

30 December 2011

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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 Dispensations

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 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,



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