

8 June 2012

Chief Executives
Principal Local Authorities in England
Greater London Authority
Fire and Rescue Authorities in England
Police Authorities
The Broads Authority
National Park Authorities in England
Council of the Isles of Scilly

Dear Chief Executive,

LOCALISM ACT 2011: THE NEW STANDARDS AND CONDUCT ARRANGEMENTS FOR MEMBERS

I am writing to let you know that The Localism Act 2011 (Commencement No.6 and Transitional, Savings and Transitory Provisions) Order has now been made bringing the new arrangements for the standards and conduct of members into force on 1 July 2012. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 have also been made and laid before Parliament today; the regulations come into force on 1 July 2012.

The new arrangements for the standards and conduct of members include a code of conduct based on 'Nolan principles', the involvement of an independent person in allegations of misconduct, a register of members' pecuniary interests, and a new criminal offence for failing to declare or register pecuniary interests. These new arrangements apply to the members of relevant authorities as set out in the 2011 Act, which includes your authority.

We are aware that many authorities have already been preparing for the introduction of the new arrangements. On 11 April Bob Neill, the Parliamentary Under Secretary of State at the Department, wrote to local authority leaders with an example code of conduct to help local authorities in their preparations and to provide certainty to those who wish to adopt a lighter touch code compared with the model code under the old arrangements now being abolished. To avoid the Commencement Order creating any uncertainty about authorities' powers to continue their preparations, it partially commences certain provisions from 7 June, the day after the day on which the Order was made.

The Order provides for two transitional measures. First, it allows a local authority, if it so chooses, to appoint a person who is currently the independent chair or member of the existing standards committee as its 'independent person', having the statutory role

of giving views on any complaint about the conduct of a member of the authority. Secondly, it makes provision to enable Police Authorities in England and Wales, which come under the standards regime, to continue to operate a local standards regime under previous legislation until they are abolished in November.

The Commencement Order also puts in place measures to ensure that any complaints about a member's conduct not resolved by 1 July are taken forward to a conclusion. Until 1 July, any complaints arising in the authority will be dealt with by the local elements of the old regime, except that an authority's standards committee will not have any power of suspension. If not resolved by 1 July the complaint will be resolved using the new arrangements. The possibility also remains until 1 July for a standards committee to refer the case to the First-tier Tribunal, and the Order preserves the right to appeal a decision of a standards committee after 1 July.

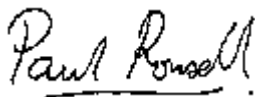
The new arrangements include requirements about the registration and disclosure of pecuniary interests which are specified in regulations under the 2011 Act. Members having such disclosable pecuniary interests must register and disclose them, and their involvement in any business of the authority connected with those interests is limited. Failure to comply with the arrangements on disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of a fine of up to £5,000 and disqualification from office for up to five years.

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 specify a member's disclosable pecuniary interests as pecuniary interests covering the member's 'employment, office, trade, profession or vocation', any 'sponsorship' of the member, including contributions towards their election expenses, any 'contracts' between the member and the authority, any 'land' the member has an interest in and lies within the area of the authority, any 'licences' the member holds to occupy land in the area, any 'corporate tenancies', and certain 'securities' the member may hold.

I enclose copies of the Commencement Order and the Regulations.

If you have any queries, please contact Steve McAllister (e mail stephen.mcallister@communities.gsi.gov.uk, TEL: 0303 44 42582)

Yours sincerely,

A handwritten signature in black ink that reads "Paul Rowsell". The signature is written in a cursive style with a horizontal line underneath the name.

Paul Rowsell