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Our ref: CAL/HET/JR



TO: The Chairs and Clerks of all the Parish Councils within the boundaries of Durham County Council

3 May 2012

Dear Sir/Madam

Re: Changes to Standards

The purpose of this letter is to advise you of the position in relation to this Council on the new ethical arrangements following the Standards passage of the Localism Act and the removal of the current Standards structure.

On the 21 March, the Council approved a report a link to which is attached, which started the process of setting up a Code, a procedure for dealing with the Code and the establishment of a new Standards Committee.

<http://democracy.durham.gov.uk/ieListDocuments.aspx?CId=153&MId=554&Ver=4>

The recommendations in that report were approved and therefore:-

1. The Council will establish a Committee of 11 Members with two Co-opted Members from the Parish Councils to deal with Standards complaints.
2. I am authorised to prepare a Code of Conduct. I have indicated in that report that I will be working on this with regional authorities. The completion of that Code will depend upon regulations relating to discloseable interests.

It had been my hope, that I would be able to forward to all Councils, a proposed Code for Durham County Council to approve, which the Parish Councils could also take as their own.

At the start of the process it had been hoped, that there would be a nationally recommended Code from the Local Government Association which could be approved by both the County Council and the Parish Councils.

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INVESTOR IN PEOPLE

You may now be aware, that the LGA has produced a Code, a copy of which is attached as has CLG. I understand that the National Association of Local Councils, has expressed reservations about the Code.

Monitoring Officers in the North East Region, have been meeting periodically to discuss this issue and we are endeavouring to agree a Code which we could all accept in the North East for both Parish Councils and Principal Councils.

The existing code remains in force until the end of June 2012. The legislation currently requires Principal and Parish Councils to have in place a code from the beginning of July which meets the requirements of the Localism Act. The new code will need to replace the current rules on personal and prejudicial interests with provisions consistent with Regulations yet to be made by Parliament covering Discloseable Pecuniary Interests.

In view of the uncertainty the County Council has approved as a default option, the adoption of the current Code of Conduct with necessary amendments to cover Discloseable Pecuniary Interests until more work can be done to produce a Code that all bodies are happy with.

I am of the view that it would be preferable to take this course, rather than produce a Code, train Members and then change it.

The current Chair of the Standards Committee, Dorothy Winter, has also agreed that she would, be willing to fulfil the role of independent person on a transitional basis, given that the Secretary of State has indicated that approval for such arrangements will be given, in spite of the fact that they are prohibited by the Act.

I would therefore recommend to you at this stage that you plan on the basis that you will adopt your current Code of Conduct with necessary amendments to cover Discloseable Pecuniary Interests until more progress has been made.

Should you have any enquiries about this, please do not hesitate to contact me or my Deputy Monitoring Officer David Taylor.

Yours faithfully



Colette Longbottom
Head of Legal and Democratic Services