

Localism Act 2011 - New Standards Framework - Summary of Feedback from Parish, Town and City Councils

| | Code of Conduct | Complaints Process | Registration and Disclosure of Interests | Other | Comments |
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| 1. Devizes Town Council | <ul style="list-style-type: none"> • broad agreement that the principles in the draft code of conduct are sound and appear to be consistent with the Act. • minded to adopt the Wiltshire Council Code of Conduct as it believes this is the best way to deliver a consistent approach to standards across Wiltshire. | | | | Noted. The point about consistency of approach is important. |
| 2. Calne Town Council | <ul style="list-style-type: none"> • The new regime is more akin to guidelines than rules. • Does not provide any deterrent for councillors. • Difficult to say whether the new regime might reduce the amount of reports to a standards committee - many will probably think what is the point as the only sanction is censure. • The ability to 'name and shame' has the potential to cause problems and needs to be addressed robustly in any new code. • It is a shame that 'respect' has | | <ul style="list-style-type: none"> • The requirement to disclose disposable pecuniary interests appears to have tightened up. • How are we going to enforce this when there are no sanctions, other than possible prosecution which is likely to be an extremely rare occurrence. • Application for dispensations will be the new headache for monitoring officers. | | Agreed that the approach to the new code, so far as conduct is concerned, is broader and lighter than under the present regime with more limited sanctions. It remains to be seen how this impacts upon the number of complaints and standards of conduct. Potentially it could give rise to more complaints as there are broader principles under which complaints may be made and these may be less easy to determine. The code may be reviewed in the light of |

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| | <p>been excluded from the principles.</p> <ul style="list-style-type: none"> • Wise for Wiltshire Council and town and parishes to adopt the same code | | <p>As this now falls to town councils will require a robust policy and procedure.</p> | | <p>experience.</p> <p>The Act does not include the obligation to treat with respect in the 7 principles; this was one of the 10 principles in the current regime. The interests regime is heavier than the present, as it is backed by criminal sanctions; the approach to prosecutions remains to be seen.</p> <p>We can assist parish councils with guidance on dispensations.</p> |
| 3. Bulford Parish Council | <ul style="list-style-type: none"> • The proposed standards framework was found to be open to interpretation, written in loose terms and inconsistent. | | | | <p>It is not clear whether this refers to the code of conduct or the arrangements generally. As above it is acknowledged that the draft code is framed in much broader terms than the current code.</p> |
| 4. Chippenham Town Council | <ul style="list-style-type: none"> • Propose to adopt Wiltshire Council's code of conduct. | | | | <p>Noted.</p> |

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| <p>5. Malmesbury Town Council</p> | <ul style="list-style-type: none"> • Propose to adopt the code subject to the item referring to the Roles and Responsibilities of Wiltshire Councillors and Wiltshire Council Behaviours being amended to that of Malmesbury Town Council (to be agreed) and numbered accordingly. • Dispensations would be determined by a panel of three town council members advised by the town clerk. • The town council is invited to amended standing orders to include the requirement for a member making a declaration to vacate the meeting room whilst the item is discussed. • The committee considered the NALC code but opted to go with that proposed by Wiltshire Council as it was a document easy to understand. • There was concern that legislation would enable members to opt out of signing up to the code. It was pointed out that if disclosure did not happen then whether they signed up or not a criminal act had still been committed. | | | | <p>Noted.</p> <p>Whilst members no longer have to sign an undertaking to abide by the code the effect of the legislation is to impose a legal duty on members to comply with their code, enforcement of which is through the complaints process operated by their principal authority.</p> <p>Gifts and hospitality are not included in the categories of interest that must be registered, unlike the present situation. This could be added to the code by councils if they considered appropriate and this will be considered by Wiltshire council in due course. This is covered by paragraph 2 of the draft code - you must not place yourself under a financial obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.</p> |
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| | <ul style="list-style-type: none"> • There is no mention of gifts and hospitality. | | | | |
| 6. Kington Langley Parish Council | <ul style="list-style-type: none"> • The roles and responsibilities of councillors - does this apply to parish and town councillors? • When can the parish and town council's adopt the new code of conduct? | | | | <p>No - just to Wiltshire Councillors.</p> <p>All councils must adopt a new code with effect from 1 July 2012 when the new legislation comes into effect.</p> |
| 7. Trowbridge Town Council | <ul style="list-style-type: none"> • Town Clerk recommending adoption of code of conduct based on draft Wiltshire Council code, rather than the LGA or NALC versions or similar, as it is simple and unambiguous. • Also recommending standing orders include the requirement for members with a disclosable pecuniary interest to leave the room after making a statement of fact about their interest and answering and questions of fact from the chair, prior to discussion on the matter. • Council will consider applications for dispensation to be made through the clerk. | | | | <p>Noted.</p> <p>The meaning and scope of 'discussion' in the legislation is unclear.</p> |

