43. Wiltshire Council's Standards Committee will be considering a report on the new standards framework at its next meeting on 25 January 2012 with a view to making recommendations to Council on the arrangements to be adopted in Wiltshire for consideration at its meeting on 28 February 2012.

**Ian Gibbons**

**Solicitor to the Council and Monitoring Officer**

**December 2011**



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