

## Appendix 2C

### Consultation - Comments Received

#### 1. In support of the proposed amendment to the Code of Conduct to include additional interests

- *Declaring such interests increases transparency (and indeed ..... Councillors do do so at present, albeit informally).*
- I think the additional registrations are a good idea considering that many councillors will be involved with local voluntary organisations that might receive assistance from parish councils and those relationships should be transparent. The guidelines on whether or not a councillor subsequently speaks or votes seem sensible to me.
- *You might like to know that as best practice they declare what was the old personal interest, membership of local voluntary groups, etc. and it is recorded as a non-pecuniary interest.*
- As trustees of village assets, i.e. village hall, recreation fields, etc those trustees who are members of the parish council, feel that these interests should also be disclosed.
- *All councillors have declared the charity of which they are trustees in their register of interests.*
- Finally, members do believe that, particularly at Parish and Town Level, some specific guidelines on the acceptance of gifts might be helpful. To this end it was suggested that the Town Council might wish to promote the declaration of gift set at a level of £50 as identified in the NALC Code. However, members felt that whilst they understood the reason for inflating the previous limit, it was the previous limit of £25 that they would wish to promote. In a small community members can be exposed to risk even if they share a drink with someone who is having an extension built and then find themselves open to unfair criticism. Setting a clear limit helps to protect members in small communities where this could potentially occur. It is not a big point but members ask that Wiltshire Council gives some thought to its inclusion for Parish and Town Councils.

## **2. Size of the Parish Council**

- *There has to be some recognition that small parishes need to be dealt with differently. What constitutes small, that is fairly simple to achieve and could be dependent on the number on the electoral roll or size of precept.*
- Members agreed that, as this is a very small parish council, there is no need to modify the existing rules.
- *.....a PC whose precept in 2012 was £600 I find all this bureaucracy tiresome in the extreme.*
- They (the councillors) felt very strongly that this might be useful for larger town or parish councils perhaps but they will not be adopting these additional requirements.

## **3. Dual-hatting**

- *Councillors believe that the current provisions in relation to the participation of “dual-hatted” members of both Wiltshire Council and the Town Council are overly restrictive and tend to act against the public interest. In order to ensure effective input into the democratic process at local level, it is felt strongly that members of both Wiltshire Council and the Town Council should not be excluded from participation and voting on Area Board or Wiltshire Council Committee issues that may relate to the Town Council.*

## **4. Against proposed amendments**

- *that sufficient information was already disclosed and that they (the councillors) all act in a reasonable and sensible manner in declaring any non pecuniary interests on an Agenda item which may arise.*
- It is unfortunate and unnecessary that Wiltshire Council expects Parish or Town Councillors to declare membership of political parties. To date, party politics have not intruded on our parish council business, although they have regularly led to some difficulties at Town Councils.

Over strict interpretation of the rules is felt to be impractical, as all councillors have an interest in something or other.

Declarations of interest, forms part of every meeting agenda and that really should suffice, especially at parish council level.

- *My suggestion for this consultation and for much of the other stuff is simply this, "Do nothing" simply give it a rest, give us a rest, stop coming up with 'new stuff' and let us all just reflect on how seriously bad things are right now in the UK.*
- I have enough difficulty getting my councillors to complete the basic on-line compulsory declaration of interests and we have not adopted our own local code so any registration beyond the statutory pecuniary interest requirements would not be incorporated by my Parish Council; however, I would like to believe that, as a small Parish Council, we are strong on transparency
- *It is hard enough to get local people to give their time to be a parish councillor without drowning them in unnecessary administration.*
- .....takes the broad view that members should not be required to register any interests beyond those set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.....
- *The problem with the current rules are that they make running a Parish Council impossible. We cannot set a precept unless we grant ourselves dispensation, and no one knows if that is actually legal. We are not supposed to favour friends or relatives in our deliberations, but in a small parish practically everyone is a friend or relative of someone on the Council.*

*The whole process needs turning on its head, it shouldn't be about what you cannot do or have you filled in this form correctly or declared that interest correctly. Parish Councillors are volunteers, they receive no expenses and they give freely of their time in order to benefit the community in which they live, and if we are to encourage people to put themselves forward to be Councillors, that is the principle we need them to sign up to, and all the ridiculous red tape surrounding the position is an insult to the integrity of 99% of those councillors who dispense their responsibilities as best they can and no protection at all against those few who may seek to abuse their position, we have elections to do that!*

*I'm not sure if this is relevant to your consultation, but with elections on the horizon it should be.*

- As well as the more onerous level of work put on Parish Councillors required by localisation, an over the top register of interest will put people off this voluntary work and then there will be real difficulties getting inclusion of the political process at the grass roots.

- *The Parish Council feels very strongly that it would be unwise to consider extending the Code of Conduct, until such times that the existing code has had time to bed-in. The inclusion of such proposals at such an early stage gives the distinct impression that moves are being made to go back to the previous flawed system.*
- Generally, I'm in favour of declaring Statutory interests **only**, especially at Parish Council level - in a small community, we should be well-known enough that people would easily spot if we were abusing our authority. It's notable, though, that even this minimum level is apparently causing confusion - I note that some of the submissions to the Wiltshire Declarations website do not even show home addresses, which is a basic requirement.