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| <p>8. Urchfont Parish Council</p> | <ul style="list-style-type: none"> UPC are currently comparing the WC (DCLG based) Code of Conduct with that proposed by NALC; they will decide which to adopt prior to 1st July 2012. | <ul style="list-style-type: none"> UPC welcomed the proposals relating to dealing with complaints, in particular the timeframes and deadlines which are much more acceptable than those at present. | <ul style="list-style-type: none"> There is a very strong feeling that ALL pecuniary interests should be disclosed, to differentiate what should or should not be included will lead to possible confusion and inadvertent failure to disclose. No participation in discussion or voting - there is concern that the right to speak has been withdrawn in all respects including as a member of the public, as is the case at present. Surely this is removing a basic right as a member of the public just because an individual is also a member. Declaration of Interests - | | <p>Noted.</p> <p>Wiltshire Council will consider what additional interests should be included in the register of interests in consultation with parish councils.</p> <p>The right to speak before withdrawing where a member has a prejudicial interest has gone under the new legislation. It is acknowledged that this is an important issue and Wiltshire Council will be exploring how this may be addressed – possibly through the use of limited dispensations.</p> <p>We have prepared a form of declaration of interests and will be issuing guidance to parish clerks on the arrangements for registration early next week.</p> |

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| | | | <p>UPC welcome the new Form and responsibility resting clearly with individual members to notify the Monitoring Officer. It is intended that All UPC members will complete a new form with effect 1st July 2012. Clarification sought on arrangements for notification of interests and when the form of declaration will be available.</p> | | |
| 9. Allington and Boscombe Parish Council | | | | <ul style="list-style-type: none"> Concerns expressed about short time allowed for consultation with parish councils. 'Consultation' considered to be meaning less and of little value to Wiltshire Council unless parishes have | <p>The short timescale is acknowledged and regretted. It has been necessary to work within the timescale set by the Government which has been very challenging.</p> |

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| | | | | a sensible period to respond. Therefore unable to engage in consultation. | |
| 10. Cricklade Town Council | <ul style="list-style-type: none"> Wiltshire Council should compare its own draft code with that prepared by the National Association of Local Councils (NALC). It is not clear what happens if town, parish or city councils do not adopt the draft code or whether it will be imposed on them if they do not meet the deadline for adoption. If a town, parish or city council adopts the code, is it able to withdraw at any stage and adopt another/its own model? | <ul style="list-style-type: none"> There is no right of appeal under the new arrangements as there was under the previous standards regime. Will the scrutiny Committee be part of the process? The flow chart setting out the arrangements for dealing with complaints indicates between 5.1 and 5.2 that there will be a time period of 30 days to allow for an investigation to take place and a report sent to the relevant parties. This seems a long period. Could this be amended to a maximum of 30 | | <ul style="list-style-type: none"> The views of the Society of Local Council Clerks (SLCC) should be taken as an important part of the consultation. | <p>Parish councils are under a duty to adopt a code from 1 July. If this doesn't happen they will be in breach of the law but there will be no imposition of a code on them, unlike before. The difficulty will arise if a complaint is made before a code has been adopted.</p> <p>All councils have the power to review and amend their code of conduct whenever they wish.</p> <p>A right of appeal has not been included in order to limit the length of the process and maintain proportionality.</p> <p>The scrutiny</p> |

