

Resources Directorate

Jacqueline Collins, Director of Legal and Democratic Services,
Legal and Democratic Services,
Riverside House, Main Street, Rotherham, S60 1AE

Tel: (01709) 382121

Fax: (01709) 375968 E-mail: richard.waller@rotherham.gov.uk

Email the Council for free @ your local library

My Ref: RW/031787

Your Ref:

Direct Line: 01709 823553

Contact: Richard Waller

Date: 3 May 2012

Dear Parish Clerk

New Standards Arrangements under the Localism Act

This circular letter concerns the changes to the standard regime that will apply when the provisions of the Act in relation to standards come into force, which is expected to be on 1 July. From that date parish councils will be responsible for making their own arrangements to discharge the duty placed upon them and other councils under the Act to promote and maintain high standards of conduct by their members and co-opted members. In consequence, Rotherham's present statutory standards committee will cease to exist.

Standards Committee

However, although it will no longer be a legal requirement to have a standards committee, Rotherham has resolved to have a voluntary standards committee and one of the purposes of this letter is to seek the views of parish councils in Rotherham's area as to whether they would wish to join other interested parish councils in nominating an appropriate number of representatives to sit as partner members of a joint Rotherham Borough Council standards committee. Parish council representatives would have a vote on the committee.

I understand that the Yorkshire Local Councils Associations and the National Association of Local Councils have been working with member parish councils to help prepare them for the new arrangements and would be willing to arrange for a ballot of nominated representatives to select a designated number (Rotherham's Standards Committee currently has three seats for parish representatives) to represent all of the participating parish councils on the joint committee.

Delegation

Should the parish council wish to delegate its functions in relation to standards to Rotherham, it would need to pass a resolution in the following terms:

"Resolved that –

- (a) the functions of the council under Chapter 7 (standards) of the Localism Act 2011 be delegated to Rotherham Borough Council; and
- (b) Cllr [specify] be nominated as the council's nominee for the ballot of nominated representatives arranged by the Yorkshire Local Councils Associations to select the parish councils' representatives to sit as members of Rotherham Borough Council's joint standards committee".

Code of Conduct

Like other councils, Rotherham is currently reviewing its *Code of Conduct for Members and Co-opted Members*. The Localism Act requires parish councils to adopt a code of conduct which when viewed as a whole is consistent with the seven principles of public life (the Nolan Committee principles) and which contains appropriate provisions for the registration of pecuniary and non-pecuniary interests. The Act does not prescribe categories of pecuniary and non-pecuniary interests, so councils are free to decide for themselves what these should be.

There are a number of template codes of conduct currently circulating and Rotherham has not yet taken a view on the code of conduct it will adopt. It is expected however that Rotherham's new code will be based at least in part upon the current statutory model code as well as incorporating any mandatory requirements of the Localism Act, such as the requirement to register "disclosable pecuniary interests" ("DPIs"). Once the regulations on DPIs have been published it should be possible to progress this work. In the meantime, Rotherham's Cabinet has recommended that Rotherham's current *Code of Conduct for Members and Co-opted Members* should be re-adopted on the coming into force of the standards provisions in the Act (subject to any transitional period) as revised by the monitoring officer, in consultation with the Leader and Deputy Leader, to reflect the mandatory requirements of the Act.

The second purpose of this letter is to ascertain whether parish councils will be adopting their own codes or would prefer to adopt the code formulated by Rotherham, which would have the advantage of consistency. Should any parish councils wish to follow this course, the monitoring officer will arrange to consult with them when drafting of the code.

I would be grateful if you would put this letter before your members and let me have the parish council's views.

Yours sincerely,

for Jacqueline Collins
Director, Legal and Democratic Services