Of the 4 additional Interests suggested by Wiltshire, I have a problem with the concept of 'being a member'. Would membership of (say) the National Trust exclude you from discussing planning applications on listed buildings, or membership of (say) the Automobile Association exclude you from discussing traffic policy? That's way too draconian, as well as being imprecise and therefore open to differing interpretations. It is, of course, a different matter if you have a direct management role in such an organisation ....."

- First, you wished to know which code had been adopted by .....Parish Council. It has adopted the NALC model code, and completed such matters as the Register of Councillor's Interests successfully on line.

Second, I must stress that ..... is a small Parish, with limited resources and relatively straightforward affairs. Our comments have to be viewed against that background. However, our Parish is not untypical of many similar small Parishes facing similar challenges. Our concerns are essentially and by definition parochial, but they are shared across the piece by many.

Third, it is quite hard to convey the strong sense of irritation that these recent changes have caused at local level. Notwithstanding the simplification of the paraphernalia of Boards at various levels, which has generally been well received, the new procedures for the declaration of interests are widely perceived to be intrusive and bureaucratic. Volunteers in small communities feel a strong sense of affront that their integrity is challenged, whilst at the same time regarding on line registration as yet another irritating small task to add to many others when a perfectly good system already exists. The removal of the previous overall dispensation for Parish Councillors to deal with the setting of the Parish Precept has drawn particular opprobrium and even ridicule. In short, volunteers regard this as yet another instance of process trumping the practical demands of integrity at working level. Whilst this may

not be news which people want to hear, it is a real enough perception at this level.

This is unfortunate, for it is already difficult to find volunteers in a position to serve as Parish Councillors, and it is putting good people off from becoming councillors. This is especially damaging in the year running up to local elections. Equally important, this general concern distracts attention from where genuine amendment would be helpful: for instance, to restore the overall dispensation for Parish Councillors to debate and decide their Precept annually.

Fourth, there can be little doubt at all that the manner of the introduction of the change at national level has not been especially helpful, particularly in the light of a number of high profile stories in the media generally. In this Parish Council we have managed the problem: it has been helpful that, in our case, all Councillors are on line.

Fifth, you asked for our views on the inclusion of additional interests to be declared. At the risk of sounding negative, whilst we would not object to their inclusion, neither are we convinced of the reason for doing so at this point since the existing registration would expose them, whilst, at Parish level, such interests would usually be known anyway. We do not intend to add them to our adopted Code at present.

Finally, against this background, we note your comments regarding amendments prior to the elections in May 2013. Common sense indicates that if the new system is broadly right then it would be timely to avoid tinkering immediately prior to the, by now unfamiliar, process of Parish Council Elections. Give it time to settle down!

We discussed this issue at our December 2012 Parish Council Meeting attended by our local County Councillor. I am providing her with a copy of this letter accordingly.

## **Localism Act 2011 – New Standards Regime**

Following receipt of your letter dated 14 December 2012, members of .....Council have now had the opportunity to discuss comments they would like to put forward on this consultation exercise in respect of the new Code of Conduct.

Allowing town and parish councils to opt in to either the Standard Code of Conduct that their principal authority has written, or one that has come from the National Association of Local Councils, or they write their own, added confusion about the interpretation of the code whilst trying to operate and put a new code into practice. It is accepted this was not anything to do with Wiltshire Council but for a small..... council like ourselves, we wish to operate within a framework that is understood by all especially the general public.

..... Council adopted Wiltshire Council's Code wanting to make their process as simple as possible and follow the same procedures as its principal authority. Registering members' interests has been fairly simple and these have been uploaded to your website. Not all members have completed their registration directly with our office and if this has been done directly with you, I am not aware. Feedback at the initial workshops indicated that a link would be given to ourselves so that we could link this with our own websites. So far this has not taken place. Is this planned for a later date? We are not yet displaying our register of interests on our web site.

Members were not happy that they had to register their spouse or partner's interests and equally the spouses and partners themselves were upset that this information was being made public. They were not the elected member and did not see why their details had to be published.

Members have still not understood the requirement or not for declarations at meetings and although pecuniary interests may have been registered members are still asking for interests to be declared in council minutes.

With the recent setting of the Council's budget, the workability of the Code has caused issues regarding the necessity of a dispensation which almost made it unworkable for elected members. We believe that elected members are expected to create a budget and request a precept from their principal authority on an annual basis. It seemed almost ludicrous that members, through the new legislation, now held a pecuniary interest because of where they lived had to declare an interest on agenda items in relation to budget setting and therefore render them unable to discuss and agree a budget. The majority of elected members are going to live in the town where they are a councillor and so are likely to need a dispensation for this item.

A whole exercise of agreeing a dispensation process and then getting each Member to sign a further piece of paper to say that they could be allowed dispensation to discuss the budget did not make sense. If you replicate this across all of the town and parish councils throughout the county and country a whole industry has arisen due to the amendment in the new legislation.

Overall ..... Council wish to operate within a Code of Practice that is easily understood by its own members as well as the general public and will continue to follow the advice of its principal authority. I would appreciate an update on the situation regarding a web link for the register of interests if possible