

Text of letter sent by e-mail 4 December 2012 from Communities and Local Government

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LOCALISM ACT 2011: NEW STANDARDS REGIME

Thank you for your letter of 18 September expressing concerns about the new standards arrangements for local government which came into force on 1 July. I am sorry for the delay in replying.

Before responding on the specific issues you raise, let me first set out some context for the new arrangements and associated requirements. Following pledges made in the Coalition Agreement, extensive debate in Parliament and Royal Assent to the Localism Act, the Government has abolished the previous centralist Standard Boards regime. Under this system it was too easy to put forward ill-founded and malicious complaints about councillors. This undermined people's faith in local democracy and put them off standing for public office.

Parish councillors were often involved in such complaints, sometimes made by fellow councillors, sapping morale and undermining the good reputation of local government. The old regime was also a financial burden for councils where the costs of dealing with unnecessary and frivolous complaints weighed heavily on resources.

The Government's approach is more localist, giving councils wide freedoms to decide their own arrangements for promoting high standards of conduct for all their members, including informing a councillor at the outset of the nature of a complaint if they wish.

It is important that there are checks against the rare cases of genuine corruption in local government. The new rules, originating in the Local Government Act 1972 and Local Government and Housing Act 1989, involve local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Such rules, in one form or other, have existed for decades. Failure to comply with those rules was in certain circumstances a criminal offence, as is knowingly providing false or misleading information or deliberately withholding information in certain circumstances about a disclosable pecuniary interest under the new rules.

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The Government has published regulations defining what constitutes a disclosable pecuniary interest for entry on the council's/authority's register. Councillors are required to enter such interests on a register and to disclose them at a meeting, and the effect of having such an interest is that they cannot participate in discussion or voting on an item of council business related to it. "Other interests" are any personal interests of councillors that are not disclosable pecuniary interests. A council may, if they wish, require members in their code of conduct to register and disclose other interests that they consider may improperly influence their members' decisions.

I am sorry to hear that some parish councillors have felt it necessary to resign over the requirement to publish the registers of interests online. There are some 70,000 parish councillors in England, and we consider it unlikely that the registers of interests for parish councillors in one council area would be relevant to people from outside that area.

The Government has no current plans to review the requirements/new rules, but is committed to carrying out a review three to five years after implementation.

As a whole, the requirements for the registration and disclosure of disclosable pecuniary interests are meant to improve the transparency of local government and to offer protection to councillors from malicious complaints. By being open and transparent in declaring these interests, the regime will police itself and prevent impropriety happening in the first place.

Brandon Lewis MP