

# APPENDIX 3A

## Letter to Wiltshire Parish, Town and City Clerks

Dear Colleagues,

### Localism Act 2011 - New Standards Regime

The new standards regime has now been operating since July 2012. As you all know, there was very little time between the passing of the primary and secondary legislation and the deadline for implementation on 1 July 2012, which meant that there was insufficient opportunity to consult fully with parish, town and city councils about the practical implications of the legislation.

We undertook to engage in some further consultation with you after the new arrangements had been in place for a few months. Clearly, the code of conduct that your council has adopted is a local decision and we do not propose to consult on the contents of the voluntary elements of your local code. However, Wiltshire Council retains the statutory responsibility for assessing and, if necessary, investigating complaints that members have breached their council's code of conduct. It would therefore be helpful for us to know what code your council has adopted and, if it is not one of the two that have been adopted by most of the councils in Wiltshire Council's area, to have a copy of the code that your council has adopted. Would you therefore please indicate, by ticking the appropriate box, whether you have adopted:

- The NALC model code
- Wiltshire Council's code
- Another code (if so, please send us a copy)

We would like to canvas your views on the interests that councillors should be required to register. Again, beyond the statutory disclosable pecuniary interests that all members are now required to register, any additional interests are a local matter and Wiltshire Council does not seek to impose any additional interests for registration. However, we have received a range of representations from town and parish councils in the months since the new regime came into force.

Some councils have taken the firm view that their members should not be required to register any interests beyond those set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. These interests are set out in the on-line register of interests form for councillors to complete. Other councils have expressed the wish to add to this statutory list of interests and have included additional interests in their local codes of

conduct, as they are entitled to do under section 28(2) of the Localism Act 2011. Failure to declare or register these additional interests would not attract criminal sanctions in the same way as a failure to register a disclosable pecuniary interest would do, but may represent a breach of the council's local code of conduct. In order to capture these additional interests on the register we have included a box for additional local interests for members to complete on the on-line registration form.

At its last meeting Wiltshire Council decided, as an interim position pending consultation with parish, town and city councils, to adopt a limited number of additional interests for Wiltshire Councillors to register. These are set out below. I would be grateful if you would indicate your council's view on whether any of these additional interests would be interests that your council would wish to include in its own local code. Please tick any interest(s) that your council would wish to include in its local code:

- any body of which the councillor is a member or in a position of general control or management and to which the councillor is appointed or nominated by the Council;
- any body exercising functions of a public nature of which the councillor is a member or in a position of general control or management;
- any body directed to charitable purposes of which the councillor is a member or in a position of general control or management;
- any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the councillor is a member or in a position of general control or management;

Wiltshire Council further resolved, as its interim position, that where a Wiltshire Council member holds any of the additional interests listed above, they should declare the existence and nature of any such interest at any meeting of the Council where business relating to the interest is being conducted. However, having declared such an interest Councillors may then speak and vote on the matter, unless the Councillor decides this would not be appropriate due to other special circumstances. Essentially, this approach was felt to be one that is strong on transparency, but which still allows for participation in the democratic process where the nature of the interest is not so strong as to give rise to a conflict between that interest and the Councillor's ability to judge and act in the public interest.

If your council would wish to add any other interest(s) that do not appear on the list, please let us know by contacting Roger Wiltshire at the above address, or by e-mail to [roger.wiltshire@wiltshire.gov.uk](mailto:roger.wiltshire@wiltshire.gov.uk)

We appreciate that many local councils will not meet in December. The deadline for responses to this consultation is therefore 31<sup>st</sup> January 2013. This will give us time to collate your views and prepare a report for the Standards Committee to make recommendations for consideration by Wiltshire Council on 28 February 2012. Any consequential changes to Wiltshire Council's code of conduct may then be made in time for the election of new members in May 2013.

Whilst writing I wish to draw your attention to the attached revision of the guidance we issued to clerks on dispensations in November 2012. This seeks to reflect some helpful feedback we have received on the content. The overall substance of the advice has not changed, but we have sought to make a clearer distinction between those parts which are statutory and those which are guidance and suggested good practice. I hope this is of some assistance.

This has been a very challenging year for us all with many issues to work through and changes to implement. On behalf of the Governance Team I would like to thank you for your support and co-operation throughout this year, which has been greatly appreciated.

May I take this opportunity to wish you a peaceful Christmas and a fulfilling New Year.

With best wishes.

Ian Gibbons

Solicitor and Monitoring Officer

Wiltshire Council