

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PARISH COUNCILS' LIAISON COMMITTEE

Agenda Item No.

meeting date: 27 SEPTEMBER 2012
 title: UPDATE ON CODE OF CONDUCT AND STANDARDS
 submitted by: CHIEF EXECUTIVE
 principal author: DEBBIE NUTTALL, SOLICITOR

1 PURPOSE

- 1.1 To inform Parish Councils of the Council's decision in relation to its Code of Conduct and its impact on Parish Councils.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – }
 - Corporate Priorities – } The Council's Monitoring Officer is also that for Parish Councils.
 - Other Considerations – }

2 BACKGROUND

- 2.1 At its June 2012 meeting, the Council's Policy and Finance Committee, following a report to them by the Head of Legal and Democratic Services, formulated recommendations to Full Council relating to:
- The adoption of a new Code of Conduct for the Council; and
 - Arrangements to be put in hand to discharge the Council's obligations relating to maintaining and promoting high standards of conduct by its Members... and dealing with allegations made about Members who may have breached the Code.
- 2.2 The Committee resolved that it be a recommendation to Full Council that the Department of Communities and Local Government ("**DCLG**") Code should form the basis of the Council's Code of Conduct.
- 2.3 The same Committee also resolved that a report be prepared for this meeting informing all Parish Councils of the Council's decision in relation to its Code of Conduct and its impact on Parish Councils. That is the purpose of this report.

3 ISSUES

- 3.1 The Localism Act 2011 made changes to the regulatory regime concerning Councils' Codes of Conduct and the standards regime.
- 3.2 This gave Councils (including Parish Councils) some discretion as to the Code of Conduct they elected to use for their authority.

- 3.3 The Borough Council, at its Full Council meeting of 17 July 2012, elected to use the DCLG Code. They also agreed with the Head of Legal and Democratic Services' suggestion that an explanatory note be included with the Code relating to disclosable pecuniary interests.
- 3.4 Parish Councils are free to elect which Code they would like as their Parish Council's Code of Conduct. The Council's Solicitor wrote to all Parish Clerks on 5 July 2012 explaining this.
- 3.5 Parish Councils may wish (for ease) to adopt the same Code as that selected by the Borough Council, but are under no obligation to do so.
- 3.6 In her 5 July correspondence, the Council's Solicitor also advised all Parish Clerks that a training session on the new regime would be held at the Council Offices.
- 3.7 All Parish Clerks and Councillors were invited to attend this and twenty Parish Clerks/Councillors did so.
- 3.8 The slides which accompanied the session have been placed on the "Information for Parish Clerks" section of the Council's website, as has other information about the changes brought about by the new regime (http://www.ribblevalley.gov.uk/info/200219/county_town_and_parish_councils/1052/information_on_parish_councils/2). Parish Clerks and Councillors who were unable to attend the training session are advised to peruse these slides and call/email the Council's Solicitor, should they have any questions on these.
- 3.9 Since then, the Council's Solicitor has written to all Parish Clerks attaching a new notification of interests form that the Council's officers have devised in order to comply with the new requirements in respect of disclosable pecuniary interests (21 August 2012).
- 3.10 The Council's Solicitor asked Parish Clerks to ask their Councillors to fill in the new forms and return them to the Council. She also asked that Clerks make Councillors aware that all the details that they disclose on the form will be made available on the Council's website, in accordance with the new rules.
- 3.11 The DCLG has recently published a Guide for Councillors on "Openness and transparency on personal interests" which is available from their website. Parish Councillors may wish to read this, as it provides a helpful overview of the new rules on declarable interests.
- 3.12 The Borough Council, at its Full Council meeting of 17 July 2012, also agreed to amend the terms of reference of its Accounts and Audit Committee (to incorporate the majority of the standards functions with the Code of Conduct being reserved as a matter for the Council's Policy and Finance Committee) and to appoint two independent persons (to assist with standards functions). The Borough Council remains responsible for dealing with and investigating complaints made about Parish Councillors.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:

- Resources – the Council’s Solicitor and Head of Legal and Democratic Services will continue to assist Parish Clerks with regard to their queries about the new regime.
- Technical, Environmental and Legal – No implications identified.
- Political – The new rules affect everyone.
- Reputation – If standards are not maintained, the reputation of the Parish, and Borough Council, may be damaged.
- Equality & Diversity – No implications identified.

5 CONCLUSION

5.1 Parish Clerks and Councillors should please:

- Ensure that they understand the changes brought about by the Localism Act 2011;
- Understand, in particular, the new rules about disclosable pecuniary interests and (for Parish Councillors only) fill in the new forms disclosing their interests (and those of their spouse/co-habitee etc.);
- If they have a Parish website, ensure that Members’ interests are on their website, as is required by the legislation (the most cost-effective way to achieve this, may well be to link to the page of the Borough Council’s website where these are displayed);
- Decide which Code of Conduct they wish to adopt, adopt it, and publish details of this; and
- Continue to be mindful of conduct and standards issues.

5.2 Should Parish Clerks have any queries about the new regime which are not answered by the material on the Council’s website, they should please contact the Council’s Solicitor who will endeavour to help them.

DEBBIE NUTTALL
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

Non-privileged documents held on Debbie Nuttall’s working file Buff72: Constitution, Localism Act.

For further information please ask for Debbie Nuttall, extension 4403.