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| | | days? | | | <p>committee will not be part of the process.</p> <p>The length of time for investigating a complaint has been significantly reduced from the current statutory process and will be challenging to meet. We will do our best to exceed this target but I would not wish to impose a maximum of 30 days at this stage.</p> <p>I am attending a meeting of the local branch of the society of clerks on 22 June to discuss the new standards framework.</p> |
| 11. Winterslow Parish Council | | <ul style="list-style-type: none"> The Flowchart does not highlight the referral back to the Parish Council for action subsequent to hearing. The flowchart should specify | <ul style="list-style-type: none"> Do Parish Councillor's need to register land that your house is built on? Further details on dispensations requested. | | <p>The comments on the flowchart are noted; in the interests of keeping the flowchart as simple as possible we have not included all aspects of the procedure but this can be reviewed.</p> <p>We will be happy to</p> |

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| | | <p>'working days' in all of the sections.</p> <ul style="list-style-type: none"> • The Flowchart does not define 'Public Inspection' details whether they are on the web-site or obtainable upon request (hard copy). • Does Wiltshire Council have a recommendation for how the Parish Councils deal with complaints once they have received the formal sanction from Wiltshire Council from a complaint; is there a guidance on procedural matters. • Does the parish council have to also publish their report? (or is it purely on demand) • Do the Parish Councils need to have a 'Sub- | | | <p>advise and assist parish councils in dealing with recommended sanctions, but recognise that this is ultimately a matter for the parish council.</p> <p>It will be for parish councils to decide whether to publish a report following a recommendation from Wiltshire Council's Hearing Sub-Committee. The decision of the Sub-Committee will be published as part of Wiltshire Council's minutes.</p> <p>Parish councils may choose to establish a committee or sub-committee to deal with recommendations from Wiltshire Council's Hearing Sub-Committee.</p> <p>The categories of interests that must be declared and registered include all land in the area of the authority in which the member or relevant person has a beneficial interest so this</p> |
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| | | Committee' to deal with the complaints procedure? | | | would include the land on which your house is built. We are happy to advise and assist parish councils in implementing the arrangements for granting dispensations. |
| 12. Pewsey Parish Council | <ul style="list-style-type: none"> Ought there not to be a paragraph dealing with mutual respect between councillors in both cabinet and committee, and elsewhere in the public domain? | <ul style="list-style-type: none"> Broadly content with the proposals but point to paragraph 1.3 and ask may we know what the procedure is for dealing with vexatious complaints, and is this procedure advised to complainants when raising an original complaint? | | | <p>Noted - see above comments on the obligation to treat with respect.</p> <p>We are happy to share this council's procedure for dealing with vexatious complaints. The complaints process, which will be given to complainants, makes reference to the vexatious complaints procedure</p> |
| 13. Ludgershall Town Council | <ul style="list-style-type: none"> Ludgershall Town Council has agreed to adopt the Wiltshire Council draft Code of Conduct due to the short timescale but will review at a later date. The Chairman and Councillors are concerned that 'respect' has been removed. | | <ul style="list-style-type: none"> Under disclosable pecuniary interests you do not have to disclose 'Gifts/Hospitality' - this is a concern. Having to disclose details of spouse/civil partners, it may be difficult to obtain details and if this is mandatory why are | | <p>Noted.</p> <p>See comments on 'respect' above.</p> <p>See comments above on 'gifts and hospitality' – this will be considered by Wiltshire Council over the next few months.</p> <p>The comments on disclosure of other person's details are</p> |

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| | | | details of siblings not included? | | noted and well made. This will be considered further by Wiltshire Council. |
| 14. Firsdown Parish Council | | | <ul style="list-style-type: none"> Some councillors performing part time employment which does not push them into a taxable bracket, being concerned that their details could end up with HMRC | | The regulations make no distinction between full and part-time employment, nor the level of earnings. A sufficient description of the employment must be included unless this constitutes a 'sensitive interest'. |
| 15. Landford Parish Council | | | <ul style="list-style-type: none"> Seek clarity on what constitutes a 'discussion' for the purpose of the rules prohibiting participation where a member has a disclosable pecuniary interest. | | This is referred to above - it is and will remain unclear until tested in the courts; we will be considering this further. |